Public Law 100-690
100th Congress

An Act

To prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes.

Nov. 18, 1988
[H.R. 5210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Drug Abuse Act of 1988.
21 USC 1501 note.

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF TITLES.

Title I—Coordination of national drug policy
Title II—Treatment and prevention programs
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TITLE I—COORDINATION OF NATIONAL DRUG POLICY

Subtitle A—National Drug Control Program

National Narcotics Leadership Act of 1988.
21 USC 1501 note.

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "National Narcotics Leadership Act of 1988".

SEC. 1002. ESTABLISHMENT OF OFFICE.

21 USC 1501.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President the "Office of National Drug Control Policy".

(b) DIRECTOR AND DEPUTY DIRECTORS.—(1) There shall be at the head of the Office of National Drug Control Policy a Director of National Drug Control Policy.

(2) There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction.

(3) The Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction shall assist the Director in carrying out the responsibilities of the Director under this Act.

(c) BUREAU OF STATE AND LOCAL AFFAIRS.—(1) There is established in the Office of National Drug Control Policy a Bureau of State and Local Affairs.

(2) There shall be at the head of such bureau an Associate Director for National Drug Control Policy.

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(d) ACCESS BY CONGRESS.—The location of the Office of National Drug Control Policy in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—

(1) information, documents, and studies in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office of National Drug Control Policy.

21 USC 1502.

SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR, DEPUTY DIRECTORS, AND ASSOCIATE DIRECTOR.

President of U.S.

(a) APPOINTMENT.—(1) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each serve at the pleasure of the President. No person shall serve as Director, a Deputy Director, or Associate Director while serving in any other position in the Federal Government.

50 USC 402.

(3) Section 101 of the National Security Act of 1947 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

"(f) The Director of National Drug Control Policy may, in his role as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

(4)(A) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of National Drug Control Policy.".

(B) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Director for Demand Reduction, Office of National Drug Control Policy.

"Deputy Director for Supply Reduction, Office of National Drug Control Policy.".

(C) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Associate Director for National Drug Control Policy, Office of National Drug Control Policy.".

(b) RESPONSIBILITIES.—The Director shall—

(1) establish policies, objectives, and priorities for the National Drug Control Program;

(2) annually promulgate the National Drug Control Strategy in accordance with section 1005;

(3) coordinate and oversee the implementation by National Drug Control Program agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding—

(A) changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement; and

(B) the allocation of personnel to and within such departments and agencies;

to implement the policies, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch; and

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of such agency under the National Drug Control Strategy and transmit a copy of each such notification to the President.

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—(1) The Director shall develop for each fiscal year, with the advice of the program managers of departments and agencies with responsibilities under the National Drug Control Program, a consolidated National Drug Control Program budget proposal to implement the National Drug Control Strategy, and shall transmit such budget proposal to the President and to the Congress.

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

(3) The Director shall—

(A) review each drug control budget request transmitted to the Director under paragraph (2);

(B) certify in writing as to the adequacy of such request to implement the objectives of the National Drug Control Strategy for the year for which the request is submitted; and

(C) notify the program manager, agency head, or department head, as applicable, regarding the Director's certification under subparagraph (B).

(4) The Director shall maintain records regarding certifications under paragraph (3)(B). Records.

(5)(A) No National Drug Control Program agency shall submit to the Congress a reprogramming or transfer request with respect to any amount of appropriated funds greater than $5,000,000 which is included in the National Drug Control Program budget unless such request has been approved by the Director.

(B) The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request.

(6) The Director shall report to the Congress on a quarterly basis regarding the need for any reprogramming or transfer of appropriated funds for National Drug Control Program activities. Reports.

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

(d) POWERS OF DIRECTOR.—In carrying out the responsibilities established under subsection (b), the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees as may be necessary to carry out the functions of the Office of National Drug Control Policy under this title;

(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States drug control policy;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

State and local governments. Gifts and property. Mail.

(5) accept and use donations of property from Federal, State, and local government agencies;

(6) use the mails in the same manner as any other department or agency of the executive branch; and

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations.

(e) PERSONNEL DETAILED TO THE OFFICE.—(1) Notwithstanding any provision of chapter 43 of title 5, United States Code, the Director shall perform the evaluation of the performance of any employee detailed to the Office of National Drug Control Policy for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2)(A) Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office of National Drug Control Policy.

(B) An amount paid under this paragraph to an employee for any period shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period.

(C) Any payment under this paragraph to an employee shall be in addition to the basic pay of such employee.

(D) The aggregate amount paid during any fiscal year to an employee detailed to the Office of National Drug Control Policy as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

21 USC 1503.

SEC. 1004. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

(a) ACCESS TO INFORMATION.—(1) Upon request of the Director, and subject to laws governing disclosure of information, the head of each National Drug Control Program agency shall provide to the Director such information as may be required for drug control.

(2)(A) The authorities conferred on the Office of National Drug Control Policy and its Director by this Act shall be exercised in a manner consistent with provisions of the National Security Act of 1947. The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this Act regarding intelligence sources and methods. Regulations.

(B) The Director of Central Intelligence shall, to the fullest extent possible in accordance with subparagraph (A), render full assistance and support to the Office of National Drug Control Policy and its Director.

(b) CERTIFICATION OF POLICY CHANGES BY DIRECTOR.—(1) The head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of such department or agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Strategy.

(2) If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Director as soon as practicable. The Director shall review such change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

SEC. 1005. DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY. 21 USC 1504.

(a) DEVELOPMENT AND SUBMISSION OF THE NATIONAL DRUG CONTROL STRATEGY.—(1) Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy. Any part of such strategy that involves information properly classified under criteria established by an Executive order shall be presented to the Congress separately. President of U.S.

(2) The National Drug Control Strategy submitted under paragraph (1) shall—

(A) include comprehensive, research-based, long-range goals for reducing drug abuse in the United States;

(B) include short-term measurable objectives which the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the strategy;

(C) describe the balance between resources devoted to supply reduction and demand reduction; and

(D) review State and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government. State and local governments.

(3)(A) In developing the National Drug Control Strategy, the Director shall consult with—

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

(ii) the Congress;

(iii) State and local officials;

(iv) private citizens with experience and expertise in demand reduction; and

(v) private citizens with experience and expertise in supply reduction.

Reports.

(B) At the time the President submits the National Drug Control Strategy to the Congress, the Director shall transmit a report to the Congress indicating the persons consulted under this paragraph.

(4) Beginning with the second submission of a National Drug Control Strategy, the Director shall include with each such strategy a complete evaluation of the effectiveness of drug control during the preceding year.

(b) GOALS, OBJECTIVES, AND PRIORITIES.—Each National Drug Control Strategy shall include—

(1) a complete list of goals, objectives, and priorities for supply reduction and for demand reduction;

(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control;

(3) 3-year projections for program and budget priorities and achievable projections for reductions of drug availability and usage;

(4) a complete assessment of how the budget proposal transmitted under section 1003(c) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy;

(5) designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c); and

Communications and telecommunications.

(6) a plan for improving the compatibility of automated information and communication systems to provide Federal agencies with timely and accurate information for purposes of this subtitle.

(c) HIGH INTENSITY DRUG TRAFFICKING AREAS.—(1) The Director, upon consultation with the Attorney General, heads of National Drug Control Program agencies, and the Governors of the several States, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(A) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the Secretary of the department or head of the agency which employs such personnel;

(B) take any other action authorized under section 1003 to provide increased Federal assistance to such areas; and

(C) coordinate actions under this paragraph with State and local officials.

(2) When considering the designation of an area under this subsection as a high intensity drug trafficking area, the Director shall consider, along with other criteria the Director may deem appropriate—

(A) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;

(B) the extent to which State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(C) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and

(D) the extent to which a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

(3) Before March 1, 1991, the Director shall submit a report to the House of Representatives and to the Senate concerning the effectiveness of and need for the designation of areas under this subsection as high intensity drug trafficking areas, along with any comments or recommendations for legislation. Reports.

(d) LEAD AGENCIES.—(1) The President shall designate lead agencies with areas of principal responsibility for carrying out the National Drug Control Strategy. President of U.S.

(2) The Director shall require that any National Drug Control Program agency that conducts a major supply reduction activity which is in the area of principal responsibility of a lead agency designated under paragraph (1) shall—

(A) notify such lead agency in writing of the activity; and

(B) provide such notification prior to conducting such activity, unless exigent circumstances require otherwise.

(3) If a lead agency objects to the conduct of an activity described under paragraph (2), the lead agency and the agency planning to conduct such activity shall notify the Director in writing regarding such objection.

SEC. 1006. SUBMISSION OF NATIONAL DRUG CONTROL PROGRAM BUDGET WITH ANNUAL BUDGET REQUEST OF PRESIDENT.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.".

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. 21 USC 1501 note.

(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. Effective date.

(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. 21 USC 1501 note.

(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.

21 USC 1115.
21 USC 1501 note.

(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.".

21 USC 1505.

SEC. 1008. EXECUTIVE REORGANIZATION STUDY.

(a) REPORT TO THE CONGRESS AND THE PRESIDENT.—Not later than January 15, 1990, the Director shall submit a report to the President and to the Congress regarding the necessity to group, coordinate, and consolidate agencies and functions of the Federal Government involved in supply reduction and demand reduction in order to—

(1) promote better execution of the laws;

(2) provide more effective management of the executive branch;

(3) reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the executive branch; and

(4) reduce the number of agencies by consolidating under a single head agencies having similar functions, and by abolishing agencies and functions which are unnecessary for the efficient conduct of the executive branch.

(b) RECOMMENDATIONS.—The report submitted under subsection (a) shall include any appropriate recommendations for legislation.

21 USC 1506.

SEC. 1009. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

This subtitle and the amendments made by this subtitle, other than section 1007, are repealed on the date which is 5 years after the date of the enactment of this subtitle.

21 USC 1507.

SEC. 1010. DEFINITIONS.

As used in this subtitle—

(1) the term "drug" has the same meaning as the term "controlled substance" has in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));

(2) the term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction;

(3) the term "supply reduction" means any enforcement activity of a program conducted by a National Drug Control Program agency that is intended to reduce the supply or use of drugs in the United States and abroad, including—

(A) international drug control;

(B) foreign and domestic drug enforcement intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users;

(4) the term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the demand for drugs, including—

(A) drug abuse education;

(B) prevention;
(C) treatment;
(D) research; and
(E) rehabilitation;

(5) the term "National Drug Control Program" means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy;

(6) the term "National Drug Control Program agency" means any department or agency and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated—

(A) jointly by the Director and the head of the department or agency; or
(B) by the President;

(7) the term "Director" means the Director of National Drug Control Policy; and

(8) the term "National Drug Control Strategy" means a strategy developed and submitted to the Congress under section 1005.

SEC. 1011. AUTHORIZATION OF APPROPRIATIONS. 21 USC 1508.

For the purposes of carrying out this subtitle, there are authorized to be appropriated $3,500,000 for fiscal year 1989 and such sums as may be necessary for each of the 4 succeeding fiscal years, to remain available until expended.

SEC. 1012. EFFECTIVE DATE. 21 USC 1501 note.

This subtitle shall be effective January 21, 1989.

Subtitle B—Department of Justice Civil Enforcement Enhancement

Justice Department Organized Crime and Drug Enforcement Enhancement Act of 1988. 28 USC 509 note.

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.

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Sec. 2618. Amendments to title XXIV.
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Sec. 2620. Amendments to second title XXV and to certain other provisions.

CHAPTER 3—TECHNICAL AND CONFORMING AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

Sec. 2631. Amendment to section 903.

CHAPTER 4—MISCELLANEOUS

Sec. 2641. Miscellaneous.

Subtitle A—Provisions Relating to Public Health Service Act

Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988.
AIDS.
State and local governments.
42 USC 201 note.
42 USC 300x note.

SEC. 2011. SHORT TITLE.

This subtitle may be cited as the "Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988".

SEC. 2012. PURPOSES.

The purposes of this subtitle with respect to substance abuse are—

(1) to prevent the transmission of the etiologic agent for acquired immune deficiency syndrome by ensuring that treatment services for intravenous drug abuse are available to intravenous drug abusers;

(2) to continue the Federal Government's partnership with the States in the development, maintenance, and improvement of community-based alcohol and drug abuse programs;

(3) to provide financial and technical assistance to the States and communities in their efforts to develop and maintain a core of prevention services for the purpose of reducing the incidence of substance abuse and the demand for alcohol and drug abuse treatment;

(4) to assist and encourage States in the initiation and expansion of prevention and treatment services to underserved populations;

(5) to increase, to the greatest extent possible, the availability and quality of treatment services so that treatment on request may be provided to all individuals desiring to rid themselves of their substance abuse problem; and

(6) to increase understanding about the extent of alcohol abuse and other forms of drug abuse by expanding data collection activities and supporting research on the comparative cost and efficacy of substance abuse prevention and treatment services.

CHAPTER 1—REVISION AND EXTENSION OF ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT

SEC. 2021. AUTHORIZATION OF APPROPRIATIONS.

Section 1911 of the Public Health Service Act (42 U.S.C. 300x) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1911. (a) For the purpose of carrying out this subpart and section 509D, there are authorized to be appropriated $1,500,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

"(b) For the purpose of carrying out section 509D and sections 1921 through 1923, the Secretary shall obligate not less than 5 percent, and not more than 15 percent, of the amounts appropriated for a fiscal year pursuant to subsection (a).".

SEC. 2022. FORMULA FOR ALLOTMENTS.

(a) ESTABLISHMENT OF FORMULA.—Subpart I of part B of title XIX of the Public Health Service Act is amended by inserting after section 1912 the following new section:

"ALLOTMENTS

42 USC 300x-1a.

"SEC. 1912A. (a)(1) Subject to subsections (b) and (e), the Secretary shall determine the amount of the allotment under this subpart for a State for a fiscal year in accordance with the following formula:

$$A\left(\frac{X}{U}\right)$$

"(2) For purposes of the formula specified in paragraph (1), the term 'A' means the difference between—

"(A) an amount equal to the amount appropriated pursuant to section 1911 for allotments under this subpart for the fiscal year involved; and

"(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

"(3) For purposes of the formula specified in paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for each State under paragraph (4).

"(4)(A) For purposes of the formula specified in paragraph (1), the term 'X' means the product of—

"(i) an amount equal to the term 'P' as determined under subparagraph (B); and

"(ii) the greater of—

"(I) 0.4; and

"(II) an amount equal to an amount determined in accordance with the following formula:

$$1-.35\left(\frac{S}{N}\right)$$

"(B) For purposes of subparagraph (A)(i), the term 'P' means the sum of—

"(i) an amount equal to the product of—

"(I) 0.4; and

"(II) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census;

"(ii) an amount equal to the product of—

"(I) 0.2; and

"(II) an amount equal to the number of individuals in the State who are between 18 and 24 years of age, as indicated by the most recent data collected by the Bureau of the Census;

"(iii) an amount equal to the product of—

"(I) 0.2; and

"(II) an amount equal to the number of individuals in the State who are between 25 and 44 years of age, as indicated by the most recent data collected by the Bureau of the Census; and

"(iv) an amount equal to the product of—

"(I) 0.2; and

"(II) an amount equal to the number of individuals in the State who are between 25 and 64 years of age, as indicated by the most recent data collected by the Bureau of the Census.

"(C) For purposes of the formula specified in subparagraph (A)(ii)(II), the term 'S' means the quotient of—

"(i) an amount equal to the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

"(ii) an amount equal to the term 'P' as determined under subparagraph (B).

"(D) For purposes of the formula specified in subparagraph (A)(ii)(II), the term 'N' means the quotient of—

"(i) an amount equal to the sum of the respective amounts determined for each State under subparagraph (C)(i); divided by

"(ii) an amount equal to the sum of the respective terms 'P' determined for each State under subparagraph (B).

"(b) Each State shall receive a minimum allotment under this subpart of the lesser of—

"(1) $7,000,000; and

"(2) an amount equal to 105 percent of the sum of—

"(A) the amount the State received under section 1913 for fiscal year 1988 (as such section was in effect for such fiscal year); and

"(B) the amount the State received under part C for fiscal year 1988.".

(b) TERRITORIES AND CERTAIN SET-ASIDE.—Section 1912A of the Public Health Service Act, as added by subsection (a) of this section, is amended by adding at the end the following new subsection:

42 USC 300x-1a.

"(c)(1) The allotment for a territory of the United States under this subpart for a fiscal year shall be the greater of—

"(A) $100,000; and

"(B) an amount determined in accordance with paragraph (2).

"(2) The amount referred to in paragraph (1)(B) is the product of—

"(A) an amount equal to the amounts reserved under paragraph (3); and

"(B) a percentage equal to the quotient of—

"(i) the population of the territory involved, as indicated by the most recently available data; divided by

"(ii) the aggregate population of the territories of the United States, as indicated by such data.

Territories, U.S.

"(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1911 for allotments under this subpart for the fiscal year involved.

Hawaii.

"(d)(1) Of the amount allotted to the State of Hawaii under this section, an amount equal to the proportion of Native Hawaiians residing in the State of Hawaii to the total population of the State of Hawaii shall be available under this section only for Native Hawaiians.

Contracts.

"(2) The amount made available under paragraph (1) may be expended only through contracts entered into by the State of Hawaii with public and private nonprofit organizations to enable such organizations to plan, conduct, and administer comprehensive substance abuse and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this subsection, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

"(3) For the purposes of this subsection, the terms 'Native Hawaiian', 'Native Hawaiian organization', and 'Native Hawaiian health center' have the meaning given such terms in section 2308 of subtitle D of title II of the Anti-Drug Abuse Act of 1988.".

(c) TRANSITION RULES FOR STATES.—Section 1912A of the Public Health Service Act, as added by subsection (a) of this section and amended by subsection (b) of such section, is amended by adding at the end the following new subsections:

"(e)(1) For fiscal years 1989 through 1992, if the amount available for allotment from appropriations under section 1911 does not exceed the amount applicable under subsection (f) for the fiscal year involved, the amount of the allotment under this subpart for the State for such fiscal year shall be the product of—

"(A) the amount appropriated under section 1911 for such fiscal year; and

"(B) a percentage equal to the quotient of—

"(i) an amount equal to the amount of the allotment under this part for the State for fiscal year 1984; divided by

"(ii) an amount equal to the amount appropriated for allotments under this part for fiscal year 1984.

"(2) For the fiscal years referred to in paragraph (1), if the amount available for allotment from appropriations under section 1911 exceeds the amount applicable under subsection (f) for the fiscal year involved—

"(A) the amount of such excess shall be allotted in accordance with subsection (a), except that the amount referred to in subsection (a)(2)(A) shall be deemed to be an amount equal to the amount of such excess for the fiscal year involved; and

"(B) the amount equal to or less than such applicable amount shall be allotted in accordance with paragraph (1).

"(f) For purposes of subsection (e)—

"(1) the applicable amount for fiscal year 1989 is $330,000,000;

"(2) the applicable amount for fiscal year 1990 is $250,000,000;

"(3) the applicable amount for fiscal year 1991 is $200,000,000; and

"(4) the applicable amount for fiscal year 1992 is $100,000,000.

"(g)(1)(A) For purposes of this subpart, the term 'State' means, except as provided in subparagraph (B), each of the several States, the District of Columbia, and each of the territories of the United States.

"(B) For purposes of subsections (a), (b), (e), and (f), the term 'State' means each of the several States and the District of Columbia.

"(2) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(h) Effective October 1, 1992, this subsection and subsections (e) and (f) are repealed.". Effective date.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1913 of the Public Health Service Act is amended— 42 USC 300x-1b.

(1) by striking paragraphs (1) through (3) of subsection (a);

(2) in subsection (a), as amended by paragraph (1) of this subsection, by striking the paragraph designation; and

(3) in the section heading, by inserting before "ALLOTMENTS" the following: "CERTAIN PROVISIONS WITH RESPECT TO".

(e) PAYMENTS.—Section 1914(a)(2) of the Public Health Service Act (42 U.S.C. 300x-2(a)(2)) is amended to read as follows:

"(2) Any amounts paid to a State under this section, obligated by the State, and remaining unexpended at the end of the fiscal year for which the amounts were paid shall remain available during the succeeding fiscal year to the State for carrying out this subpart.".

SEC. 2023. SET-ASIDE FOR FISCAL YEAR 1989 FOR TREATMENT FOR SUBSTANCE ABUSE.

Section 1912A of the Public Health Service Act, as added by section 2022, is amended by adding at the end the following new subsection:

"(i)(1) For fiscal year 1989, the Secretary may not make payments to a State from amounts appropriated in the Anti-Drug Abuse Act of 1988 for allotments under this subpart unless the State agrees that— 42 USC 300x-1a.

"(A) such payments will be expended only for the purpose of carrying out programs for substance abuse; and

"(B) in carrying out such programs, the State will expend not less than 50 percent of such payments to carry out the programs

of treatment for intravenous drug abuse described in section 1915(c).

"(2) The Secretary may, upon the request of a State, waive all or part of the requirement established in paragraph (1)(B) for the State if the Secretary determines that the incidence of intravenous drug abuse in the State does not require the level of funding required in such paragraph. The Secretary shall act upon a request for such a waiver not later than 120 days after the date on which the request is made. The Secretary may approve such a request only after providing interested persons in the State an opportunity to comment upon the request.".

SEC. 2024. CONSTRUCTION OF SUBSTANCE ABUSE FACILITIES.

Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x-3(b)) is amended by amending the matter after and below paragraph (5) to read as follows:

"The Secretary may, with respect to funds available under this subpart for programs relating to substance abuse, grant a waiver to a State to use such amounts for the construction of a new facility or rehabilitation of a existing facility, but not for land acquisition. The Secretary may approve a waiver only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available. In granting such a waiver, the Secretary shall allow the use of a specified amount of funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds. The Secretary may grant a waiver only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided under section 1914. The Secretary shall act upon a request for such a waiver not later than 120 days after the date on which the request is made.".

SEC. 2025. PREVENTION AND TREATMENT WITH RESPECT TO INTRAVENOUS DRUG ABUSE.

Section 1915(c) of the Public Health Service Act (42 U.S.C. 300x-3(c)) is amended to read as follows:

"(c)(1) Amounts paid to a State under section 1914 may be used by the State—

"(A) to develop, implement, and operate programs of treatment for intravenous drug abuse, with priority given to programs to treat individuals infected with the etiologic agent for acquired immune deficiency syndrome;

"(B) to train drug abuse counselors, and other health care providers, to provide such treatment; and

"(C) with respect to individuals in need of treatment for drug abuse, to carry out outreach activities for the purpose of encouraging such individuals to undergo such treatment.

"(2) A State may not use amounts under this subpart pursuant to this subsection unless the State involved agrees that such payments will not be expended—

"(A) to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection; and

"(B) to carry out any testing for the etiologic agent for acquired immune deficiency syndrome unless such testing is accompanied by appropriate pre-test counseling and appropriate post-test counseling.".

SEC. 2026. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 1915(d) of the Public Health Service Act (42 U.S.C. 300x-3(d)) is amended by striking "10 percent" and inserting "5 percent".

SEC. 2027. NEW MENTAL HEALTH SERVICES AND PROGRAMS.

Section 1916(c)(2) of the Public Health Service Act (42 U.S.C. 300x-4(c)(2)) is amended to read as follows:

"(2)(A) Of the amounts allotted to a State for mental health activities under this part for fiscal year 1991, the State agrees to use not less than 55 percent to develop and provide community mental health services and programs not available on October 1, 1988, and, with respect to each such service provided pursuant to this paragraph, to provide funds for each service only for a limited period of time (as determined by the State), except that funds expended under this part for new services developed between October 1, 1984, and October 1, 1988, may be treated as a new service under this paragraph.

"(B) A State may request a waiver from the Secretary reducing the new service requirement established in subparagraph (A) to not less than 35 percent by 1991, increased to 55 percent by 1994, according to a schedule approved by the Secretary, if—

"(i)(I) a public hearing is held in the State on the advisability of proceeding with a waiver prior to the submission of a waiver; and

"(II) the mental health planning council in the State approves such waiver request; and

"(ii)(I) the State is judged by the Secretary to be in a financial crisis, based on objective standards established in regulations promulgated by the Secretary (such standards may include a large drop in State revenues as a result of changes in economic conditions); Regulations.

"(II) more than 15 percent of the State's total community mental health budget is derived from Federal grants under this part and the Secretary determines that it is not feasible for the State to meet the 55 percent standard without substantial and damaging reductions in existing, high priority services; or

"(III) the Secretary determines that a State has demonstrated substantial ongoing development of new, innovative services for priority populations and that any shift in funding percentages will only disrupt this process and will substantially disrupt services in place.".

SEC. 2028. INDEPENDENT PEER REVIEW AND MANNER OF COMPLIANCE.

Section 1916 of the Public Health Service Act (42 U.S.C. 300x-4) is amended:

(1) in paragraph (5), by amending such paragraph to read as follows:

"(5) the State will provide for periodic independent peer review to assess the quality and appropriateness of treatment services provided by entities that receive funds from the State pursuant to this subpart."; and

(2) by striking the matter after and below paragraph (15).

SEC. 2029. INTRASTATE ALLOCATIONS.

Section 1916(c)(6) of the Public Health Service Act (42 U.S.C. 300x-4(c)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by striking "Act and" after "Health Systems" and inserting "Act,"; and

(B) by inserting before the period the following: ", in fiscal year 1988 under part C of this title (as in effect on September 30, 1988), and in fiscal year 1989 under appropriations made in the Anti-Drug Abuse Act to carry out this part"; and

(2) in subparagraph (B), by striking "75 percent" and inserting "90 percent".

SEC. 2030. SET-ASIDE FOR SERVICES FOR INTRAVENOUS DRUG ABUSE.

Section 1916(c)(7)(B) of the Public Health Service Act (42 U.S.C. 300x-4(c)(7)(B)) is amended by inserting after and below subparagraph (B) the following:

"For fiscal year 1990 and subsequent fiscal years, the State agrees that, of the amounts reserved by the State to carry out subparagraph (B), the State will use not less than 50 percent to provide services described in section 1915(c).".

SEC. 2031. MAINTENANCE OF EFFORT.

Section 1916(c)(11) of the Public Health Service Act (42 U.S.C. 300x-4(c)(11)) is amended to read as follows:

"(11)(A) The State agrees that the State will maintain State expenditures for services provided pursuant to this subpart at a level equal to not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying to receive payments under section 1914.

"(B) The Secretary may, upon the request of a State, waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.".

SEC. 2032. SET-ASIDE FOR WOMEN AND CHILDREN.

Section 1916(c)(14) of the Public Health Service Act (42 U.S.C. 300x-4(c)(14)) is amended to read as follows:

"(14) Of the amount allotted to a State under this part in any fiscal year, the State agrees to use not less than 10 percent for programs and services designed for women (especially pregnant women and women with dependent children) and demonstration projects for the provision of residential treatment services to pregnant women.".

SEC. 2033. SET-ASIDE FOR MENTAL HEALTH SERVICES FOR CHILDREN.

Section 1916(c)(15) of the Public Health Service Act (42 U.S.C. 300x-4(c)(15)) is amended to read as follows:

"(15) Of the amounts allotted in any fiscal year for mental health services under this subpart, the State agrees—

"(A) to use not less than 10 percent to provide services and programs for seriously emotionally disturbed children and adolescents; and

"(B) to use, by the end of fiscal year 1990, not less than 50 percent of the amount reserved by the State pursuant to subparagraph (A) to provide new or expanded services and programs that were not available prior to October 1, 1988".

SEC. 2034. CERTAIN REQUIRED AGREEMENTS.

Section 1916(c) of the Public Health Service Act (42 U.S.C. 300x-4(c)) is amended by adding after paragraph (15) the following new paragraphs:

"(16) The State agrees that the State will, with respect to programs of treatment for intravenous drug abuse, require that any such program receiving funds pursuant to this part, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

State and local governments.

"(17) The State agrees that the State will, with respect to notifications under paragraph (16), ensure that, to the maximum extent practicable, each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program described in such paragraph within 7 days after making the request.

"(18) The State agrees that the State will require any program receiving funds pursuant to this part to carry out outreach activities described in 1915(c)(1)(C).

"(19) The State agrees that, in carrying out this subpart with respect to substance abuse, payments under section 1914 will be targeted to communities with the highest prevalence of substance abuse or the greatest need for treatment services with respect to such abuse, as determined by the State after consideration of—

"(A) the demand for such services or a need for such services that exceeds the capacity to provide such services;

"(B) a high prevalence of drug-related criminal activities; and

"(C) a high incidence of communicable diseases transmitted through intravenous drug abuse.

"(20) The State agrees that the State will provide to the Secretary any data required by the Secretary pursuant to section 509D and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

"(21) The State agrees to devise and make available at such times as the Secretary may request, a plan that describes how the State can provide services to all individuals seeking treatment services if sufficient resources are available and an estimate of the financial and personnel resources necessary to provide such treatment.".

SEC. 2035. REQUIREMENT OF ESTABLISHMENT OF MENTAL HEALTH SERVICES PLANNING COUNCIL.

(a) IN GENERAL.—Section 1916(f) of the Public Health Service Act (42 U.S.C. 300x-4(f)) is amended to read as follows:

"(f)(1) The State agrees to establish and maintain a State mental health planning council in accordance with this subsection.

"(2) The duties of the Council will be—

"(A) to serve as an advocate for chronically mentally ill individuals, severely emotionally disturbed children and youth, and other individuals with mental illnesses or emotional problems; and

"(B) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

"(3) The Council will be composed of residents of the State, including representatives of—

"(i) the principal State agencies with respect to—

"(I) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

"(II) the development of the plan submitted pursuant to title XIX of the Social Security Act;

"(ii) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

"(iii) chronically mentally ill individuals who are receiving (or have received) mental health services; and

"(iv) the families of such individuals.

"(4) Not less than 50 percent of the members of the Council will be individuals who are not State employees or providers of mental health services.

"(5) The Council may assist the State in the preparation of the description of intended expenditures required in section 1925.".

(b) CONFORMING AMENDMENT.—Section 1916 of the Public Health Service Act (42 U.S.C. 300x-4) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

SEC. 2036. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

Subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x) is amended by inserting after section 1916 the following new section:

"GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS

42 USC 300x-4a.

"SEC. 1916A. (a) For fiscal year 1989, the Secretary may not make payments under section 1914 unless the State involved agrees—

Loans.

"(1) to establish, directly or through the provision of a grant or contract to a nonprofit private entity, a revolving fund to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 4 individuals;

"(2) to ensure that the programs are carried out in accordance with guidelines issued under subsection (c);

"(3) to ensure that not less than $100,000 will be available for the revolving fund;

"(4) to ensure that each loan made from the revolving fund does not exceed $4000 and that each such loan is repaid to the revolving fund not later than 2 years after the date on which the loan is made;

"(5) to ensure that each such loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved; and

"(6) to ensure that such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

"(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

"(B) any resident of the housing who violates such prohibition will be expelled from the housing;

"(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

"(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

"(b) For fiscal year 1990 and subsequent fiscal years, the Secretary may not make payments under section 1914 unless the State involved provides assurances satisfactory to the Secretary that the State has provided for the establishment and ongoing operation of a revolving fund in accordance with subsection (a).

"(c) Not later than 90 days after the date of the enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, the Secretary, acting through the Administrator, shall issue guidelines for the operation of programs described in subsection (a).".

SEC. 2037. REPORT AND AUDITS.

(a) REPORTING BY STATES.—

(1) Section 1917(a) of the Public Health Service Act (42 U.S.C. 300x-5(a)) is amended—

(A) by striking "(1)" after "(a)";

(B) by striking paragraph (2); and

(C) by striking "(14) and (15)" and inserting "(2), (14), and (15)".

(2) Section 1916(f) of the Public Health Service Act, as redesignated by section 2035(b) of this Act, is amended by striking "(14) and (15)" and inserting "(2), (14), and (15)". 42 USC 300x-4.

(b) REPORT BY SECRETARY.—Section 1917(b)(6) of the Public Health Service Act (42 U.S.C. 300x-5(b)(6)) is amended by striking "1986" and inserting "1990".

SEC. 2038. TECHNICAL ASSISTANCE.

Title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended—

(1) by striking part C; 42 USC 300y—300y-2.

(2) by redesignating section 1920A as section 1921; 42 USC 300x-9.

(3) by redesignating sections 1920B through 1920E as sections 1924 through 1927, respectively; 42 USC 300x-10—300x-13.

(4) in section 1924 (as so redesignated), by striking "section 1920C" each place it appears and inserting "section 1925"; 42 USC 300x-10.

(5) in section 1926 (as so redesignated), by striking "section 1920C" each place it appears and inserting "section 1925"; and 42 USC 300x-12.

(6) by amending section 1921 (as so redesignated) to read as follows:

"TECHNICAL ASSISTANCE

"SEC. 1921. The Secretary shall, without charge to a State receiving payments under this subpart, provide to the State (or to any public 42 USC 300x-9.

or nonprofit private entity designated by the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to this subpart. The Secretary may provide such technical assistance directly, through contract, or through grants.".

SEC. 2039. SERVICE RESEARCH ON COMMUNITY-BASED ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS.

(a) IN GENERAL.—Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.), as amended by section 2038 of this Act, is further amended by adding after section 1921 the following new section:

"SERVICE RESEARCH ON COMMUNITY-BASED ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS

Contracts.
Grants.
42 USC 300x-9a.

"SEC. 1922. The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism and the Director of the National Institute on Drug Abuse, shall evaluate alcohol and drug abuse treatment programs to determine the quality and appropriateness of various forms of treatment, including the effect of living in housing provided by programs established pursuant to section 1916A. Such programs shall be carried out through grants, contracts, or cooperative agreements provided to public and nonprofit private entities. In carrying out this section, the Secretary shall assess the quality, appropriateness, and costs of various treatment forms for specific patient groups.".

42 USC 300x-9a note.

(b) REQUIREMENT OF PLAN.—Not later than 6 months after the date of the enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a plan for the program to be established under section 1922 of the Public Health Service Act, as added by subsection (a) of this section.

SEC. 2040. SERVICE RESEARCH OF COMMUNITY-BASED MENTAL HEALTH TREATMENT PROGRAMS.

Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.), as amended by section 2039 of this Act, is further amended by adding after section 1922 the following new section:

"SERVICE RESEARCH ON COMMUNITY-BASED MENTAL HEALTH TREATMENT PROGRAMS

42 USC 300x-9b.

"SEC. 1923. (a)(1) The Secretary, acting through the Director of the National Institute of Mental Health, shall develop and maintain an ongoing program of research on community mental health programs and services. Such program shall include an evaluation of—

"(A) the most effective methods of providing community-based prevention, treatment, and rehabilitation services for the mentally ill; and

"(B) the quality, appropriateness, and costs of different methods of treatment utilized in such programs with respect to diagnoses of mental illness for which such programs provided treatment.

"(2) Research and evaluations required in paragraph (1) may be carried out through grants, contracts, or cooperative agreements.

"(b) The Director of the National Institute of Mental Health may, to the extent practicable, establish research centers to carry out the evaluations required in subsection (a)(1). Such research centers shall establish and maintain liaisons with community mental health systems that provide services to the mentally ill.

"(c)(1) The Administrator shall develop and make available, from time to time, a model plan for a community-based system of care for chronically mentally ill individuals. Such plan shall be developed in consultation with State mental health directors, providers of mental health services, chronically mentally ill individuals, advocates for such individuals, and other interested parties.

"(2) The Administrator, in cooperation with members of the insurance industry, other members of the business community, and the Director of the Office of Personnel Management, shall develop a model insurance plan for consideration for adoption by such Director and the Congress. In developing such a plan, the Secretary shall consider the costs and benefits of alternative designs.". Insurance.

SEC. 2041. STATE COMPREHENSIVE MENTAL HEALTH SERVICE PLAN.

(a) ADMINISTRATIVE EXPENSES.—Section 1925(d) of the Public Health Service Act, as redesignated by section 2038, is amended to read as follows: 42 USC 300x-11.

"(d) The amount referred to in subsections (a), (b), and (c) with respect to a State is the total amount that the State is permitted to expend for administrative expenses under section 1915(d) for fiscal year 1986 from amounts paid to the State under subpart 1 for such fiscal year. If in the judgment of the Secretary the State is making a good faith effort to comply with this subpart, the Secretary may assess the State a penalty that is less than the maximum penalty, but in no event shall the penalty be less than 2 percent of the amount the State is permitted to expend for administrative expenses.".

(b) REPORT.—Not later than September 30, 1990, the Comptroller General of the United States shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that— 42 USC 300x-11 note.

(1) evaluates the status of the implementation of section 1925 of the Public Health Service Act (as redesignated by section 2038) requiring State Mental Health Services Plans; and

(2) includes an assessment of—

(A) the number of States that have submitted such plans;

(B) the number of States that have implemented the plans submitted by such States;

(C) the efficacy of the plans that have been implemented in achieving effective, organized community-based systems of care for seriously mentally ill individuals; and

(D) recommendations on additional legislation that is necessary to facilitate the achievement of the goals of this title.

CHAPTER II—REVISION AND EXTENSION OF CERTAIN PROGRAMS OF ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

SEC. 2051. OFFICE FOR SUBSTANCE ABUSE PREVENTION.

(a) FUNDING.—Section 508(d) of the Public Health Service Act (42 U.S.C. 290aa-6(d)) is amended to read as follows:

Appropriation authorization.

"(d)(1) For the purpose of carrying out this section and sections 509, 509A, and 509F there are authorized to be appropriated $95,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

"(2) Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Secretary shall make available not less than $5,000,000 to carry out paragraphs (5) and (11) of subsection (b).".

(b) REVISION OF CERTAIN AUTHORITIES.—Section 508(b) of the Public Health Service Act (42 U.S.C. 290aa-6(b)) is amended—

(1) by amending paragraph (5) to read as follows:

"(5) support clinical training programs for substance abuse counselors and other health professionals involved in drug abuse education, prevention, and intervention;"; and

(2)(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

"(10)(A) provide assistance to communities to develop comprehensive long-term strategies for the prevention of substance abuse; and

"(B) evaluate the success of different community approaches toward the prevention of substance abuse; and".

(c) TRAINING OF PERSONNEL TO TREAT SUBSTANCE ABUSE.—Section 508(b) of the Public Health Service Act (42 U.S.C. 290aa-6(b)), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(11) through schools of health professions, schools of allied health professions, schools of nursing, and schools of social work, carry out programs—

"(A) to train individuals in the diagnosis and treatment of alcohol and drug abuse; and

"(B) to develop appropriate curricula and materials for the training described in subparagraph (a).".

(d) HIGH RISK YOUTH.—Section 509A of the Public Health Service Act (42 U.S.C. 290aa-8(b)) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(5) In making grants under this section, the Secretary shall give priority to applications that employ research designs adequate for evaluating the effectiveness of the program."; and

(2) in subsection (f)—

(A) in paragraph (8), by striking "or";

(B) by amending paragraph (9) to read as follows:

"(9) has experienced long-term physical pain due to injury; or"; and

(C) by adding at the end the following new paragraph:

"(10) has experienced chronic failure in school.".

SEC. 2052. REQUIREMENT OF ANNUAL COLLECTION BY SECRETARY OF CERTAIN DATA WITH RESPECT TO MENTAL ILLNESS AND SUBSTANCE ABUSE.

(a) IN GENERAL.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"DATA COLLECTION

"SEC. 509D. (a) The Secretary, acting through the Administrator, shall collect data each year on— 42 USC 290aa-11.

"(1) the national incidence and prevalence of the various forms of mental illness and substance abuse; and

"(2) the incidence and prevalence of such various forms in major metropolitan areas selected by the Administrator.

"(b) With respect to the activities of the Administrator under subsection (a) relating to mental health, the Administrator shall ensure that such activities include, at a minimum, the collection of data on—

"(1) the number and variety of public and nonprofit private treatment programs;

"(2) the number and demographic characteristics of individuals receiving treatment through such programs;

"(3) the type of care received by such individuals; and

"(4) such other data as may be appropriate.

"(c)(1) With respect to the activities of the Administrator under subsection (a) relating to substance abuse, the Administrator shall ensure that such activities include, at a minimum, the collection of data on—

"(A) the number of individuals admitted to the emergency rooms of hospitals as a result of the abuse of alcohol and other drugs;

"(B) the number of deaths occurring as a result of substance abuse, as indicated in reports by coroners;

"(C) the number and variety of public and private nonprofit treatment programs, including the number and type of patient slots available;

"(D) the number of individuals seeking treatment through such programs, the number and demographic characteristics of individuals receiving such treatment, the percentage of individuals who complete such programs, and, with respect to individuals receiving such treatment, the length of time between an individual's request for treatment and the commencement of treatment;

"(E) the number of such individuals who return for treatment after the completion of a prior treatment in such programs and the method of treatment utilized during the prior treatment;

"(F) the number of individuals receiving public assistance for such treatment programs;

"(G) the costs of the different types of treatment modalities for drug and alcohol abuse and the aggregate relative costs of each such treatment modality provided within a State in each fiscal year;

"(H) to the extent of available information, the number of individuals receiving treatment for alcohol or drug abuse who have private insurance coverage for the costs of such treatment;

"(I) the extent of alcohol and drug abuse among high school students and among the general population; and

"(J) the number of alcohol and drug abuse counselors and other substance abuse treatment personnel employed in public and private treatment facilities.

"(2) Annual surveys shall be carried out in the collection of data under this section. Summaries and analyses of the data collected shall be made available to the public.

"(d) After consultation with the States and with appropriate national organizations, the Administrator shall develop uniform criteria for the collection of data, using the best available technology, pursuant to this section.".

(b) CONFORMING AMENDMENT.—Section 1917 of the Public Health Service Act (42 U.S.C. 300x-5) is amended by striking subsection (d).

SEC. 2053. REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 2052 of this chapter, is further amended by adding at the end the following new section:

"REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT

Grants.
42 USC
290aa-12.

"SEC. 509E. (a) The Secretary, acting through the Administrator, may make grants to public and nonprofit private entities for the purpose of reducing the waiting list of public and nonprofit private programs providing treatment services for drug abuse.

"(b) The Secretary may not make a grant under subsection (a) unless the applicant for the grant—

"(1) is experienced in the delivery of treatment services for drug abuse;

"(2) is, on the date the application is submitted, successfully carrying out a program for the delivery of such services approved by the State;

"(3) as a result of the number of requests for admission into the program, is unable to admit any individual into the program any earlier than one month after the date on which the individual makes a request for such admission; and

"(4) provides assurances satisfactory to the Secretary that, after funding is no longer available under this section, the applicant will have access to financial resources sufficient to continue the program.

"(c) The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that the payments will not be expended—

"(1) to provide inpatient hospital services;

"(2) to make cash payments to intended recipients of services under the program involved;

"(3) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(d) The Secretary may not make more than one grant under subsection (a) for any program of treatment services for drug abuse.

"(e) The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(f)(1) For the purpose of carrying out this section, there is authorized to be appropriated $100,000,000.

Appropriation authorization.

"(2) Amounts made available pursuant to paragraph (1) shall remain available until expended.

"(3) No grant may be made under this section after the aggregate amounts obligated by the Secretary pursuant to this section are equal to $100,000,000.".

SEC. 2054. MODEL PROJECTS FOR PREGNANT WOMEN.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 2053 of this chapter, is further amended by adding at the end the following new section:

"MODEL PROJECTS FOR PREGNANT AND POST PARTUM WOMEN AND THEIR INFANTS

"SEC. 509F. (a) The Secretary, acting through the Director of the Office, shall make grants to establish projects for prevention, education, and treatment regarding drug and alcohol abuse relating to pregnant and post partum women and their infants.

Grants. 42 USC 290aa-13.

"(b) In making grants under subsection (a), the Director of the Office shall give priority to projects—

"(1) for low-income women and their infants; and

"(2) designed to develop innovative approaches to prevention, education, and treatment regarding the use of the drugs with respect to which there exists insufficient information (including cocaine and the cocaine derivative known as crack).

"(c) In making grants under subsection (a) for projects that provide treatment, the Director of the Office shall ensure that grants are reasonably distributed among projects that provide inpatient, outpatient, and residential treatment.

"(d) The Director of the Office may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director of the Office determines to be necessary to carry out this section.

"(e) The Director of the Office shall evaluate projects conducted with grants under this section.".

SEC. 2055. DRUG ABUSE DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 2054 of this chapter, is further amended by adding at the end the following new section:

"DRUG ABUSE DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE

Grants.
42 USC
290aa-14.

"SEC. 509G. (a)(1) The Secretary, acting through the Administrator, may make grants to public and private entities for demonstration projects—

"(A) to determine the feasibility and long-term efficacy of programs providing drug abuse treatment and vocational training in exchange for public service;

"(B) to conduct outreach activities to intravenous drug abusers with respect to the prevention of exposure to, and the transmission of, the etiologic agent for acquired immune deficiency syndrome and to encourage intravenous drug abusers to seek treatment for such abuse; and

"(C) to provide drug abuse treatment services to pregnant women, post partum women, and their infants.

"(2) The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out pursuant to subsection (a) and for the dissemination of information developed as result of such models.

"(b)(1) The Secretary shall establish demonstration projects that provide grants to States for the purpose of enabling such States to provide effective treatment, and referrals for treatment, to individuals who abuse drugs.

"(2) The Secretary shall award grants under subsection (a) to projects that operate in areas—

"(A) in which a demand for drug treatment services exists, or a need for such services exists which exceeds the capacity of organizations operating in that area to provide such services;

"(B) that have a high prevalence of drug abuse;

"(C) that have a high incidence of drug related criminal activities; and

"(D) that meet any other requirements that the Secretary determines are appropriate.

"(3) In awarding grants under subsection (a), the Secretary shall—

"(A) select projects that focus on at least one of the following areas of treatment:

"(i) treatment of adolescents;

"(ii) treatment of minorities;

"(iii) treatment of pregnant women;

"(iv) treatment of female addicts and their children; and

"(v) treatment of the residents of public housing projects; and

"(B) select at least one project that includes a centralized local referral unit that shall provide—

"(i) an initial analysis of the nature of the individual's problem and refer such individual to appropriate existing drug treatment programs; and

"(ii) assistance to school teachers and other individuals who come into contact with drug abusers when attempting to refer such abusers to appropriate drug treatment programs.

"(4) A State that desires to participate in a project established under subsection (a) shall submit a written application to the Secretary in such form and containing such information as the Secretary may by regulation request.

"(5) In awarding grants under subsection (a), the Secretary shall give preference to projects that demonstrate a comprehensive approach to the problems associated with drug abuse and provide evidence of broad community involvement and support, including the support of private businesses, law enforcement authorities, health care providers, local school systems, and local governments in the proposed demonstration project.

"(6) Projects funded under this section shall be for a period of at least three years but in no event to exceed five years.

"(7) The Secretary shall require, as a condition of awarding grants under this section, a systematic evaluation of the projects funded under this section on a long term basis to record the impact of such projects on treated individuals, and on the community as a whole. The methodology used in the evaluation shall be published in the Federal Register for comment before becoming effective.

Federal Register, publication.

"(c)(1) There are authorized to be appropriated to carry out this section $34,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 through 1991.

Appropriation authorization.

"(2) Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, $10,000,000 shall be made available for carrying out subsection (a).

SEC. 2056. CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) RESEARCH WITH RESPECT TO ALCOHOL ABUSE AND ALCOHOLISM.—Section 513(a) of the Public Health Service Act (42 U.S.C. 290bb-2(a)) is amended by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1989 through 1991".

(b) RESEARCH WITH RESPECT TO DRUG ABUSE.—Section 517 of the Public Health Service Act (42 U.S.C. 290cc-2) is amended—

(1) by striking "this subpart" and inserting "section 515"; and

(2) by inserting before the period the following: ", $135,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991".

SEC. 2057. ESTABLISHMENT OF GRANT PROGRAMS FOR RESEARCH WITH RESPECT TO MENTAL HEALTH SERVICES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by amending section 504(f) to read as follows:

"(f)(1) The Secretary, acting through the Director, shall—

Public information. 42 USC 290aa-3.

"(A) develop and publish information with respect to the causes of suicide and the means of preventing suicide; and

"(B) make such information generally available to the public and to health professionals.

"(2) Information described in paragraph (1) shall especially relate to suicide among individuals under 24 years of age.";

(2) by striking subsections (g) through (i) of section 504; and

(3) by adding at the end of part B the following new subpart:

"Subpart 3—Mental Health Research

"ESTABLISHMENT OF PROGRAM FOR MENTAL HEALTH RESEARCH

Grants. Contracts. 42 USC 290cc-11.

"SEC. 519. The Secretary, acting through the Administrator, may make grants to, and enter into cooperative agreements and contracts with, public and nonprofit private entities for the conduct of, promotions of, coordination of, research, investigation, experiments, demonstrations, and studies relative to the cause, diagnosis, treatment, control, and prevention of mental illness.

"NATIONAL MENTAL HEALTH EDUCATION PROGRAM

Public information. 42 USC 290cc-12.

"SEC. 520. The Secretary, acting through the Administrator, shall establish a National Mental Health Education Program for the purpose of—

"(1) developing improved methods of treating individuals with mental health problems and improved methods of assisting the families of such individuals;

"(2) supporting programs of biomedical and behavioral research, training, and education with respect to the causes, diagnosis, and treatment of mental health problems;

"(3) collecting and making available, through publication and other appropriate methods, information on, and the practical application of, such research and other activities;

"(4) providing technical assistance to public and private entities that are providers of mental health services;

"(5) disseminating to such providers and to the public information with respect to mental health, including information on programs that provide financial assistance in obtaining mental health services; and

"(6) establishing a clearinghouse in order to collect information developed in mental health research and treatment programs and to make such information available to providers of mental health services, to individuals with mental health problems, and to the general public.

"ESTABLISHMENT OF GRANT PROGRAM FOR DEMONSTRATION PROJECTS

42 USC 290cc-13.

"SEC. 520A. (a) CHRONICALLY MENTALLY ILL INDIVIDUALS AND SERIOUSLY MENTALLY DISTURBED CHILDREN.—The Secretary, acting through the Director, may make grants to States, political subdivisions of States, and nonprofit private agencies—

"(1) for mental health services demonstration projects for the planning, coordination, and improvement of community services (including outreach and self-help services) for chronically mentally ill individuals, seriously emotionally disturbed children and youth, elderly individuals, and homeless chronically mentally ill individuals, and for the conduct of research concerning such services;

"(2) demonstration projects for the prevention of youth suicide;

"(3) demonstration projects for the improvement of the recognition, assessment, treatment, and clinical management of depressive disorders; and

"(5) demonstration projects for treatment and prevention relating to sex offenses.

"(b) INDIVIDUALS AT RISK OF MENTAL ILLNESS.—

"(1) The Secretary, acting through the Director, may make grants to States, political subdivisions of States, and private nonprofit agencies for prevention services demonstration projects for the provision of prevention services for individuals who, in the determination of the Secretary, are at risk of developing mental illness.

"(2) Demonstration projects under paragraph (1) may include—

"(A) prevention services for populations at risk of developing mental illness, particularly displaced workers, young children, and adolescents;

"(B) the development and dissemination of education materials;

"(C) the sponsoring of local, regional, or national workshops or conferences;

"(D) the conducting of training programs with respect to the provision of mental health services to individuals described in paragraph (1); and

"(E) the provision of technical assistance to providers of such services.

"(c) LIMITATION ON DURATION OF GRANT.—The Secretary may make a grant under subsection (a) or (b) for not more than three consecutive one-year periods.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under subsection (a) or (b) to an applicant unless the applicant agrees that not more than 10 percent of such a grant will be expended for administrative expenses.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) For the purposes of carrying out this section, there are authorized to be appropriated $60,000,000 for each of the fiscal years 1989 and 1990.

"(2) Of the amounts appropriated pursuant to paragraph (1), the Secretary shall make available 15 percent for demonstration projects to carry out the purpose of this section in rural areas.".

SEC. 2058. MISCELLANEOUS AMENDMENTS.

(a) TITLE V OF PUBLIC HEALTH SERVICE ACT.—

(1) The title of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended so as to read: "TITLE V—ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH PROGRAMS".

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) by adding at the end of subsection (b) the following new paragraph:

"(4) The Office of Substance Abuse Prevention.";

(B) in the first sentence of subsection (e)(2)—

(i) by striking "The" and inserting the following: "Not less than once each three years, the"; and

(ii) by striking "annually";

(C) by striking "fraud" each place it appears in subsection (f) and inserting "misconduct";

(D) by striking subsection (k); and

(E) by adding at the end the following new subsections:

"(k) The Administrator may accept voluntary and uncompensated services.

"(l) The Administrator may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

Grants.

"(m)(1) The Secretary, acting through the Administrator, may make grants to public and nonprofit private entities for the acquisition of small instrumentation necessary for carrying out the purpose of this title with respect to research.

"(2) The Secretary may not make a grant under paragraph (1) unless the small instrumentation acquired pursuant to the grant will be available for use in more than one grant under this title with respect to research.

"(3) Grants under paragraph (1) shall be subject to technical and scientific peer review under section 507.

"(4) A grant under paragraph (1) for a fiscal year may not exceed $100,000.

Appropriation authorization.

"(5) For the purpose of carrying out this subsection, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1989 through 1991.".

(3) Section 515(a) of the Public Health Service Act (42 U.S.C. 290cc) is amended in the matter after and below paragraph (6) by inserting before the period the following: "(particularly with respect to pregnant women and their children)".

(4) Section 516 of the Public Health Service Act (42 U.S.C. 290cc-1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) In making grants under subsection (a), the Secretary shall give special consideration to projects for determining the effects of drug abuse among pregnant women and the resulting effects on the infants of such women, including the relationship between drug abuse during pregnancy and the birthweight of infants.".

(b) SECTION 303.—Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "marital and family therapy," after "nursing,".

21 USC 801 note.

(c) ANTI-DRUG ABUSE ACT OF 1986.—Section 6005(b) of the Anti-Drug Abuse Act of 1986 (Public Law 99-570) is amended by striking "one year" and all that follows through "Act" and inserting "18 months after the execution of the contract referred to in subsection (a),".

CHAPTER 3—REPORTS AND STUDIES

42 USC 290aa note.

SEC. 2071. RELATIONSHIP BETWEEN MENTAL ILLNESS AND SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the relationship between mental illness and substance abuse; and

(2) developing recommendations on the most effective methods of treatment for individuals with both mental illness and substance abuse problems.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall complete the study required in subsection (a) and submit to the Congress the findings made as a result of the study.

SEC. 2072. USE OF INVOLUNTARY COMMITMENT.

42 USC 290cc-11 note. Contracts.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with an independent body of demonstrated expertise in the field of health and mental health to conduct a study of the current use of involuntary commitment for inpatient or outpatient treatment of mental illness and make recommendations for changes, if any, that may be warranted in current rules and practices.

(b) REPORT.—Not later than 18 months after the date on which a contract is entered into pursuant to subsection (a), the Secretary of Health and Human Services shall complete the study required in subsection (a) and submit to the Congress the findings made as a result of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $1,000,000 for fiscal year 1989.

SEC. 2073. REPORT WITH RESPECT TO ADMINISTRATION OF CERTAIN RESEARCH PROGRAMS.

42 USC 290aa note.

(a) STUDY.—The Secretary of Health and Human Services shall request the National Academy of Sciences to conduct a review of the research activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. Such review shall include—

(1) an evaluation of the appropriateness of administering health service programs in conjunction with the administration of biomedical and behavioral research; and

(2) a determination of any areas of duplication in the research programs of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration.

(b) REPORT.—Not later than 12 months after the date on which any contract requested in subsection (a) is entered into, the Secretary of Health and Human Services shall, to the extent practicable, provide for the completion of the review requested in such subsection and submit to the Congress a report describing the findings made as a result of the review.

(c) CONTRACT AUTHORITY.—The Secretary of Health and Human Services may enter into a contract with the National Academy of Sciences to carry out the review requested in subsection (a).

CHAPTER 4—MISCELLANEOUS

SEC. 2081. ACTION BY NATIONAL INSTITUTE ON DRUG ABUSE AND STATES CONCERNING MILITARY FACILITIES.

(a) IN GENERAL.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new part:

"PART E—ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

"ACTION BY NATIONAL INSTITUTE ON DRUG ABUSE AND STATES CONCERNING MILITARY FACILITIES

42 USC 290ff.

"SEC. 561. (a) NATIONAL INSTITUTE ON DRUG ABUSE.—The Director of the National Institute on Drug Abuse shall—

"(1) coordinate with the agencies represented on the Commission on Alternative Utilization of Military Facilities the utilization of military facilities or parts thereof, as identified by such Commission, established under the National Defense Authorization Act of 1989, that could be utilized or renovated to house nonviolent persons for drug treatment purposes;

"(2) notify State agencies responsible for the oversight of drug abuse treatment entities and programs of the availability of space at the installations identified in paragraph (1); and

"(3) assist State agencies responsible for the oversight of drug abuse treatment entities and programs in developing methods for adapting the installations described in paragraph (1) into residential treatment centers.

"(b) STATES.—With regard to military facilities or parts thereof, as identified by the Commission on Alternative Utilization of Military Facilities established under section 3042 of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, that could be utilized or renovated to house nonviolent persons for drug treatment purposes, State agencies responsible for the oversight of drug abuse treatment entities and programs shall—

"(1) establish eligibility criteria for the treatment of individuals at such facilities;

"(2) select treatment providers to provide drug abuse treatment at such facilities;

"(3) provide assistance to treatment providers selected under paragraph (2) to assist such providers in securing financing to fund the cost of the programs at such facilities; and

"(4) establish, regulate, and coordinate with the military official in charge of the facility, work programs for individuals receiving treatment at such facilities.

"(c) RESERVATION OF SPACE.—Prior to notifying States of the availability of space at military facilities under subsection (a)(2), the Director may reserve space at such facilities to conduct research or demonstration projects.".

(b) FEDERAL PROPERTIES AND ADMINISTRATIVE PROCEDURES ACT.—Section 203(j)(3)(B) of the Federal Property and Administrative Procedures Act of 1979 (40 U.S.C. 484(j)(3)(B)) is amended by inserting ", drug abuse treatment centers" after "health centers".

Subtitle B—Employee Assistance Programs

29 USC 566.

Grants.
Contracts.

SEC. 2101. EMPLOYEE ASSISTANCE PROGRAMS.

(a) ESTABLISHMENT.—The Secretary of Labor shall establish a program through which the Secretary shall provide grants to, or enter into contracts with, employers to enable such employers to develop employee drug and alcohol abuse assistance programs.

(b) APPLICATIONS.—Employers desiring to receive a grant or contract under this section shall submit to the Secretary of Labor, an

application, in such form and containing such information as the Secretary may require.

(c) REGULATIONS.—The Secretary of Labor shall promulgate regulations necessary to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $4,000,000 for fiscal year 1989, and $5,000,000 for each of the fiscal years 1990 and 1991.

Subtitle C—Indian Alcohol and Substance Abuse Prevention and Treatment

SEC. 2201. AMENDMENTS TO INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

Whenever in this subtitle a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.).

SEC. 2202. DEFINITIONS.

Section 4204 (25 U.S.C. 2403) is amended by inserting at the end thereof the following new paragraph:

"(6) The terms 'Urban Indian', 'Urban Center', and 'Urban Indian Organization' shall have the same meaning as provided in section 4 of the Indian Health Care Improvement Act.".

SEC. 2203. AMENDMENT AND REVISION OF TRIBAL DEVELOPMENT PLAN.

Paragraph (2) of section 4206(c) (25 U.S.C. 2412(c)) is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph (E):

"(E) the establishment of procedures for amendment and revision of the plan as may be determined necessary by the Tribal Coordinating Committee.".

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Paragraph (2) of section 4206(d) (25 U.S.C. 2412(d)(2)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed $1,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992 for grants under this subsection.".

SEC. 2205. LEASING OF TRIBAL PROPERTY.

Section 4209 is amended— 25 USC 2415.

(1) by amending the heading to read as follows:

"SEC. 4209. FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT; LEASING OF TRIBAL PROPERTY.";

and

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

"(c) LEASES.—(1) The Secretary of the Interior and the Secretary of Health and Human Services are authorized to enter into long-term leases of tribally owned or leased facilities to house programs established by this subtitle where they determine that there is no Federal

facility reasonably available for such purpose and the cost of constructing a new Federal facility would exceed the cost of such Federal lease unless they determine that mitigating factors favor such a lease.

"(2) A tribally owned or leased facility may be leased pursuant to this authority to house a regional treatment center to be established pursuant to section 4227(b) only if all the tribes within the Indian Health Service area to be served by such regional treatment center initially consent to such Federal lease.".

SEC. 2206. INDIAN EDUCATION PROGRAMS.

25 USC 2432.

Section 4212(a) is amended by striking out "1987, 1988, and 1989" and inserting in lieu thereof "1989, 1990, 1991, and 1992".

SEC. 2207. EMERGENCY SHELTERS AND HALFWAY HOUSES.

Children and youth.

(a) HALF-WAY HOUSES.—Subsection (a) of section 4213 (25 U.S.C. 2433) is amended by adding at the end thereof "Half-way houses may be used as either intake facilities or aftercare facilities for youth admitted, or to be admitted, for long-term treatment of substance abuse. The Indian Health Service, the Bureau of Indian Affairs, and the tribes are authorized to use their respective resources to adequately staff and operate any such facility.".

(b) AUTHORIZATION.—Subsection (e) of section 4213 (25 U.S.C. 2433) is amended to read as follows:

"(e) AUTHORIZATION.—(1) For the planning and design, construction, and renovation of emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated $5,000,000 for the fiscal year 1989 and $3,000,000 for each of the fiscal years 1990, 1991, and 1992.

"(2) For the staffing and operation of emergency shelters and half-way houses, there is authorized to be appropriated $3,000,000 for the fiscal year 1989 and $3,000,000 for fiscal year 1990. An amount equal to the amount of funds appropriated pursuant to this paragraph for fiscal year 1990 shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).".

"(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting pursuant to the Indian Self-Determination Act.".

SEC. 2208. CERTAIN ILLEGAL NARCOTICS TRAFFICKING.

(a) ASSISTANCE.—The section heading and subsection (a) of section 4216 (25 U.S.C. 2442) are amended to read as follows:

"SEC. 4216. ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; SOURCE ERADICATION.

"(a)(1) INVESTIGATION AND CONTROL.—The Secretary of the Interior shall provide assistance to—

Arizona.

"(A) the Tohono O'odham Tribe of Arizona for the investigation and control of illegal narcotics traffic on the Tohono O'odham Reservation along the border with Mexico, and

New York.

"(B) the St. Regis Band of Mohawk Indians of New York for the development of tribal law enforcement and judicial systems to aid in the investigation and control of illegal narcotics traffic on the St. Regis Reservation along the border with Canada.

"(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Custom Service.

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated— Appropriation authorization.

"(A) $500,000 under paragraph (1)(A) for each of the fiscal years 1989, 1990, 1991, and 1992, and

"(B) $450,000 under paragraph (1)(B) for each of the fiscal years 1989 and 1990.".

(b) AUTHORIZATION.—Subsection (b)(2) of section 4216 is amended to read as follows: 25 USC 2442.

"(2) AUTHORIZATION.—For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $500,000 for each of the fiscal years 1989, 1990, 1991, and 1992.".

SEC. 2209. LAW ENFORCEMENT AND JUDICIAL TRAINING.

Subsection (b) of section 4218 (25 U.S.C. 2451) is amended to read as follows:

"(b) AUTHORIZATION.—For the purpose of providing the training required by subsection (a), there are authorized to be appropriated $1,500,000 for each of the fiscal years 1989, 1990, 1991, and 1992.".

SEC. 2210. TREATMENT OF JUVENILE OFFENDERS.

Section 4219 (25 U.S.C. 2452) is amended—

(1) by inserting "(a)" before "The Memorandum"; and

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

"(b) TREATMENT OF CERTAIN COMMITTED YOUTH.—The Indian Health Service shall not refuse to provide necessary interim treatment for any Indian youth referred pursuant to subsection (a) who has been charged or is being prosecuted for any crime unless such referral is prohibited by a court of competent jurisdiction or the youth is determined by a court of competent jurisdiction to be a danger to others.". Indians.

SEC. 2211. JUVENILE DETENTION CENTERS.

Subsection (b) of section 4220 (25 U.S.C. 2453) is amended to read as follows:

"(b) AUTHORIZATION.—(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there is authorized to be appropriated $10,000,000 for the fiscal year 1989 and $5,000,000 for each of the fiscal years 1990 and 1991.

"(2) For the purpose of staffing and operating juvenile detention centers, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1989 and 1990. An amount equal to the amount of funds appropriated pursuant to this paragraph for fiscal year 1990 shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).".

SEC. 2212. INDIAN HEALTH SERVICE YOUTH PROGRAM.

(a) DETOXIFICATION AND REHABILITATION.—Subsection (a) of section 4227 (25 U.S.C. 2474) is amended by inserting "of Health and Human Services" after the "Secretary".

(b) TREATMENT CENTERS.—Subsection (b) of section 4227 is amended to read as follows:

"(b) TREATMENT CENTERS OR FACILITIES.—(1) The Secretary shall construct or renovate, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an Indian Health Service area office. For the purposes of this subsection, the area offices of the Indian Health Service in Tucson and Phoenix, Arizona, shall be considered one area office.

Arizona.

"(2)(A) For the purpose of constructing or renovating centers or facilities required by paragraph (1), there are authorized to be appropriated $6,000,000 for the fiscal year 1989 and $3,000,000 for each of the fiscal years 1990 and 1991.

Appropriation authorization.

"(B) For the purpose of staffing and operating such centers or facilities, there are authorized to be appropriated $11,000,000 for fiscal year 1990. An amount equal to the amount of funds appropriated pursuant to this subparagraph for fiscal year 1990 shall be included in the base budget of the Indian Health Service and funding thereafter shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).".

Appropriation authorization.

(c) REHABILITATION AND FOLLOW-UP SERVICES.—Paragraph (3) of section 4227(d) is amended by striking out "there are authorized to be appropriated $9,000,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "there are authorized to be appropriated—

Appropriation authorization. 25 USC 2474.

"(1) $9,000,000 for the fiscal year 1989,
"(2) $10,000,000 for the fiscal year 1990,
"(3) $12,000,000 for the fiscal year 1991, and
"(4) $13,000,000 for the fiscal year 1992.".

(d) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—Section 4227 (25 U.S.C. 2474) is amended by adding at the end thereof the following:

"(e) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth authorized by this section, the Secretary shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate.".

SEC. 2213. TRAINING AND COMMUNITY EDUCATION.

(a) REPEAL OF DEMONSTRATION PROGRAM; RESULTS OF DEMONSTRATION PROJECT.—Subsection (c) of section 4228 (25 U.S.C. 2475) is amended to read as follows:

"(c) RESULTS OF DEMONSTRATION PROJECT.—In carrying out the education and training programs required by this section, the Secretary of Health and Human Services shall take into consideration, and make available, the results of the demonstration project for children of alcoholics that was funded by the Office of Minority Health of the Department of Health and Human Services.".

(b) AUTHORIZATION.—Subsection (d) of section 4228 (25 U.S.C. 2475) is amended to read as follows:

"(d) AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1989, 1990, 1991, and 1992—

"(1) $3,000,000 to carry out the provisions of subsection (a), and
"(2) $1,000,000 to carry out the provisions of subsection (b).".

SEC. 2214. NAVAJO ALCOHOL REHABILITATION PROGRAM.

Subsection (c) of section 4229 (25 U.S.C. 2476) is amended to read as follows:

"(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of grants under subsection (a) $300,000 for the fiscal year 1989 and $200,000 for each of the fiscal years 1990, 1991, and 1992.".

SEC. 2215. URBAN INDIAN PROGRAM.

The subtitle is amended by adding at the end thereof the following new section 4231:

"SEC. 4231. URBAN INDIAN PROGRAM. 25 USC 2478.

"(a) GRANTS.—The Secretary of Health and Human Services is authorized to make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.).

"(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) accessibility to, and utilization of, other health resources available to such population;

"(3) duplication of existing Indian Health Service or other Federal grants or contracts;

"(4) capability of the organization to adequately perform the activities required under the grant;

"(5) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(6) identification of need for services.

The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) TREATMENT OF MONEYS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any moneys received by an urban Indian organization under this or any other Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"(e) AUTHORIZATION FOR GRANT PROGRAM.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1990, 1991, and 1992 to carry out the purposes of this section.".

SEC. 2216. OFFICE OF ALCOHOL AND SUBSTANCE ABUSE.

Section 4207 (25 U.S.C. 2413) is amended—

(1) by striking out "Assistant Secretary of" in subsection (b)(1) and inserting in lieu thereof "Assistant Secretary of the Interior for";

(2) by striking out "Assistant Secretary on" in subsection (b)(1) and inserting in lieu thereof "Assistant Secretary of the Interior for Indian Affairs on";

(3) by adding at the end of subsection (b) the following new paragraph:

"(3) The Assistant Secretary of the Interior for Indian Affairs shall appoint such employees to work in the Office of Alcohol and Substance Abuse, and shall provide such services and equipment, as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities."; and

(4) by adding at the end of paragraph (1) of subsection (c) the following new sentence: "The Assistant Secretary of the Interior for Indian Affairs shall appoint the Indian Youth Programs Officer.".

SEC. 2217. CONTRACT HEALTH SERVICES.

Section 4226 (25 U.S.C. 2473), as amended by section 2212 of this Act, is amended by adding at the end thereof the following new subsection:

"(c) CONTRACT HEALTH SERVICES.—

"(1) The Secretary of Health and Human Services, acting through the Indian Health Service, may enter into contracts with public or private providers of alcohol and substance abuse treatment services for the purpose of assisting the Indian Health Service in carrying out the program required under subsection (a).

Appropriation authorization.

"(2) In addition to amounts otherwise authorized to be appropriated for contract health services, there are authorized to be appropriated for each of the fiscal years 1989, 1990, 1991, and 1992, $10,000,000 for the purpose of carrying out the provisions of this subsection.".

SEC. 2218. NEWSLETTER.

Section 4210 (25 U.S.C. 2416) is amended—

(1) by striking out ", not later than 120 days after the date of enactment of this subtitle,",

(2) by striking out "The Secretary" and inserting in lieu thereof "(a) IN GENERAL.—The Secretary", and

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

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1989, 1990, 1991, and 1992, $300,000 to carry out the provisions of this section.".

25 USC 2401 note.

SEC. 2219. RULE OF CONSTRUCTION.

Except as otherwise provided in this Act or the amendments made by this Act, nothing in this Act or the amendments made by this Act shall be construed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust responsibility of the United States owing to such Indian or Indian tribe. Nothing in this section shall exempt any individual Indian from the sanctions of "user accountability" provided for elsewhere in this Act: *Provided*, That no individual Indian shall be denied any benefit under Federal Indian programs comparable to those "means tested" safety net programs otherwise excluded under this Act.

Subtitle D—Native Hawaiian Health Care

Native Hawaiian Health Care Act of 1988.
42 USC 11701 note.

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the "Native Hawaiian Health Care Act of 1988".

SEC. 2302. FINDINGS. 42 USC 11701.

The Congress finds that—

(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86-3 (73 Stat. 6; commonly referred to as the "Hawaii Statehood Admissions Act");

(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

SEC. 2303. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS. 42 USC 11702.

(a) DEVELOPMENT.—The Secretary may make a grant to, or enter into contract with, Papa Ola Lokahi for the purpose of developing a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate. Grants. Contracts.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $700,000 for fiscal year 1990 to carry out subsection (a).

SEC. 2304. NATIVE HAWAIIAN HEALTH CENTERS. 42 USC 11703.

(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians. Grants. Contracts.

(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health centers and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health centers.

(2) In addition to paragraph (1), the Secretary may make grants to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health centers to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is—

(1) a Native Hawaiian health center;

(2) a Native Hawaiian organization; or

(3) a public or nonprofit private health provider.

(c) SERVICES TO BE PROVIDED.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

(A) Outreach services to inform Native Hawaiians of the availability of health services.

(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

(C) Services of physicians, physicians' assistants, or nurse practitioners.

(D) Immunizations.

(E) Prevention and control of diabetes, high blood pressure, and otitis media.

(F) Pregnancy and infant care.

(G) Improvement of nutrition.

(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

(C) Services within the meaning of the terms "health promotion", "disease prevention", and "primary health services", as such terms are defined in section 2308, which are not specifically referred to in paragraph (1) of this subsection.

(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this subtitle may make a grant to, or hold a contract with, not more than nine qualified entities in the State of Hawaii, as follows:

(1) Two entities serving individuals on Kaua'i, from which individuals on Ni'ihau shall also be served.

(2) Two entities serving individuals on O'ahu.

(3) One entity serving individuals on Moloka'i, from which individuals on Lana'i shall also be served.

(4) Two entities serving individuals on Maui.

(5) Two entities serving individuals on Hawai'i.

(e) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of such non-Federal contributions.

(3) The Secretary may waive the requirement established in paragraph (1) if—

(A) the entity involved is a nonprofit private entity described in subsection (b); and

(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

(1) for any purpose other than the purposes described in subsection (c);

(2) to provide inpatient services;

(3) to make cash payments to intended recipients of health services; or

(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

(2) the entity will impose a charge for the delivery of health services, and such charge—

(A) will be made according to a schedule of charges that is made available to the public, and

(B) will be adjusted to reflect the income of the individual involved.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated $5,000,000 for fiscal year 1991 and $10,000,000 for fiscal year 1992 to carry out subsection (a)(1).

(2) There is authorized to be appropriated for fiscal year 1990 $900,000 to carry out subsection (a)(2).

SEC. 2305. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

42 USC 11704.

Contracts.

(a) IN GENERAL.—In addition to any other grant or contract under this subtitle, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed pursuant to section 2303;

(2) training for the persons described in section 2304(c)(1)(B); or

(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1990, 1991, and 1992 to carry out subsection (a).

42 USC 11705.

SEC. 2306. ADMINISTRATION OF GRANTS AND CONTRACTS.

(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this subtitle such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this subtitle.

(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this subtitle with an entity unless the entity—

(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

Classified information.

(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

(A) if the entity will provide under the grant or contract any such health services directly—

(i) the entity has entered into a participation agreement under such plan; and

(ii) the entity is qualified to receive payments under such plan; and

(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

(i) the organization has entered into a participation agreement under such plan; and

(ii) the organization is qualified to receive payments under such plan; and

Reports.

(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 2304, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future

occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 2304 with another entity referred to in section 2304(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

(2) In determining whether to renew a contract entered into with an entity under this subtitle, the Secretary shall consider the results of evaluation under this section.

(3) All contracts entered into by the Secretary under this subtitle shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

(4) Payments made under any contract entered into under this subtitle may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this section.

(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 2305, the Secretary may not make a grant to, or enter into a contract with, an entity under this subtitle unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this subtitle for the purpose of administering the grant or contract.

(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this subtitle, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

(A) activities conducted by the entity under the grant or contract;

(B) the amounts and purposes for which Federal funds were expended; and

(C) such other information as the Secretary may request.

(2) The reports and records of any entity which concern any grant or contract under this subtitle shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this subtitle the cost of an annual private audit conducted by a certified public accountant.

SEC. 2307. ASSIGNMENT OF PERSONNEL. 42 USC 11706.

(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of paragraph (1) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

42 USC 11707.

SEC. 2308. DEFINITIONS.

For purposes of this subtitle:

(1) DISEASE PREVENTION.—The term "disease prevention" includes—

(A) immunizations,
(B) control of high blood pressure,
(C) control of sexually transmittable diseases,
(D) prevention and control of diabetes,
(E) control of toxic agents,
(F) occupational safety and health,
(G) accident prevention,
(H) fluoridation of water,
(I) control of infectious agents, and
(J) provision of mental health care.

(2) HEALTH PROMOTION.—The term "health promotion" includes—

(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,
(B) cessation of tobacco smoking,
(C) reduction in the misuse of alcohol and drugs,
(D) improvement of nutrition,
(E) improvement in physical fitness,
(F) family planning, and
(G) control of stress.

(3) NATIVE HAWAIIAN.—The term "Native Hawaiian" means any individual who has any ancestors that were natives, prior to 1778, of the area that is now the State of Hawaii as evidenced by—

(A) genealogical records,
(B) Kupuna (elders) or Kama'aina (long-term community residents) verification, or
(C) birth records of the State of Hawaii.

(4) NATIVE HAWAIIAN HEALTH CENTER.—The term "Native Hawaiian health center" means an entity—

(A) which is organized under the laws of the State of Hawaii,
(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,
(C) which is a public or nonprofit private entity, and
(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

(5) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means any organization—

(A) which serves the interests of Native Hawaiians,
(B) which is—

(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this subtitle for the benefit of Native Hawaiians, and

(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this subtitle,

(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

(D) which is a public or nonprofit private entity.

(6) PAPA OLA LOKAHI.—The term "Papa Ola Lokahi" means an organization composed of—

(A) E Ola Mau;

(B) the Office of Hawaiian Affairs of the State of Hawaii;

(C) Alu Like Inc.;

(D) the University of Hawaii; and

(E) the Office of Hawaiian Health of the Hawaii State Department of Health.

(7) PRIMARY HEALTH SERVICES.—The term "primary health services" means—

(A) services of physicians, physicians' assistants and nurse practitioners;

(B) diagnostic laboratory and radiologic services;

(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

(D) emergency medical services;

(E) transportation services as required for adequate patient care;

(F) preventive dental services; and

(G) pharmaceutical services, as may be appropriate for particular health centers.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(9) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term "traditional Native Hawaiian healer" means a practitioner—

(A) who—

(i) is of Hawaiian ancestry, and

(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

(i) direct practical association with Native Hawaiian elders, and

(ii) oral traditions transmitted from generation to generation.

SEC. 2309. RULE OF CONSTRUCTION. 42 USC 11708.

Nothing in this subtitle shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

SEC. 2310. REPEAL OF DEMONSTRATION PROJECT.

Section 205 of the Indian Health Care Improvement Act, as added by section 203(c) of the Indian Health Care Amendments of 1988, is repealed. 42 USC 1621d.

SEC. 2311. COMPLIANCE WITH BUDGET ACT. 42 USC 11709.

Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this subtitle shall be effective for any fiscal year

only to such extent or in such amounts as are provided in appropriation Acts.

42 USC 11710.

SEC. 2312. SEVERABILITY.

If any provision of this subtitle, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this subtitle, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Subtitle E—Provisions Relating to Certain Drugs

21 USC 333a.

SEC. 2401. FORFEITURE AND ILLEGAL TRAFFICKING IN STEROIDS.

Any conviction for a violation of section 303(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(e)), or any other provision of that Act, involving an anabolic steroid or a human growth hormone shall be considered, for purposes of section 413 of the Controlled Substances Act (21 U.S.C. 853), a conviction for a violation of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, if such violation of the Federal Food, Drug, and Cosmetic Act is punishable by imprisonment for more than one year.

SEC. 2402. COMPTROLLER GENERAL REPORT ON USE OF ANABOLIC STEROIDS AND HUMAN GROWTH HORMONES.

The Comptroller General shall conduct a study on the extent of anabolic steroid and human growth hormone use among high school students, college students and other adults. Such study shall include—

(1) the best available estimates for licit and illicit use of anabolic steroids and human growth hormones;

(2) the amount and type of legal production of anabolic steroids and human growth hormones, both domestically and internationally; and

(3) a full and complete summary of the best available medical analyses that explore the health consequences resulting from anabolic steroid and human growth hormone use.

Reports.

The Food and Drug Administration shall cooperate with the Comptroller General in conducting such study. The Comptroller General shall report to the Congress the results of the study not later than June 1, 1989.

SEC. 2403. PROHIBITED DISTRIBUTION OF ANABOLIC STEROIDS.

Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (2), any person who distributes or possesses with the intent to distribute any anabolic steroid for any use in humans other than the treatment of disease pursuant to the order of a physician shall be imprisoned for not more than three years or fined under title 18, United States Code, or both.

Children and youth.

"(2) Any person who distributes or possesses with the intent to distribute to an individual under 18 years of age, any anabolic steroid for any use in humans other than the treatment of disease pursuant to the order of a physician shall be imprisoned for not

more than six years or fined under title 18, United States Code, or both.".

SEC. 2404. BANNING OF BUTYL NITRITE. 15 USC 2057a.

(a) IN GENERAL.—Except as provided in subsection (b), butyl nitrite shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

(b) LAWFUL PURPOSES.—For the purposes of section 8 of the Consumer Product Safety Act, it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States butyl nitrite for any commercial purpose or any other purpose approved under the Federal Food, Drug, and Cosmetic Act.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "butyl nitrite" includes n-butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing these chemicals.

(2) The term "commercial purpose" means any commercial purpose other than for the production of consumer products containing butyl nitrite that may be used for inhaling or otherwise introducing butyl nitrite into the human body for euphoric or physical effects.

(d) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this subtitle.

SEC. 2405. ESTABLISHMENT OF TASK FORCE AND PROTECTION OF PUBLIC HEALTH WITH RESPECT TO ILLEGAL DRUG LABORATORIES. 21 USC 801 note.

(a) ESTABLISHMENT OF TASK FORCE.—There is established the Joint Federal Task Force on Illegal Drug Laboratories (hereafter in this section referred to as the "Task Force").

(b) APPOINTMENT AND MEMBERSHIP OF TASK FORCE.—The members of the Task Force shall be appointed by the Administrators of the Environmental Protection Agency and the Drug Enforcement Administration (hereafter in this section referred to as the "Administrators"). The Task Force shall consist of at least 6 and not more than 20 members. Each Administrator shall appoint one-half of the members as follows: (1) the Adminstrator of the Environmental Protection Agency shall appoint members from among Emergency Response Technicians and other appropriate employees of the Agency; and (2) the Administrator of the Drug Enforcement Administration shall appoint members from among Special Agents assigned to field divisions and other appropriate employees of the Administration.

(c) DUTIES OF TASK FORCE.—The Task Force shall formulate, establish, and implement a program for the cleanup and disposal of hazardous waste produced by illegal drug laboratories. In formulating such program, the Task Force shall consider the following factors: Hazardous materials. Waste disposal.

(1) The volume of hazardous waste produced by illegal drug laboratories.

(2) The cost of cleaning up and disposing of hazardous waste produced by illegal drug laboratories.

(3) The effectiveness of the various methods of cleaning up and disposing of hazardous waste produced by illegal drug laboratories.

(4) The coordination of the efforts of the Environmental Protection Agency and the Drug Enforcement Administration in cleaning up and disposing of hazardous waste produced by illegal drug laboratories.

Public information.

(5) The dissemination of information to law enforcement agencies that have responsibility for enforcement of drug laws.

(d) GUIDELINES.—The Task Force shall recommend to the Administrators guidelines for cleanup of illegal drug laboratories to protect the public health and environment. Not later than 180 days after the date of the enactment of this subtitle, the Administrators shall formulate and publish such guidelines.

(e) DEMONSTRATION PROJECTS.—

Grants. Contracts. Waste disposal.

(1) The Attorney General shall make grants to, and enter into contracts with, State and local governments for demonstration projects to clean up and safely dispose of substances associated with illegal drug laboratories which may present a danger to public health or the environment.

(2) The Attorney General may not under this subsection make a grant or enter into a contract unless the applicant for such assistance agrees to comply with the guidelines issued pursuant to subsection (d).

(3) The Attorney General shall, through grant or contract, provide for independent evaluations of the activities carried out pursuant to this subsection and shall recommend appropriate legislation to the Congress.

(f) FUNDING.—Of the amounts made available to carry out the Controlled Substances Act for fiscal year 1989, not less than $5,000,000 shall be made available to carry out subsections (d) and (e).

(g) REPORTS.—After consultation with the Task Force, the Administrators shall—

(1) transmit to the President and to each House of Congress not later than 270 days after the date of the enactment of this subtitle a report describing the program established by the Task Force under subsection (c) (including an analysis of the factors specified in paragraphs (1) through (5) of that subsection);

(2) periodically transmit to the President and to each House of Congress reports describing the implementation of the program established by the Task Force under subsection (c) (including an analysis of the factors specified in paragraphs (1) through (5) of that subsection) and the progress made in the cleanup and disposal of hazardous waste produced by illegal drug laboratories; and

(3) transmit to each House of Congress a report describing the findings made as a result of the evaluations referred to in subsection (e)(3).

Subtitle F—Certain Provisions With Respect to Veterans

38 USC 620A note.

SEC. 2501. EVALUATION OF THE VETERANS' ADMINISTRATION INPATIENT AND OUTPATIENT DRUG AND ALCOHOL TREATMENT PROGRAMS.

The Administrator of Veterans' Affairs shall conduct an evaluation of inpatient and outpatient drug and alcohol treatment pro-

grams operated by the Veterans' Administration. The evaluation shall include a determination of the medical advantages and cost-effectiveness of such programs, taking into consideration rates of readmission and the rate of successful rehabilitation. There are authorized to be appropriated for the purpose of the conduct of such evaluation $1,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

Appropriation authorization.

SEC. 2502. VETERANS' ADMINISTRATION DRUG AND ALCOHOL TREATMENT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Veterans' Administration, in addition to any other amounts that may be authorized to be appropriated to the Veterans' Administration for the purpose described in subsection (b), $15,000,000 for each of the fiscal years 1989 through 1991.

(b) USE OF FUNDS.—Any amounts appropriated pursuant to subsection (a) may be expended only for the purpose of providing care and services under chapter 17 of title 38, United States Code, to eligible veterans with alcohol or drug dependence or abuse disabilities.

Subtitle G—Miscellaneous Health Amendments

SEC. 2600. EFFECTIVE DATE.

42 USC 242m note.

Except as provided in section 2613(b)(1), the amendments made by this subtitle shall take effect immediately after the enactment of the Health Omnibus Programs Extension of 1988.

CHAPTER 1—TECHNICAL AND CONFORMING AMENDMENTS TO HEALTH OMNIBUS PROGRAMS EXTENSION OF 1988

SEC. 2601. CERTAIN REFERENCES.

Except as otherwise expressly provided, any reference made in this chapter to an amendment or repeal of a section or other provision shall be considered to be made to a section or other provision of the Health Omnibus Programs Extension of 1988.

SEC. 2602. AMENDMENTS TO TITLE II.

42 USC 300cc note.

(a) SECTION 243.—Section 243 is amended—

(1) in subsection (a)—

(A) by striking "(hereinafter in this subtitle referred to as AIDS)"; and

(B) by striking "concerning AIDS" and inserting "concerning such syndrome"; and

(2) in subsection (c)—

(A) in paragraph (2), by striking "AIDS" and inserting "acquired immune deficiency syndrome";

(B) in paragraph (3), by striking "AIDS" and inserting "acquired immune deficiency syndrome";

(C) in paragraph (4)—

(i) by striking "AIDS" the first place it appears and inserting "acquired immune deficiency syndrome"; and

(ii) by striking "AIDS" the second place it appears and inserting "such syndrome";

(D) in paragraph (5), by striking "AIDS" and inserting "acquired immune deficiency syndrome";

(E) in paragraph (6), in the matter preceding subparagraph (A), by striking "AIDS" and inserting "acquired immune deficiency syndrome"; and

(F) in paragraph (7), by striking "AIDS" and inserting "acquired immune deficiency syndrome".

42 USC 300ee-1 note.

(b) SECTION 251.—Section 251(b) is amended by striking "of enactment of this Act" and inserting "of the enactment of this title".

42 USC 300ee-2.

(c) SECTION 253.—Section 253 is amended by striking "health workers," and inserting "health workers and".

42 USC 300ee-5.

(d) SECTION 256.—Section 256 is amended—

(1) in subsection (b), by striking "Surgeon General of the United States" and inserting "Surgeon General of the Public Health Service"; and

(2) in subsection (d)(2), by striking "subsection (a)" and inserting "paragraph (1)".

SEC. 2603. AMENDMENTS TO TITLE VI.

42 USC 201 note.

(a) SECTION 601.—Section 601 is amended—

(1) by striking "This Act" in subsection (a) and inserting "This title"; and

(2) by striking "this Act" in subsection (b) and inserting "this title".

Ante, p. 3151.

(b) SECTION 638.—Section 638(b) is amended—

(1) by striking "title VII" each place it occurs and inserting "titles VII and VIII"; and

(2) by striking ", after the date of the enactment of this Act," in paragraphs (1) and (2).

42 USC 292h note.

(c) SECTION 639.—Section 639(b) is amended by striking "shall compile and analyze" and inserting "shall develop a uniform methodology for collection of, and shall compile and analyze,".

SEC. 2604. AMENDMENT TO TITLE VII.

Ante, p. 3157.

(a) SECTION 704.—Section 704(b) is amended by striking out ", after the date of the enactment of this Act," in paragraphs (1) and (2).

Ante, p. 3158.

(b) SECTION 705.—Section 705(b) is amended by striking out ", after the date of the enactment of this Act," in paragraphs (1) and (2).

Ante, p. 3166.

(c) SECTION 732.—Section 732 is amended by striking "this title" each place it appears and inserting "this subtitle".

SEC. 2605. AMENDMENTS TO TITLE IX.

42 USC 300ee-6.

(a) SECTION 902.—Section 902 is amended—

(1) in subsection (c), by striking "the human immunodeficiency virus" and inserting "the etiologic agent for acquired immune deficiency syndrome"; and

(2) in subsection (d)(3)(B)(i), by striking "the human immunodeficiency virus" and inserting "the etiologic agent for acquired immune deficiency syndrome".

42 USC 300ee-6 note.

(b) SECTION 903.—Section 903 is amended by striking "the human immunodeficiency virus" and inserting "the etiologic agent for acquired immune deficiency syndrome".

CHAPTER 2—TECHNICAL AND CONFORMING AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 2611. CERTAIN REFERENCES.

Except as otherwise expressly provided, any reference made in this chapter to an amendment or repeal of a section or other provision shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2612. AMENDMENTS TO TITLE III.

Section 308(b)(2)(A) (42 U.S.C. 242m(b)(2)(A)) is amended—

(1) by inserting after the first sentence the following: "Each application for a grant, contract, or cooperative agreement in an amount exceeding $50,000 of direct costs for the dissemination of research findings or the development of research agendas (including conferences, workshops, and meetings) shall be submitted to a standing peer review group with persons with appropriate expertise and shall not be submitted to any peer review group established to review applications for research, evaluation, or demonstration projects."; and

(2) by striking in the last sentence "of each such application" and inserting "of an application described in the first two sentences of this subparagraph".

SEC. 2613. AMENDMENTS TO TITLE IV.

(a) NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—

(1) Subpart 13 of part C of title IV, as added by section 101(4) of the Health Omnibus Programs Extension of 1988, is amended by adding at the end the following new sections:

"NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS ADVISORY BOARD

"SEC. 464D. (a) The Secretary shall establish in the Institute the National Deafness and Other Communications Disorders Advisory Board (hereafter in this section referred to as the 'Advisory Board'). 42 USC 285m-4.

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health and rehabilitation professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to deafness and other communication disorders, including not less than two persons with a communication disorder; and

"(B) six members from the general public who are knowledgeable with respect to such disorders, including not less than one person with a communication disorder and not less than one person who is a parent of an individual with such a disorder.

Of the appointed members, not less than five shall by virtue of training or experience be knowledgeable in diagnoses and rehabilitation of communication disorders, education of the hear-

ing, speech, or language impaired, public health, public information, community program development, occupational hazards to communications senses, or the aging process.

"(2) The following shall be ex officio members of each Advisory Board:

"(A) The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute on Deafness and Other Communication Disorders, the Director of the Centers for Disease Control, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers).

"(B) Such other officers and employees of the United States as the Secretary determines necessary for the Advisory Board to carry out its functions.

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of the Advisory Board is four years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than 90 days from the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, such services of consultants, such information, and (through contracts or other arrangements) such administrative support services and facilities, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan prepared under section 464A(a) and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting deafness and other communication disorders, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the

Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan and with key non-Federal entities involved in activities affecting the control of such disorders.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which— Reports.

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such fiscal year in research, treatment, education, and training with respect to the deafness and other communication disorders;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such disorders in such fiscal year; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan prepared under section 464A(a).

"(k) The National Deafness and Other Communication Disorders Advisory Board shall be established not later than 90 days after the date of the enactment of the National Institute on Deafness and Other Communication Disorders and Health Research Extension Act of 1988.

"INTERAGENCY COORDINATING COMMITTEE

"SEC. 464E. (a) The Secretary may establish a committee to be known as the Deafness and Other Communication Disorders Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee'). 42 USC 285m-5.

"(b) The Coordinating Committee shall, with respect to deafness and other communication disorders—

"(1) provide for the coordination of the activities of the national research institutes; and

"(2) coordinate the aspects of all Federal health programs and activities relating to deafness and other communication disorders in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(c) The Coordinating Committee shall be composed of the directors of each of the national research institutes and divisions involved in research with respect to deafness and other communication disorders and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to deafness and other communication disorders.

"(d) The Committee shall be chaired by the Director of NIH (or the designee of the Director). The Committee shall meet at the call of the chair, but not less often than four times a year.

Reports.

"(e) Not later than 120 days after the end of each fiscal year, the Committee shall prepare and transmit to the Secretary, the Director of NIH, the Director of the Institute, and the advisory council for the Institute a report detailing the activities of the Committee in such fiscal year in carrying out subsection (b).

"LIMITATION ON ADMINISTRATIVE EXPENSES

42 USC 285m-6.

"SEC. 464F. With respect to amounts appropriated for a fiscal year for the National Institutes of Health, the limitation established in section 408(b)(1) on the expenditure of such amounts for administrative expenses shall apply to administrative expenses of the National Institute on Deafness and Other Communication Disorders.".

42 USC 285m note.

(2)(A) Personnel employed by the National Institutes of Health in connection with the functions vested under paragraph 1, and under section 101(4) of the Health Omnibus Programs Extension of 1988, in the Director of the National Institute on Deafness and Other Communication Disorders, and assets, property, contracts, liabilities, records, unexpended balances of appropriations, authorizations, allocations, and other funds of the National Institutes of Health, arising from or employed, held, used, available to, or to be made available, in connection with such functions shall be transferred to the Director for appropriate allocation. Unexpended funds transferred under this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(B) With respect to functions vested under paragraph 1, and under section 101(4) of the Health Omnibus Programs Extension of 1988, in the Director of the National Institute on Deafness and Other Communication Disorders, all orders, rules, regulations, grants, contracts, certificates, licenses, privileges, and other determinations, actions, or official documents, that have been issued, made, granted, or allowed to become effective, and that are effective on the date of the enactment of this Act, shall continue in effect according to their terms unless changed pursuant to law.

42 USC 285m note.

(b) EFFECT OF ENACTMENT OF SIMILAR PROVISIONS ESTABLISHING NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—

(1) Paragraphs (2) and (3) shall take effect immediately after the enactment of both the bill, S. 1727, of the One Hundredth Congress, and the Health Omnibus Programs Extension of 1988.

(2)(A) The provisions of the Public Health Service Act referred to in subparagraph (B), as similarly amended by the enactment of the bill, S. 1727, of the One Hundredth Congress, by subtitle A of title I of the Health Omnibus Programs Extension of 1988, and by subsection (a)(1) of this section, are amended to read as if the amendments made by such subtitle A and such subsection (a)(1) had not been enacted.

42 USC 281, 285j, 285m—285m-6.

(B) The provisions of the Public Health Service Act referred to in subparagraph (A) are—

(A) sections 401(b)(1) and 457;

(B) part C of title IV; and

(C) the heading for subpart 10 of such part C.

42 USC 285m note.

(3) Subsection (a)(2) of this section is repealed.

(c) SECTION 405.—Section 405(c)(3) (42 U.S.C. 284(c)(3)), as amended by section 116(2)(A) of the Health Omnibus Programs Extension of 1988, is amended—

(1) by inserting "and appoint" after "establish"; and

(2) by inserting "and appointed" after "established".

(d) SECTION 408.—Section 408(a)(2)(B) (42 U.S.C. 284(c)), as amended by section 118(a) of the Health Omnibus Programs Extension of 1988, is amended by inserting a comma after "419". 42 USC 284c.

SEC. 2614. AMENDMENTS TO TITLE V.

(a) SECTION 528.—Section 528(a)(1) (42 U.S.C. 290cc-28), as amended by section 812(b) of the Health Omnibus Programs Extension of 1988, is amended by striking "the Northern" and inserting "the Commonwealth of the Northern".

(b) SECTION 536.—Section 536(3) (42 U.S.C. 290cc-36), as amended by section 812(a) of the Health Omnibus Programs Extension of 1988, is amended by striking "the Northern" and inserting "the Commonwealth of the Northern".

SEC. 2615. AMENDMENTS TO TITLE VII.

(a) SECTION 708.—Section 708(h)(2) (42 U.S.C. 292h(h)(2)), as amended by section 626 of the Health Omnibus Programs Extension of 1988, is amended by inserting "shall" before "include".

(b) SECTION 728.—Section 728(a) (42 U.S.C. 294a(a)), as amended by section 602(b)(1) and section 707 of the Health Omnibus Programs Extension of 1988, is amended in the second sentence—

(1) by inserting "(including loans to new borrowers)" after "new loans"; and

(2) by striking "for such fiscal year." and inserting "for such fiscal year".

(c) SECTION 784.—Section 784(b) (42 U.S.C. 295g-4(b)), as amended by section 609(a) of the Health Omnibus Programs Extension of 1988, is amended to read as if the amendments made by such section 609(a) had not been enacted.

(d) SECTION 787.—Section 787(a)(2)(G) (42 U.S.C. 295g-7(a)(2)(G)), as added by section 611(a)(3) of the Health Omnibus Programs Extension of 1988, is amended by striking ", except schools of medicine, osteopathy, or dentistry".

(e) SECTION 787.—Section 787(b)(3) (42 U.S.C. 295g-7(b)(3)), as added by section 611(b) of the Health Omnibus Programs Extension of 1988, is amended—

(1) by striking "total enrollment" the first place it appears and inserting "proportionate enrollment"; and

(2) by striking "total enrollment" the second place it appears and inserting "percentage".

(f) SECTION 791.—Section 791(d) (42 U.S.C. 295h(d)), as amended by section 618(b) of the Health Omnibus Programs Extension of 1988, is amended by striking "$1,420,000 for fiscal year 1990" and inserting $1,600,000 for fiscal year 1990".

(g) SECTION 788B.—Section 788B(f), as added by section 622 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 295g-8b.

(1) in paragraph (1), by striking "AIDS patients" and inserting "patients with acquired immune deficiency syndrome";

(2) in paragraph (2), by striking "AIDS patients" and inserting "patients with acquired immune deficiency syndrome";

(3) in paragraph (3), by striking "AIDS patients" and inserting "patients with acquired immune deficiency syndrome"; and

(4) in paragraph (4)—

(A) by inserting "MAINTENANCE OF STATE EFFORT.—" after "(4)"; and

(B) by striking "allocation" and inserting in lieu thereof "allotted".

(f) SECTION 796.—Section 796(a) (42 U.S.C. 295h-5(a)), as amended by section 624 of the Health Omnibus Programs Extension of 1988, is amended by striking "shall make grants" and inserting "may make grants".

42 USC 295j.

(g) SECTION 799A.—Section 799A, as amended by section 637(a) of the Health Omnibus Programs Extension of 1988, is amended—

(1) in subsection (f)(4)—

(A) by striking "this paragraph" and inserting "this section"; and

(B) by striking "acting through the Director of the Indian Health Service"; and

(2) in subsection (h)(2), by striking "each of the fiscal years 1989, 1990, and 1991" and inserting "fiscal year 1989".

SEC. 2616. AMENDMENTS TO TITLE VIII.

42 USC 297j.

(a) SECTION 843.—Section 843(b), as added by section 715 of the Health Omnibus Programs Extension of 1988, is amended in section 843(b), by striking "844(a)" and inserting "827(a)".

42 USC 297n.

(b) SECTION 847.—Section 847(j), as added by section 716 of the Health Omnibus Programs Extension of 1988, is amended by striking "subsection (l)" and inserting "subsection (k)".

SEC. 2617. AMENDMENTS TO TITLE XXIII.

42 USC 300cc-3.

(a) SECTION 2304.—Section 2304(c)(2)(B), as added by section 201(4) of the Health Omnibus Programs Extension of 1988, is amended by striking the period and inserting a semicolon.

42 USC 300cc-13.

(b) SECTION 2313.—Section 2313, as added by section 201(4) of the Health Omnibus Programs Extension of 1988, is amended—

(1) in subsection (a), by striking "through the National Institutes of Allergy" and inserting "through the Director of the National Institute of Allergy"; and

(2) in subsection (b)(2)(B)(iii), by striking "Institutes" and inserting "Institute".

42 USC 300cc-17.

(c) SECTION 2317.—Section 2317(e), as added by section 201(4) of the Health Omnibus Programs Extension of 1988, is amended in the subsection heading by inserting "ON CLINICAL TRIALS AND TREATMENTS" after "BANK".

42 USC 300cc-20.

(d) SECTION 2320.—Section 2320(a)(5), as added by section 201(4) of the Health Omnibus Programs Extension of 1988, is amended in the first sentence, by striking "section" and inserting "subsection".

42 USC 300cc-31.

(e) SECTION 2341.—Section 2341(c), as added by section 201(4) of the Health Omnibus Programs Extension of 1988, is amended by striking "Federal Policy Act" and inserting "Amendments".

SEC. 2618. AMENDMENTS TO TITLE XXIV.

42 USC 300dd-1.

(a) SECTION 2402.—Section 2402(b), as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended in the last sentence, by inserting "infected" after "health services to individuals".

42 USC 300dd-3.

(b) SECTION 2404.—Section 2404(c)(1), as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended by striking "September 1 of 1989" and inserting "September 1, 1989,".

(c) SECTION 2409.—Section 2409, as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300dd-8.

(1) in subsection (b), in the subsection heading, by inserting "OF PAYMENTS" after "WITHHOLDING"; and

(2) in subsection (e)(1), by striking "the several States" and inserting "several States".

(d) SECTION 2411.—Section 2411(a), as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended in the first sentence, by inserting before "this part." the following: "any program or service carried out pursuant to". 42 USC 300dd-10.

(e) SECTION 2413.—Section 2413(4)(B), as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended by striking "section 2408(d)" and inserting "subsections (b) and (d) of section 2408". 42 USC 300dd-12.

(f) SECTION 2414.—Section 2414, as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300dd-13.

(1) in subsection (a), by striking "grants under section 2401" and inserting "allotments under section 2401(a)"; and

(2) in subsection (b), by striking "or territory" each place it appears.

(g) SECTION 2415.—Section 2415, as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended by striking "part A" and all that follows and inserting "this part is repealed.". 42 USC 300dd-14.

(h) SECTION 2421.—Section 2421, as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300dd-21.

(1) in paragraph (1) of subsection (a)—

(A) by striking "'patients infected" and all that follows through "persons who" and inserting the following: "'individuals infected with the etiologic agent for acquired immune deficiency syndrome' means individuals who"; and

(B) by striking "such person with the human immunodeficiency virus," and inserting "such individuals with such etiologic agent,'";

(2) in paragraph (2) of subsection (a), by striking "persons" and inserting "individuals";

(3) in subsection (b)—

(A) by striking "patients infected with the human immunodeficiency virus," and inserting the following: "individuals infected with the etiologic agent for acquired immune deficiency syndrome,"; and

(B) by striking "such patients" and inserting "such individuals";

(4) in paragraph (1) of subsection (c)—

(A) in the matter preceding subparagraph (A), by striking "patients infected with the human immunodeficiency virus" and inserting the following: "individuals infected with the etiologic agent for acquired immune deficiency syndrome";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "such patients" and inserting "such individuals";

(ii) in clause (ii), by striking "AIDS patients" and inserting "individuals with acquired immune deficiency syndrome"; and

(iii) in clause (iii), by striking "patients" and inserting "such individuals"; and

(C) in subparagraph (B), by striking "patients infected with the human immunodeficiency virus" and inserting the following: "individuals infected with the etiologic agent for acquired immune deficiency syndrome";

(5) in paragraph (2)(C) of subsection (c), by striking "patients infected with the human immunodeficiency virus" and inserting the following: "individuals infected with the etiologic agent for acquired immune deficiency syndrome";

(6) in subsection (d)(2)(B), by striking "AIDS cases" and inserting "cases of acquired immune deficiency syndrome";

(7) in subsection (e)(2)(A), by striking "patients infected with the human immunodeficiency virus" and inserting the following: "individuals infected with the etiologic agent for acquired immune deficiency syndrome";

(8) in paragraph (1) of subsection (f)—

(A) by striking "the acquired immunodeficiency syndrome" and inserting "acquired immune deficiency syndrome"; and

(B) by striking "human immunodeficiency virus" and inserting "etiologic agent for such syndrome";

(9) in paragraph (2) of subsection (f), by striking "the acquired immunodeficiency syndrome" and inserting "such syndrome"; and

(10) in subsection (g)—

(A) by striking "1988" and inserting "1989"; and

(B) by striking "1989 through 1991" and inserting "1990 through 1992".

42 USC 300dd-32.

(i) SECTION 2432.—Section 2432, as added by section 211 of the Health Omnibus Programs Extension of 1988, is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "indicate that the individual" and inserting "indicate that an individual"; and

(B) in paragraph (6), by striking "(4)" and inserting "(5)"; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "part" and inserting "subpart";

(B) in paragraph (2), by striking "part" and inserting "subpart"; and

(C) in paragraph (3), by striking "part" and inserting "subpart".

SEC. 2619. AMENDMENTS TO FIRST TITLE XXV.

42 USC 300ee.

(a) SECTION 2500.—Section 2500(a), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended by striking "IN GENERAL,—" and inserting "IN GENERAL.—" and by striking "this part" and inserting "this title".

42 USC 300ee-12.

(b) SECTION 2502.—Section 2502(9), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended by striking "section 2525" and inserting "section 253 of the AIDS Amendments of 1988".

42 USC 300ee-13.

(c) SECTION 2503.—Section 2503(a)(3), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended by striking "and" after the semicolon.

42 USC 300ee-15.

(d) SECTION 2505.—Section 2505(b), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended—

(1) in paragraph (1), by inserting "make" before "payments"; and

(2) in paragraph (2), by inserting "make" before "payments".

(d) SECTION 2506.—Section 2506, as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300ee-16.

(1) in the matter preceding paragraph (1), by striking "'The" and inserting "'(a) IN GENERAL.—The";

(2) in paragraph (5), by striking the matter after and below subparagraph (B);

(3) in paragraph (8)—

(A) by striking "funds from to payments" and inserting "funds from payments"; and

(B) by striking "and" after the semicolon;

(4) in paragraph (9), by striking "2509(e);" and inserting "2508(e); and"; and

(5) by adding at the end the following new subsection:

"(b) DEFINITION.—For purposes of subsection (a)(5), the term 'significant percentage' means at least a percentage of 1 percent of the number of reported cases of acquired immune deficiency syndrome in the United States.".

(e) SECTION 2507.—Section 2507, as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300ee-17.

(1) in subsection (a)(1), by striking "amount described" and inserting "applicable amount specified";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "2516(a)" and inserting "2514(a)"; and

(ii) by striking "subsection (a)(1) is" and inserting "subsection (a)(1) shall be";

(B) in paragraph (2), by striking "subsection (a)(1) is" and inserting "subsection (a)(1) shall be"; and

(C) in paragraph (3), by striking "subsection (a)(1) is" and inserting "subsection (a)(1) shall be"; and

(3) in subsection (d)—

(A) in paragraph (1), in the last sentence, by inserting "under section 2501(a)" after "allotment"; and

(B) in paragraph (2)(A), by striking "2507" and inserting "2503".

(f) SECTION 2508.—Section 2508, as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended— 42 USC 300ee-18.

(1) in subsection (a)(1), by striking "2507" and inserting "2503";

(2) in subsection (b)—

(A) in the subsection heading, by inserting "OF PAYMENTS" before the period; and

(B) in paragraph (1), by striking "2507" and inserting "2503";

(3) in subsection (d), by striking "2507" and inserting "2503"; and

(4) in subsection (e)(1), by striking "2507" and inserting "2503".

(g) SECTION 2510.—Section 2510(b)(2), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended in the first sentence, by striking "the program involved" and inserting "section 2501(a)". 42 USC 300ee-20.

(h) SECTION 2512.—Section 2512, as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended in the last sentence, by striking "2301" and inserting "2301(a)". 42 USC 300ee-22.

42 USC 300ee-34.

(i) SECTION 2524.—Section 2524(b)(2), as added by section 221 of the Health Omnibus Programs Extension of 1988, is amended by striking "this section" and inserting "the AIDS Amendments of 1988".

SEC. 2620. AMENDMENT TO SECOND TITLE XXV AND TO CERTAIN OTHER PROVISIONS.

(a) TITLE XXV.—The second title XXV (relating to miscellaneous provisions), as redesignated by section 201 of the Health Omnibus Programs Extension of 1988 and made the second such title pursuant to section 221 of the Health Omnibus Programs Extension of 1988, is amended by redesignating such title as title XXVI and by redesignating sections 2501 through 2514 as sections 2601 through 2614.

42 USC 300ee-11—300ee-24.

(b) CERTAIN OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

42 USC 286.

(1) in section 465(f), by striking "2501" and inserting "2601";

42 USC 289f.

(2) in section 497, by striking "2501" and inserting "2601"; and

42 USC 242c.

(3) in section 305(i), by striking "2513" each place it appears and inserting "2613".

CHAPTER 3—TECHNICAL AND CONFORMING AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

SEC. 2631. AMENDMENT TO SECTION 903.

Section 903(b)(2) of the Federal Food, Drug, and Cosmetic Act (as added by section 503 of the Health Omnibus Programs Extension of 1988) is amended by inserting "for executing this Act and" after "shall be responsible".

21 USC 393.

CHAPTER 4—MISCELLANEOUS

SEC. 2641. MISCELLANEOUS.

If the bill, H.R. 4833, of the One Hundredth Congress, is enacted, and the Health Omnibus Programs Extension of 1988 has not been enacted, then title VIII of the Public Health Service Act is amended to read as if such H.R. 4833 had not been enacted. If the Health Omnibus Programs Extension of 1988 is enacted, and the bill, H.R. 4833, of the One Hundredth Congress, is subsequently enacted, then title VIII of the Public Health Service Act is amended to read as if such H.R. 4833 had not been enacted.

TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

SEC. 3001. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

Sec. 3001. Table of contents.

Subtitle A—Drug and Alcohol Abuse Education Programs

CHAPTER 1—ALCOHOL ABUSE EDUCATION PROGRAMS

Sec. 3101. Innovative alcohol abuse education programs.

CHAPTER 2—DRUG ABUSE EDUCATION FOR PARTICIPANTS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Sec. 3201. Drug abuse education for participants in the special supplemental food program for women, infants, and children.

CHAPTER 3—AMENDMENTS TO THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986

Sec. 3301. Authorization of appropriations.
Sec. 3302. Limitation on administrative costs.
Sec. 3303. State programs.
Sec. 3304. State applications.
Sec. 3305. Responsibilities of State agencies.
Sec. 3306. Local drug abuse education and prevention programs.
Sec. 3307. Reports.
Sec. 3308. Teacher training.
Sec. 3309. Federal activities.
Sec. 3310. Drug-free schools model criteria and forms.
Sec. 3311. Development of early childhood education drug abuse prevention curriculum materials.

CHAPTER 4—COMMUNITY-BASED VOLUNTEER DEMONSTRATION PROJECTS FOR DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES

Sec. 3401. Community-based volunteer demonstration projects for drug abuse education and prevention services and activities.
Sec. 3402. Extension of drug abuse prevention programs under the Domestic Volunteer Service Act.

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.
Sec. 3502. Application for grants and contracts.
Sec. 3503. Approval of applications.
Sec. 3504. Coordination with juvenile justice programs.
Sec. 3505. Authorization of appropriations.

CHAPTER 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

Sec. 3511. Establishment of program.
Sec. 3512. Annual report.
Sec. 3513. Authorization of appropriations.
Sec. 3514. Applications.
Sec. 3515. Review of applications.

CHAPTER 3—COMMUNITY PROGRAM

Sec. 3521. The Community Youth Activity Program.
Sec. 3522. Evaluation of drug abuse education and prevention efforts.

Subtitle C—Miscellaneous

Sec. 3601. Definitions.

Subtitle A—Drug and Alcohol Abuse Education Programs

CHAPTER 1—ALCOHOL ABUSE EDUCATION PROGRAMS

SEC. 3101. INNOVATIVE ALCOHOL ABUSE EDUCATION PROGRAMS.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4607 as section 4608, and 20 USC 3156a.

(2) by inserting after section 4606 the following new section:

20 USC 3156-1.

"SEC. 4607. INNOVATIVE ALCOHOL ABUSE EDUCATION PROGRAMS.

"(a) PROGRAMS FOR CHILDREN OF ALCOHOLICS.—The Secretary is authorized to develop materials for innovative programs of alcohol abuse education, especially programs that focus on the effect of the disease of alcoholism on families of alcoholics, particularly with respect to children of alcoholics. Programs for which materials are developed under the preceding sentence should be programs designed to benefit young children, particularly children in grades 5 through 8.

Grants.

"(b) TRAINING PROGRAMS FOR EDUCATORS.—The Secretary may make grants to programs for educators that are designed to—

"(1) increase awareness of children's problems that may be caused by an alcoholic parent;

"(2) enhance the ability of such educators to identify children at risk for alcohol abuse;

"(3) inform such educators concerning referral of children of alcoholics for appropriate professional treatment; and

"(4) train such educators to inform the public about the special problems of children who have an alcoholic parent.".

CHAPTER 2—DRUG ABUSE EDUCATION FOR PARTICIPANTS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 3201. DRUG ABUSE EDUCATION FOR PARTICIPANTS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended as follows:

(1) PURPOSE.—Subsection (a) is amended by striking "health problems" in the last sentence and inserting "health problems, including drug abuse,".

(2) DEFINITION.—Subsection (b) is amended by adding at the end the following new paragraph:

"(16) 'Drug abuse education' means—

"(A) the provision of information concerning the dangers of drug abuse;

"(B) the referral of participants who are suspected drug abusers to drug abuse clinics, treatment programs, counselors, or other drug abuse professionals; and

"(C) the provision of materials developed by the Secretary under subsection (n).".

(3) EDUCATION.—Subsection (e)(1) is amended by inserting "and drug abuse education" after "nutrition education" each place it appears in the first and second sentences.

(4) STATE PLAN.—Subsection (f) is amended—

(A) in paragraph (1)(C)(iii), by inserting "drug abuse education," after "family planning,", and

(B) in paragraph (14)(A), by inserting "and drug abuse education" after "education".

(5) NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT, AND FETAL NUTRITION.—Subsection (k)(1) is amended—

(A) in the first sentence, by striking "twenty-one" and inserting "twenty-three", and

(B) in the last sentence—

(i) by striking "and" the last place it appears, and

(ii) by striking the period at the end and inserting the following: "; one member shall be an expert in drug abuse education and prevention; and one member shall be an expert in alcohol abuse education and prevention.".

(6) STUDY; AUTHORIZATION OF APPROPRIATIONS.—Such section is amended by adding at the end the following new subsection:

"(n)(1) The Secretary, before the end of the 6-month period beginning on the date of the enactment of this Act, shall, directly or through grant or contract, conduct a study with respect to appropriate methods of drug abuse education instruction.

"(2) The Secretary shall—

"(A) directly, or through grant or contract, prepare materials for purposes of drug abuse education provided under this section; and

"(B) distribute the materials prepared under subparagraph (A) to each State agency for distribution to local agencies participating in the program under this section.

"(3) There is authorized to be appropriated— Appropriation authorization.

"(A) $500,000 for the fiscal year 1989 for purposes of carrying out the study required by paragraph (1);

"(B) $2,750,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year for purposes of preparing drug abuse education materials as required by paragraph (2)(A); and

"(C) $6,750,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year for purposes of—

"(i) distributing drug abuse education materials as required by paragraph (2)(B); and

"(ii) making referrals under drug abuse education programs.

"(4) The State agency, in each fiscal year, shall provide drug abuse education to participants in the program under this section commensurate with amounts appropriated for such fiscal year pursuant to the authorizations contained in paragraph (3).".

CHAPTER 3—AMENDMENTS TO THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

20 USC 3181.

Section 5111(a) of the Drug-Free Schools and Communities Act of 1986 (hereafter in this chapter referred to as the "Act") (20 U.S.C. 3181 et seq.) is amended by striking "$250,000,000 for the fiscal year 1989" and inserting "$350,000,000 for the fiscal year 1989".

SEC. 3302. LIMITATION ON ADMINISTRATIVE COSTS.

Section 5121(a) of the Act (20 U.S.C. 3191(a)) is amended—

(1) by inserting "(1)" after "PROGRAM.—"; and

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

"(2) Not more than 2.5 percent of the amount reserved under paragraph (1) may be used for administrative costs of the chief executive officer of the State incurred in carrying out the duties of the chief executive officer under this part.".

SEC. 3303. STATE PROGRAMS.

(a) INTRASTATE CENTERS AUTHORIZED.—Section 5122 of the Act (20 U.S.C. 3192) is amended as follows:

(1) IN GENERAL.—Subsection (a) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) intrastate drug and alcohol abuse education and prevention centers for providing outreach, consultation, training, and referral services to schools, organizations, and members of the community, except that—

"(A) any administrative expenses of such centers, including overhead expenses, shall be considered, for the purposes of section 5121(a)(2), to be administrative costs of the chief administrative officer of the State incurred in carrying out the duties of the chief executive officer under this part;

"(B) amounts made available for purposes of this paragraph may not be used for building or construction; and

"(C) the activities of any such center that receives assistance under this paragraph shall be coordinated with the activities of other relevant centers in the State.".

(2) INNOVATIVE PROGRAMS.—Subsection (b) is amended—

(A) in paragraph (1), by inserting "that are designed" after "coordinated services";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (I) as subparagraphs (C) through (J), respectively; and

(ii) by adding after subparagraph (A) the following new subparagraph:

"(B) has experienced repeated failure in school;"; and

(C) by adding at the end the following new paragraph:

"(3) Not more than 10 percent of participants in programs under paragraph (1) may be individuals who are not high-risk youth if the Secretary determines that the participation of such individuals will not significantly diminish the amount or quality of services provided to high-risk youth.".

(3) LIMITATION ON USE OF FUNDS.—Such section is further amended by adding at the end the following new subsection:

"(c) Amounts made available to the chief executive officer of a State for use under this section shall be expended only for activities that—

"(1) are authorized under subsection (a) or (b); and

"(2) have demonstrable benefits for individuals who are eligible to participate in such activities.".

SEC. 3304. STATE APPLICATIONS.

Section 5123(b) of the Act (20 U.S.C. 3193(b)) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(2) by adding after paragraph (5) the following new paragraph:

"(6) include a comprehensive plan describing how money allocated to the chief executive officer is to be used;";

(3) by striking "and" at the end of paragraph (9) (as redesignated by paragraph (1));

(4) by striking the period at the end of paragraph (10) (as redesignated by paragraph (1)) and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(11) provide a description of State teacher certification requirements, if applicable, regarding training in drug and alcohol abuse education and prevention.".

SEC. 3305. RESPONSIBILITIES OF STATE AGENCIES.

Section 5124(b)(2) of the Act (20 U.S.C. 3194(b)(2)) is amended to read as follows:

"(2) the development, identification, and dissemination of the most readily available, accurate, and up-to-date model curriculum materials for consideration by local educational agencies and for evaluation of the materials;".

SEC. 3306. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

Section 5125(a) of the Act (20 U.S.C. 3195(a)) is amended—

(1) in paragraph (1), by striking "curricula" and all that follows through the semicolon and inserting the following: "curricula and textbooks and materials, including audio-visual materials—

"(A) developed from the most readily available, accurate, and up-to-date information; and

"(B) which clearly and consistently teach that illicit drug use is wrong and harmful;";

(2) in paragraph (4), by striking "and parents," and inserting the following: ", parents, and immediate families,";

(3) by redesignating paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(4) by adding after paragraph (4) the following new paragraphs:

"(5) outreach activities, drug and alcohol abuse education and prevention programs, and referral services, for school dropouts;

"(6) guidance counseling programs and referral services for parents and immediate families of drug and alcohol abusers;".

SEC. 3307. REPORTS.

Section 5127 of the Act (20 U.S.C. 3197) is amended to read as follows:

"SEC. 5127. REPORTS.

"(a) STATE REPORTS.—Each State shall submit to the Secretary a biennial report that contains information on the State and local programs conducted with assistance furnished under this title. Each such report shall—

"(1) be in a standard format;

"(2) request standard information as prescribed by the Secretary; and

"(3) include—

"(A) a description of the drug and alcohol problem in the elementary and secondary schools in the State as of the date of the report;

"(B) a description of the range of drug and alcohol policies in the schools in the State;

"(C) the number of individuals served by this title;

"(D) the demographic characteristics of populations served;

"(E) types of service provided and duration of the services;

"(F) information on how the State has targeted the populations listed under section 5122(b)(2); and

"(G) a description of the model drug and alcohol abuse education and prevention programs in the State that have been demonstrated to be effective.

"(b) LOCAL REPORTS.—Each State educational agency shall request the information required to prepare the biennial reports required by subsection (a) as part of the local educational agency application and progress reports required by section 5126. Information requested under the preceding sentence shall be limited to information described in section 5126 and subsection (a).".

SEC. 3308. TEACHER TRAINING.

(a) IN GENERAL.—The Act is further amended—

(1) by redesignating parts C through E as parts D through F, respectively; and

(2) by inserting after part B the following new part:

"PART C—TEACHER TRAINING

20 USC 3201.

Grants.
State and local governments.

"SEC. 5128. PROGRAM AND ALLOCATIONS.

"(a) IN GENERAL.—From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall make grants to State educational agencies, local educational agencies, and institutions of higher education for teacher training programs in accordance with this part.

"(b) USE OF FUNDS.—Amounts made available under this part shall be used to establish, expand, or enhance programs and activities for the training of teachers, administrators, guidance counselors, and other educational personnel concerning drug and alcohol abuse education and prevention. Such programs shall be coordinated through the State agency for higher education or State educational agency, as appropriate, and, shall be coordinated, as appropriate, with the activities of the regional centers established under section 5135.

"(c) APPLICATIONS.—(1) In order to be eligible to receive a grant under this section for any fiscal year, a State educational agency, a local or intermediate educational agency, an institution of higher education, or consortium thereof, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) Each such application shall—

"(A) set forth the activities and programs to be carried out with funds paid under this part;

"(B) contain an estimate of the cost for the establishment and operation of such programs;

"(C) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds;

"(D) provide assurances of compliance with the provisions of this part; and

"(E) include such other information and assurances as the Secretary reasonably determines to be necessary.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5111(a) of the Act (20 U.S.C. 3181(a)) (as amended by section 3301) is further amended—

(1) by inserting "(1)" after the subsection designation;

(2) by inserting after "title" the following: "(other than part C)"; and

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

"(2)(A) Except as provided in subparagraph (B), there are authorized to be appropriated for purposes of carrying out part C $16,000,000 for fiscal year 1989, and $20,000,000 for each succeeding fiscal year ending prior to October 1, 1993.

Appropriation authorization.

"(B) No funds may be appropriated for any fiscal year pursuant to the authorization contained in subparagraph (A) unless the amount appropriated for such fiscal year pursuant to the authorization contained in paragraph (1) is not less than $230,000,000.".

SEC. 3309. FEDERAL ACTIVITIES.

Section 5132 of the Act (20 U.S.C. 3212) is amended as follows:

(1) DISSEMINATION OF MATERIALS AND COORDINATION OF ACTIVITIES.—Subsection (b)(3) is amended—

(A) by inserting after "disseminate" the following: "the most readily available, accurate, and up-to-date"; and

(B) by inserting before the semicolon the following: ", and coordinate activities that complement media efforts of groups such as the Partnership for a Drug-Free America, professional and amateur sports organizations, and other public service organizations".

(2) STUDIES.—Subsection (c) is amended—

(A) by inserting "(1)" before "The";

(B) by striking the last sentence; and

(C) by adding at the end the following new paragraphs:

"(2) The Secretary shall summarize and consolidate the biennial reports submitted under section 5127(a) and shall transmit such summary and consolidation, together with recommendations for future education and prevention efforts, to the Associate Director of the Office of National Drug Control Policy, and to the Congress.

"(3)(A) The Secretary, in consultation with the Secretary of Health and Human Services, shall conduct an independent evaluation, directly or by contract, of a representative sample of programs assisted under this title and shall identify successful projects which may be replicated by other local educational agencies throughout the country. The Secretary shall submit to the Congress—

Reports.

"(i) an interim report containing the results of such evaluation and a description of such projects not later than October 1, 1991, and

"(ii) a final report containing such information not later than January 1, 1994.

"(B) The Secretary shall ensure that the information contained in the reports required by subparagraph (A) is submitted for dissemination to the National Diffusion Network and through the regional centers established under section 5135.".

SEC. 3310. DRUG-FREE SCHOOLS MODEL CRITERIA AND FORMS.

Section 5142 of the Act (20 U.S.C. 3222) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following new subsection after subsection (a):

"(b) MODEL CRITERIA AND FORMS.—The Secretary, in consultation with a representative sample of national educational organizations, shall develop model criteria and forms for the collection of data and information with respect to programs assisted under this title. In order to enable schools and community-based organizations to share uniform data and information with respect to programs assisted under this title, the model criteria and forms shall be disseminated to the regional centers established under section 5135 as a resource for State and local educational programs.".

SEC. 3311. DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION CURRICULUM MATERIALS.

The Act is further amended—

(1) by redesignating part F (as redesignated by section 3158) as part G; and

(2) by inserting after part E the following new part:

"PART F—DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION CURRICULUM MATERIALS

20 USC 3227.

"SEC. 5151. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—The Secretary shall, in consultation with the Secretary of Health and Human Services, provide for the development of age-appropriate drug abuse education and prevention curricula, programs, and training materials for use in early child development programs, and provide for the dissemination of such materials to early child development programs, including Head Start programs, preschool programs funded under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, programs funded under the Education of the Handicapped Act, and such other preschool programs as the Secretary deems appropriate.

"(b) RESERVATION.—The Secretary shall, from amounts reserved under section 5112(a)(5), reserve not less than $1,000,000 to carry out the development and dissemination of the materials required by this part.".

CHAPTER 4—COMMUNITY-BASED VOLUNTEER DEMONSTRATION PROJECTS FOR DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES

SEC. 3401. COMMUNITY-BASED VOLUNTEER DEMONSTRATION PROJECTS FOR DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES.

(a) PROGRAM AUTHORIZED.—

(1) GENERAL AUTHORITY.—Section 124 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended—

42 USC 4994.

(A) by inserting "(a)" after the section designation; and

(B) by adding at the end the following new subsection:

Grants.

"(b)(1) The Director is authorized to make grants to public and nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse

education and prevention services and activities to youths during the summer months. Such projects may include—

"(A) extending effective school-based programs, or other programs operated during the school year, to the summer months;

"(B) developing or expanding summer recreational, volunteer service, and youth development activities to provide for youths positive alternatives to illicit drug use; and

"(C) incorporating drug abuse education and prevention activities in public and private programs which serve youths during the summer months.

"(2) In awarding grants under this subsection, the Director shall give priority to projects that—

"(A) serve high-risk youths; and

"(B) provide opportunities for parent involvement.

"(3) The Director may not limit the number of years for which eligible entities may apply for and receive grants.

"(4) For the purposes of this subsection, the term 'high-risk youth' has the meaning given such term in section 5122(b)(2) of the Elementary and Secondary Education Act of 1965.".

(2) TECHNICAL AMENDMENT.—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 123 the following new item:

"Sec. 124. Special initiatives.".

SEC. 3402. EXTENSION OF DRUG ABUSE PREVENTION PROGRAMS UNDER THE DOMESTIC VOLUNTEER SERVICE ACT.

Section 501 of the Domestic Volunteer Service Act (42 U.S.C. 5081) is amended—

(1) in subsection (c)—

(A) by inserting "(other than section 124(b))" in the first sentence after "of this Act"; and

(B) by adding at the end the following: "In addition to the amounts authorized to be appropriated by the preceding sentences, there are authorized to be appropriated for support of drug abuse prevention $4,000,000 in the fiscal year 1989, and $5,000,000 for each of the fiscal years 1990 and 1991. With respect to amounts appropriated for any fiscal year pursuant to the authorization contained in the preceding sentence, the Director—

Appropriation authorization.

"(1) shall use not less than 15 percent and not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(2) shall ensure that not more than $500,000 is used for program support."; and

(2) in subsection (d)(1), by inserting "(other than section 124(b))" after "title I" the first place it appears.

Subtitle B—Drug Abuse Education and Prevention

CHAPTER 1—DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS

42 USC 11801.

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

Grants.
Contracts.

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, 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 USC 11802.

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

Reports.

(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.

SEC. 3503. APPROVAL OF APPLICATIONS.

42 USC 11803.

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 that it has the broad support of community based organizations in such geographical areas.

SEC. 3504. COORDINATION WITH JUVENILE JUSTICE PROGRAMS.

42 USC 11804.

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.

SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

42 USC 11805.

To carry out this chapter, there are authorized to be appropriated $15,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

CHAPTER 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

SEC. 3511. ESTABLISHMENT OF PROGRAM.

42 USC 11821.

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

Grants.
Research and development.

(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,

Rural areas.

(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 USC 11822.

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 USC 11823.

SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Subject to subsection (b), to carry out this chapter, there are authorized to be appropriated $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) LIMITATION.—No funds are authorized to be appropriated for a fiscal year to carry out this chapter unless the aggregate amount appropriated to carry out title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701-5751) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

42 USC 11824.

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

Reports.

(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.

SEC. 3515. REVIEW OF APPLICATIONS.

42 USC 11825.

(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—

Federal Register, publication.

(A) announcing the availability of funds to carry out this part,

(B) the general criteria applicable to the selection of applicants to receive such funds, and

(C) a description of 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 subsection (a) if the applicant demonstrates, to the satisfaction of the Administrator, that the failure to expedite such consideration would prevent

the effective implementation of the project or activity set forth in such application.

CHAPTER 3—COMMUNITY PROGRAM

42 USC 11841.

SEC. 3521. THE COMMUNITY YOUTH ACTIVITY PROGRAM.

(a) BLOCK GRANT PROGRAM.—The Secretary of Health and Human Services shall make grants to eligible States to enable such States to carry out the activities described in subsection (e).

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, acting on its own behalf or on behalf of a person, shall submit to the Secretary an application that contains such information and is in such form as may be required by the Secretary.

(2) DEMONSTRATION OF NEED.—In the application submitted under paragraph (1), the State shall demonstrate a need for the activities described in subsections (c)(3)(B) and (e) and provide a description of those activities and projects that will receive financial assistance from a grant made under this section to the State.

(c) AMOUNT OF GRANT.—

(1) MINIMUM AMOUNT.—Each State that submits for a fiscal year an application under subsection (b) that meets the requirements of the Secretary shall, subject to the availability of appropriations, receive a grant in an amount determined in accordance with paragraph (3).

(2) PROGRAMS OF NATIONAL SIGNIFICANCE.—Of amounts appropriated or otherwise available to carry out this section for any fiscal year, the Secretary shall reserve 5 percent to be provided for activities and projects of national significance, such as activities authorized by section 681(a)(2)(F) of the Community Services Block Grant Act (42 U.S.C. section 9910(a)(2)(F)), or projects expected to have a significant impact in preventing the abuse of drugs by youth.

(3) SPECIFIED APPROPRIATIONS.—

(A) IN GENERAL.—Of the aggregate amount appropriated under subsection (h) for any fiscal year and after reserving the amount required by paragraph (2), the Secretary shall—

(i) allot—

(I) 25 percent equally among the eligible States if such amount is less than $40,000,000; or

(II) $250,000 to each eligible State if such amount equals or exceeds $40,000,000;

Territories, U.S.

(ii) allot one-half of 1 percent of such amount on the basis of need among Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

(iii) set aside the remainder to be disbursed as described in subparagraph (B).

For purposes of this subparagraph, the term "State" does not include Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(B) REMAINDER.—Amounts referred to in subparagraph (A)(iii) shall be used by the Secretary to make grants, on a competitive basis and taking into consideration with respect to the States—

(i) the highest proportions of school-aged youth are at risk of drug abuse;

(ii) if a tangible need has been identified by the State involved; and

(iii) if the State involved has proposed the funding of additional projects targeted at the areas of highest need;

to carry out the activities and projects that are consistent with the activities described in subsection (e)(1). The activities and projects for which such grants are made shall be selected by the Secretary from among proposed activities and projects submitted to the Secretary by the States. Such grants shall be made to the States for redistribution to the persons on whose behalf the State submitted an application under subsection (b).

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to—

(1) projects aimed at youth who are not in school or who are at risk of dropping out of school;

(2) projects that seek to reinvolve dropouts in educational programs, involve youth community-based activities, develop training or employment opportunities for dropouts, or provide youth with alternatives to drug abuse;

(3) projects to provide after-school, vacation, and weekend activities designed to give youth opportunities to actively participate in a variety of activities, including youth sports programs;

(4) activities and projects that are consistent with activities and projects described in subsection (e)(1) and that include participation by the business community;

(5) projects that provide outreach to individuals of all ages who are at high risk of involvement with drug abuse;

(6) projects targeted to communities with the most serious drug abuse problems to enable such communities to develop programs that coordinate Federal, State, and local efforts to develop comprehensive, long-term, community-wide prevention and education strategies;

(7) projects that seek to involve youth who are members of gangs or who may join a gang, in—

(A) educational programs;

(B) community-based activities;

(C) training or employment opportunities; or

(D) other alternatives to gang involvement; and

(8) projects that seek to inform youth regarding the existence and operation of the projects referred to in paragraph (7).

(e) ACTIVITIES AND PROJECTS.—Financial assistance may be provided with a grant received under subsection (a) under this section by a State as follows:

(1) COMMUNITY SERVICES AND PARTNERSHIPS.—Such assistance may be provided for community services and partnerships designed to develop community activities targeted at drug abuse prevention through education, training, and recreation projects.

Such services may be provided by, and such partnerships may be entered into with—

(A) local educational agencies;
(B) law enforcement agencies;
(C) community-based organizations;
(D) community action agencies;
(E) local or State recreational departments; or
(F) business organizations; and

in consultation with local and State health departments and with community health or mental health centers when appropriate. Such assistance may be provided to any entity described in subparagraphs (A) through (F), either individually or in partnerships. Applications for such assistance shall include a description of the method to be used to evaluate the impact the particular service or partnership is designed to have on the drug abuse problem within the community.

(2) OTHER ACTIVITIES AND PROJECTS.—Such assistance may be provided to carry out projects or activities that are consistent with the activities and projects described in paragraph (1).

(f) PROJECT EVALUATIONS.—The Secretary shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. Applications for grants under this section shall include a description of the method to be used in evaluating the impact such activities and programs have on the drug abuse problem within the communities in which such activities and projects are carried out.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1989, $55,000,000 for fiscal year 1990, $60,000,000 for fiscal year 1991, $66,550,000 for fiscal year 1992, and $73,205,000 for fiscal year 1993.

42 USC 11842.

SEC. 3522. EVALUATION OF DRUG ABUSE EDUCATION AND PREVENTION EFFORTS.

(a) METHOD.—The Secretary of Health and Human Services, acting through the Administrator, shall develop and conduct a structured evaluation of the different approaches utilized across the Nation to reduce drug abuse (as defined in section 3601(6)).

(b) GRANTS.—The Administrator may make grants to or enter into contracts with appropriate entities for the purpose of conducting the evaluations required by subsection (a).

(c) TIME OF REPORTS.—The Secretary shall submit a report based on the evaluations prepared under subsection (a) not later than 1 year after the effective date of this section, and another report based on such evaluations not later than 3 years after such date. A third report based on such evaluations shall be submitted by the Secretary not later than January 1, 1994.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $12,000,000 in fiscal year 1989, and $15,000,000 for each of the fiscal years 1990 through 1993.

Subtitle C—Miscellaneous

42 USC 11851.

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 "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention,

(2) 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)),

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

(4) 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)),

(5) the term "drug" means—

(A) a beverage containing alcohol,

(B) a controlled substance, or

(C) a controlled substance analogue,

(6) the term "Director" means the Director of the ACTION Agency,

(7) the term "illicit" means unlawful or injurious,

(8) the term "institution of higher education" has the meaning given it in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)),

(9) 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)),

(10) 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,

(11) 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)),

(12) 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

(13) 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)).

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

International Narcotics Control Act of 1988.

Subtitle A—General Provisions

SEC. 4001. SHORT TITLE.

22 USC 2151 note.

This title may be cited as the "International Narcotics Control Act of 1988".

SEC. 4002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

Subtitle A—General Provisions

Sec. 4001. Short title.
Sec. 4002. Table of contents.
Sec. 4003. Definitions.

Subtitle B—Multilateral Narcotics Control Efforts

Sec. 4101. Regional anti-narcotic forces.
Sec. 4102. United Nations efforts to stop illegal drug trafficking.
Sec. 4103. International drug force.
Sec. 4104. International drug conference.
Sec. 4105. Integrated regional plan to fight the international narcotics trade.
Sec. 4106. Regional anti-narcotics training center in the Caribbean.
Sec. 4107. Authorization of appropriations for multilateral and regional drug abuse programs.
Sec. 4108. International criminal court.

Subtitle C—Authorizations and Earmarkings of Foreign Assistance

Sec. 4201. Authorization for international narcotics control assistance.
Sec. 4202. Herbicides for aerial coca eradication.
Sec. 4203. Procurement of weapons to defend aircraft involved in narcotics control efforts.
Sec. 4204. Training for narcotics control activities.
Sec. 4205. Military assistance for anti-narcotics efforts.
Sec. 4206. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking.

Subtitle D—Provisions Relating to Specific Countries

Sec. 4301. Cooperative nonmajor drug-transit countries.
Sec. 4302. Assistance for Bolivia.
Sec. 4303. Assistance for Peru.
Sec. 4304. Assistance for Mexico.
Sec. 4305. Assistance for Colombia.
Sec. 4306. Illicit drug production and trafficking in Pakistan.
Sec. 4307. United States reliance on licit opium gum from foreign sources.
Sec. 4308. Afghanistan as a source of heroin.
Sec. 4309. Involvement of the Government of Laos in illicit drug production and trafficking.

Subtitle E—Annual Reporting and Certification Process

Sec. 4401. Expression in numerical terms of maximum achievable reductions in illicit drug production.
Sec. 4402. Reports on assistance denied.
Sec. 4403. Exclusion of certain drug education activities from definition of United States assistance.
Sec. 4404. Reports and restrictions on certain countries.
Sec. 4405. Determining major drug-transit countries.
Sec. 4406. Waiver of restrictions on United States assistance for certain major drug-transit countries.
Sec. 4407. Annual certification procedures for bilateral and multilateral assistance.
Sec. 4408. Annual certification procedures for trade and aviation sanctions.

Subtitle F—Miscellaneous Provisions Relating to Assistance Programs

Sec. 4501. Reporting on transfer of United States assets.
Sec. 4502. Importance of suppressing international narcotics trafficking.
Sec. 4503. Prohibition on assistance to drug traffickers.
Sec. 4504. Procurement for international narcotics control assistance.
Sec. 4505. Prohibition on use of narcotics control assistance to acquire real property.
Sec. 4506. Reimbursement for DOD services used in providing international narcotics control assistance.
Sec. 4507. Permissible uses of aircraft and other equipment.

Subtitle G—Department of State Activities

Sec. 4601. Coordination of all United States anti-narcotics assistance to foreign countries.
Sec. 4602. Rewards for certain information.
Sec. 4603. Denial of passports to certain convicted drug traffickers.

Sec. 4604. Machine-readable document border security program.
Sec. 4605. Extradition and mutual legal assistance treaties and model comprehensive antidrug laws.
Sec. 4606. Overseas investigative program.
Sec. 4607. Assignment of more Drug Enforcement Administration Agents to United States embassies.

Subtitle H—International Banking Matters

Sec. 4701. International currency transaction reporting.
Sec. 4702. Restrictions on laundering of United States currency.
Sec. 4703. Export-Import Bank financing for sales of defense articles and services for anti-narcotics purposes.

Subtitle I—Miscellaneous Provisions

Sec. 4801. Intelligence community actions directed at illicit international drug trafficking.
Sec. 4802. Correction of technical errors in prior Acts.
Sec. 4803. Resources for certain drug control activities.
Sec. 4804. Consistency with international obligations of the United States.

SEC. 4003. DEFINITIONS.

22 USC 2291 note.

As used in this title, the terms "drug" and "narcotic" mean narcotic and psychotropic drugs and other controlled substances as defined in section 481(i)(3) of the Foreign Assistance Act of 1961.

Subtitle B—Multilateral Narcotics Control Efforts

SEC. 4101. REGIONAL ANTI-NARCOTICS FORCES.

22 USC 2291 note.

(a) NEED FOR ANTI-NARCOTICS FORCE IN THE WESTERN HEMISPHERE.—It is the sense of Congress that—

(1) the operations of international illegal drug smuggling organizations pose a direct threat to the national security of the member nations of the Organization of American States;

(2) illegal international drug smuggling organizations have grown so large and powerful that they threaten to overwhelm small nations standing alone against them;

(3) to preserve the national sovereignty, protect the public health, and maintain domestic law and order within their borders, member nations of the Organization of American States should coordinate their efforts to fight the illegal drug trade;

(4) recent events in drug source and transit countries in the Western Hemisphere make clear the requirement for international agreement on the formation of a multinational force to conduct operations against these illegal drug smuggling organizations;

(5) the United States should make every effort to initiate diplomatic discussions through the Organization of American States aimed at achieving agreement to establish and operate a Western Hemisphere anti-narcotics force; and

(6) sensitive to the legitimate concerns of other member nations of the Organization of American States, the United States stands ready to provide equipment, training, and financial resources to support the establishment and operation of such an anti-narcotics force, but believes that the personnel for such a force should be provided by those nations facing the most serious threat from drug trafficking organizations.

President of U.S.

(b) DIPLOMATIC DISCUSSIONS REGARDING WESTERN HEMISPHERE REGIONAL FORCE.—The President shall direct the United States Ambassador to the Organization of American States, under the direction of the Secretary of State, to initiate diplomatic discussions with member nations of the Organization of American States aimed at securing agreement to the formation of a multinational force to conduct operations against international illegal drug smuggling organizations wherever they may be found in the Western Hemisphere.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress United States diplomatic efforts have made toward achieving agreement on the establishment of such a multinational anti-narcotics force for the Western Hemisphere.

President of U.S.

(d) BUDGET REQUEST.—If diplomatic efforts toward achieving a multinational anti-narcotics force for the Western Hemisphere demonstrate progress or agreement has been reached on formation of such a force, the President shall submit to the Congress, within 30 days after submission of the report required by subsection (c), supplemental budget requests for fiscal years 1989 and 1990 covering the United States share of the cost of operation and maintenance of such a force.

(e) OTHER REGIONAL ANTI-NARCOTIC FORCES.—The Congress urges the President to seek the establishment, in each of the relevant regions of the world, of a multilateral anti-narcotics force similar to the Western Hemisphere anti-narcotics force contemplated by this section.

SEC. 4102. UNITED NATIONS EFFORTS TO STOP ILLEGAL DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the Department of State estimates that in 1987 the worldwide production of opium was between 1,902 and 3,107 metric tons, production of cocaine hydrochloride was between 324 and 422 metric tons, and production of marijuana was between 10,930 and 17,625 metric tons;

(2) it is estimated that the value of the illegal drug trade worldwide is as high as $500,000,000,000 a year;

(3) drug traffickers appear to be intensifying their efforts to distribute drugs to Western industrialized nations, as a source of stable currencies;

(4) drug traffickers also appear to be intensifying their efforts to distribute drugs to developing nations, as a means to increase their market;

(5) it is estimated that there are between 25,000,000 and 30,000,000 drug addicts worldwide;

(6) the American illegal drug market alone, comprised primarily of marijuana, cocaine, and heroin, annually produces between $50,000,000,000 and $100,000,000,000 at the retail level;

(7) approximately 35 percent of the inmates of State prisons were under the influence of illegal drugs at the time they committed the crime for which they were incarcerated;

(8) it is estimated that there are 26,000,000 regular users of illegal drugs in the Nation, slightly more than 10 percent of the Nation's population; and

(9) over 50 percent of the high school seniors in the Nation have used marijuana or hashish.

(b) ENCOURAGEMENT FOR ESTABLISHMENT OF INTERNATIONAL FORCE.—The Congress encourages the United Nations to explore ways and means to establish an international force or mechanism aimed at stopping the trafficking of illegal drugs.

SEC. 4103. INTERNATIONAL DRUG FORCE.

It is the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers.

SEC. 4104. INTERNATIONAL DRUG CONFERENCE.

It is the sense of the Congress that—

(1) the President should convene as soon as possible an international conference to be known as the International Conference on Combatting Illegal Drug Production, Trafficking, and Use in the Western Hemisphere;

(2) this conference should involve the heads of state, the highest-ranking law enforcement officers, and other appropriate officials from every government in the Western Hemisphere that is willing to combat the drug trade, and whose cooperation the President determines is essential to that goal; and

(3) this conference should focus exclusively on combatting the drug trade and, in particular, should emphasize enhancing cooperative efforts among the governments of the Western Hemisphere to—

(A) substantially reduce the production, cultivation, and processing of illicit drugs;

(B) eliminate the transshipment of such drugs through countries in the Western Hemisphere;

(C) curb the demand for and use of such drugs in every country in the Western Hemisphere;

(D) combat the problems of drug-related corruption and drug money laundering; and

(E) share intelligence information, extradite drug traffickers, and take other steps necessary to improve law enforcement efforts against the drug trade.

SEC. 4105. INTEGRATED REGIONAL PLAN TO FIGHT THE INTERNATIONAL COCAINE TRADE.

(a) CONSULTATIONS CONCERNING CREATION OF AN INTEGRATED PLAN.—The Secretary of State shall consult with—

(1) the heads of appropriate agencies and departments of the United States Government,

(2) the governments of those countries in the Western Hemisphere that cultivate, process, or traffic in cocaine, and

(3) the governments of other cocaine consuming countries about the feasibility of creating a comprehensive, integrated, multi national plan whose objective would be the substantial reduction or elimination of the international cocaine trade.

(b) REPORT ON THE INTEGRATED PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Congress on—

(1) the feasibility of creating a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade;

(2) the measures in such areas as eradication, interdiction, crop substitution, economic development, extradition, money-laundering, precursor chemical control, and related fields, that would be required to achieve such an objective;

(3) the material resources, funding, and technological assistance each producer and transit country would require in order to achieve such an objective; and

(4) the resources, funding, and other assistance each producer, transit, and consuming country would be prepared to make available for such an effort.

SEC. 4106. REGIONAL ANTI-NARCOTICS TRAINING CENTER IN THE CARIBBEAN.

It is the sense of the Congress that the Assistant Secretary of State for International Narcotics Matters—

(1) should seek the establishment of a regional anti-narcotics training center in the Caribbean;

(2) should contribute funds or other resources to such a center; and

(3) should seek such contributions from other countries for such a center.

SEC. 4107. AUTHORIZATION OF APPROPRIATIONS FOR MULTILATERAL AND REGIONAL DRUG ABUSE CONTROL PROGRAMS.

22 USC 2222.

Section 302 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(j) In addition to amounts otherwise available under this section for such purposes, there are authorized to be appropriated to the President $3,000,000 for fiscal year 1989 to be available only for United States contributions to multilateral and regional drug abuse control programs. Of the amount authorized to be appropriated by this subsection—

"(1) $2,000,000 shall be for a United States contribution to the United Nations Fund for Drug Abuse Control;

"(2) $600,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Legal Development Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year; and

"(3) $400,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Law Enforcement Training Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year.".

SEC. 4108. INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—It is the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes.

(b) UNITED STATES CITIZENS.—Such discussions shall not include any commitment that such court shall have jurisdiction over the extradition of United States citizens and shall assure that any international agreement shall recognize the rights and privileges guaranteed to United States citizens under the United States Constitution.

Subtitle C—Authorizations and Earmarkings of Foreign Assistance

SEC. 4201. AUTHORIZATION FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)": 22 USC 2291a.

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $101,000,000 for fiscal year 1989.".

SEC. 4202. HERBICIDES FOR AERIAL COCA ERADICATION.

(a) EARMARKING OF FUNDS.—The Secretary of State shall use not less than $500,000 of the funds made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

(b) IMPACT ON THE ENVIRONMENT AND HEALTH.—Section 481(d) of that Act is amended by adding at the end the following: 22 USC 2291.

"(5)(A) The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide in the aerial eradication of coca in order to determine the impact of such use on the environment and on the health of individuals. President of U.S.

"(B) The President shall report on such impact in the annual report required by subsection (e). Reports.

"(C) If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.".

SEC. 4203. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

(a) EARMARKING OF MAP FUNDS.—Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program), $1,000,000 for fiscal year 1989 shall be made available to arm, for defensive purposes, aircraft used in narcotics control eradication or interdic-

tion efforts. These funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(b) NOTIFICATION TO CONGRESS.—The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 4204. TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for fiscal year 1989 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts of countries in Latin America and the Caribbean which are described in subsection (c); and

(2) the expenses of deploying, upon the request of the government of a foreign country described in subsection (c), Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) UNITS ELIGIBLE FOR TRAINING.—Education and training may be provided under subsection (a)(1) and training may be provided under subsection (a)(2) only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) ELIGIBLE COUNTRIES.—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control).

(e) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

SEC. 4205. MILITARY ASSISTANCE FOR ANTI-NARCOTICS EFFORTS.

(a) PURPOSES OF ASSISTANCE.—Assistance provided under this section shall be designed to—

(1) enhance the ability of friendly governments to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

(b) WAIVER OF CERTAIN PROVISIONS.—During fiscal years 1989 and 1990, section 660(a) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance provided under chapter 2 of part II of that Act (relating to the grant military assistance program) to countries described in subsection (c) for the procurement, for use in narcotics control, eradication, and interdiction efforts, of weapons or ammunition for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) ELIGIBLE COUNTRIES.—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) REPORTS TO CONGRESS.—Not less than 15 days before funds are obligated to provide assistance authorized by this section, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961, a written notification which specifies— President of U.S.

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) the law enforcement agencies or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(e) REPORTS ON HUMAN RIGHTS SITUATION.—Section 502B(c) of the Foreign Assistance Act of 1961 (relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(f) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control).

(g) EARMARKING FOR LATIN AMERICA AND THE CARIBBEAN.—Of the amounts made available for fiscal year 1989 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, $3,500,000 shall be available only to provide assistance authorized by this section for countries in Latin America or the Caribbean.

(h) CONFORMING AMENDMENTS.—(1) Section 578(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), is amended— *Ante*, p. 2268-45.

(A) by striking out paragraph (3);

(B) in paragraph (4), by striking out "except as provided in paragraph (3) of this subsection"; and

(C) by redesignating paragraph (4) as paragraph (3).

Effective date.

(2) The amendments made by paragraph (1) shall be effective as of October 1, 1988.

SEC. 4206. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

(a) REQUIREMENT TO REALLOCATE.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

22 USC 2291e.

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

President of U.S.

"(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) SECURITY ASSISTANCE.—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) DEFINITION OF SECURITY ASSISTANCE.—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the grant military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing).".

22 USC 2291e note.

(b) CONFORMING AMENDMENTS.—(1) The amendment made by subsection (a) of this section supersedes section 578(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461).

(2) Funds may be transferred pursuant to paragraph (1) of section 486(a) of the Foreign Assistance Act of 1961 (as enacted by this section) notwithstanding section 514 of the Foreign Operations,

Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

Subtitle D—Provisions Relating to Specific Countries

SEC. 4301. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

(a) GREATER ATTENTION.—The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) EARMARKING OF ASSISTANCE.—Of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than $1,000,000 shall be available only for assistance to countries described in subsection (a).

SEC. 4302. ASSISTANCE FOR BOLIVIA.

(a) SECURITY ASSISTANCE.—For fiscal year 1989, assistance may be provided for Bolivia under chapter 2 (relating to the grant military assistance program), chapter 4 (relating to the Economic Support Fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia is implementing legislation that—

(1) establishes its legal coca requirements,

(2) provides for the licensing of the number of hectares necessary to produce the legal requirement,

(3) makes unlicensed coca production illegal, and

(4) makes possession and distribution of coca leaf illegal (other than possession and distribution for licit purposes).

(b) SECTION 481 CERTIFICATION.—

(1) CONDITIONS ON CERTIFICATION.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation if the targets for voluntary eradication are not being met or are not continued.

(2) NONWAIVABILITY.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used

to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) DEVELOPMENT ASSISTANCE.—For fiscal year 1989, the project agreement document for a project carried out pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain—

(1) in the case of the Chapare Regional Development Project, a clause requiring that project activities be suspended if the Government of Bolivia fails to achieve the coca eradication targets contained in the applicable agreement concerning that project; and

(2) in the case of a project to be carried out in an area in Bolivia in which there is no known illicit coca cultivation as of the date of enactment of this Act, a clause requiring that project activities be suspended if the Government of Bolivia fails to keep the project area free of illicit coca cultivation.

(d) FISCAL YEAR 1989 EARMARKING.—Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), is amended in the paragraph under the heading "INTERNATIONAL NARCOTICS CONTROL" by striking out "$15,000,000" in the first proviso and all that follows through "not less than" in the second proviso.

Ante, p. 2268-14.

SEC. 4303. ASSISTANCE FOR PERU.

President of U.S.

(a) DETERMINATIONS REGARDING NARCOTICS CONTROL COOPERATION.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal year 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Secretary of State determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 4304. ASSISTANCE FOR MEXICO.

(a) LIMITATION ON ASSISTANCE.—(1) Except as provided in paragraph (2), not more than $15,000,000 of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) may be made available for Mexico.

(2) Assistance in excess of the amount specified in paragraph (1) may be made available for Mexico only if the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 are notified at least 15 days in advance in accordance with the regular reprogramming procedures applicable under that section.

Enrique Camarena Salazar. Alfredo Zavala Avelar. Victor Cortez, Junior.

(b) COOPERATION ON DRUG LAW ENFORCEMENT MATTERS.—The Congress urges the Government of Mexico to cooperate fully with the United States on matters of concern to the United States regarding drug law enforcement. In particular, the Congress anticipates that the new Government which will take office on December 1 will move expeditiously to bring to trial and effectively prosecute those responsible for the 1985 murders of Drug Enforcement

Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar and those responsible for the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior.

(c) JOINT AIR OPERATIONS AND JOINT CREWING.—In making determinations with respect to Mexico pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall consider whether the Government of Mexico has responded favorably to the United States proposals to establish, and is making measurable progress toward implementing— President of U.S.

(1) a joint United States-Mexico airborne apprehension capability (commonly referred to as "joint air operations"); and

(2) joint air surveillance operations (commonly referred to as "joint crewing").

(d) BANKING INFORMATION CONCERNING MONEY LAUNDERING.—The Congress encourages the Government of Mexico, upon ratification of the Mutual Legal Assistance Treaty between the United States and Mexico, to furnish banking information pursuant to that treaty which would permit the successful investigation and prosecution in the United States of major narco-terrorists who use Mexican financial institutions to "launder" their profits.

SEC. 4305. ASSISTANCE FOR COLOMBIA.

(a) SIZE OF MILITARY ASSISTANCE GROUP.—The third sentence of section 515(c)(1) of the Foreign Assistance Act of 1961 (relating to countries authorized to have more than 6 members of the Armed Forces assigned to carry out international security assistance programs) is amended by inserting "Colombia," after "Honduras,". 22 USC 2321i.

(b) INCREASED MILITARY ASSISTANCE.—There are authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program) $15,000,000 as supplemental appropriations for fiscal year 1989, which are authorized to remain available until expended. These funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

(c) PROTECTION FROM NARCO-TERRORIST ATTACKS.—

(1) EARMARK OF FUNDS.—Of the funds made available for fiscal year 1989 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund), not less than $5,000,000 shall be used to provide to the Government of Colombia such assistance as it may request to provide protection against narco-terrorist attacks on judges, other government officials, and members of the press.

(2) WAIVER OF PROHIBITION ON ASSISTANCE TO POLICE FORCES.—The assistance provided for in paragraph (1) may be provided without regard to section 660 of the Foreign Assistance Act of 1961.

(3) NOTIFICATION TO CONGRESS.—Funds made available pursuant to paragraph (1) may not be obligated until at least 15 days after the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the proposed obligation in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(4) EXTENSION OF PERIOD FOR OBLIGATION OF FUNDS.—Funds allocated to carry out this subsection shall remain available until expended, notwithstanding any other provision of law.

SEC. 4306. ILLICIT DRUG PRODUCTION AND TRAFFICKING IN PAKISTAN.

President of U.S.

In making determinations with respect to Pakistan pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of Pakistan—

(1) is increasing the number of illicit laboratories destroyed and is vigorously prosecuting and punishing the owners and operators of such laboratories;

(2) is increasing the number of arrests and successful prosecutions of violators, with particular emphasis on putting major traffickers out of business; and

(3) has made changes in Pakistani legal codes in order to enable Pakistani law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws.

SEC. 4307. UNITED STATES RELIANCE ON LICIT OPIUM GUM FROM FOREIGN SOURCES.

President of U.S.

(a) REVIEW REQUIRED.—The President shall conduct a review of United States narcotics raw material policy to determine—

(1) the current and reserve international needs for opium-derived pharmaceutical and chemical products, and the relative capabilities for meeting those needs through the opium gum process and the concentrated poppy straw method of production;

(2) whether the United States should continue to rely on a single foreign country for all its licit opium gum;

(3) whether it should be United States policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and

(4) what options are available, consistent with treaties to which the United States is a party, to reduce United States reliance on licit opium gum from foreign sources.

(b) REPORT TO CONGRESS.—The results of this review shall be reported to the Congress not later than 6 months after the date of enactment of this Act.

SEC. 4308. AFGHANISTAN AS A HEROIN SOURCE.

(a) FINDING.—The Congress finds that Afghanistan remains the source of most of the heroin exported from southwest Asia.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the United States Government should pursue efforts to press the Government of Afghanistan, and should work with the Mujahadeen—

(A) to reduce production and trafficking in areas under their respective control, and

(B) to encourage drug eradication, interdiction, and crop substitution in Afghanistan; and

(2) an initiative should be developed which could be put in place as the Mujahadeen and successors to the present Kabul regime begin to exert more civil authority.

SEC. 4309. INVOLVEMENT OF THE GOVERNMENT OF LAOS IN ILLICIT DRUG PRODUCTION AND TRAFFICKING.

(a) PERIODIC REPORTS.—The President shall prepare and transmit to the Congress, in accordance with subsection (b), periodic reports containing the following determinations: President of U.S.

(1) Does the Government of Laos, as a matter of government policy, encourage or facilitate the production or distribution of illegal drugs?

(2) Does any senior official of the Government of Laos engage in, encourage, or facilitate the production or distribution of illegal drugs?

(3) Do other governments in the region assist the distribution of illegal drugs from Laos?

(b) TIME FOR SUBMISSION OF REPORTS.—The report described in subsection (a) shall be submitted as part of each report required by section 481(e) of the Foreign Assistance Act of 1961 and as part of each report required by section 2013 of the Anti-Drug Abuse Act of 1986.

(c) INFORMATION TO BE INCLUDED.—(1) If an affirmative determination is made under paragraph (1) or (2) of subsection (a), the report shall describe the activities and identities of officials whose activities caused that determination to be made.

(2) If an affirmative determination is made under paragraph (3) of subsection (a), the report shall describe the activities of other governments in the region which caused that determination to be made.

Subtitle E—Annual Report and Certification Process

SEC. 4401. EXPRESSION IN NUMERICAL TERMS OF MAXIMUM ACHIEVABLE REDUCTIONS IN ILLICIT DRUG PRODUCTION.

Section 481(e)(4) of the Foreign Assistance Act of 1961 is amended by inserting after the first sentence the following: "Each determination of the President under the preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.". 22 USC 2291.

SEC. 4402. REPORTS ON ASSISTANCE DENIED.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(8) Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country.".

SEC. 4403. EXCLUSION OF CERTAIN NARCOTICS EDUCATION ACTIVITIES FROM DEFINITION OF UNITED STATES ASSISTANCE.

Section 481(i)(4)(vii) of the Foreign Assistance Act of 1961 is amended by striking out "126 of this Act;" and inserting in lieu thereof "126(b)(2) of this Act (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act),".

SEC. 4404. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

22 USC 2291.

Section 2013(a) of the Anti-Drug Abuse Act of 1986 is amended—

(1) by striking out "Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the" and inserting in lieu thereof "The"; and

(2) by inserting ", at the same time as each report is submitted pursuant to section 481(b)(2) of the Foreign Assistance Act of 1961," after "transmit to the Congress".

SEC. 4405. DETERMINING MAJOR DRUG-TRANSIT COUNTRIES.

22 USC 2291.

(a) PROCEDURES FOR DETERMINING.—Section 481 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(k)(1) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subsection (i)(5)(A) and (B) of this section.

"(2) Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

"(3) Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

"(A) which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

"(B) which countries appear likely, as of that date, to be determined to be major illicit drug producing countries for that year.

"(4) Each report submitted pursuant to subsection (e) shall discuss—

"(A) any changes made, since the notification provided pursuant to paragraph (2), in the numerical standards and other guidelines used in determining which countries were major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; and

"(B) any changes made, since the notification provided pursuant to paragraph (3)—

"(i) in the countries determined to be major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; or

"(ii) in the countries determined to be major illicit drug producing countries for that year.".

22 USC 2291 note.

(b) TRANSITION PROVISION.—With respect to fiscal year 1989, the Secretary of State—

(1) shall take the actions specified in subsection (k)(2) of section 481 of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section) not later than 30 days after the date of enactment of this Act; and

(2) shall take the actions specified in subsection (k)(3) of that section (as added by subsection (a) of this section) not later than 60 days after the date of enactment of this Act.

SEC. 4406. WAIVER OF RESTRICTIONS ON UNITED STATES ASSISTANCE FOR CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1989 if the President certifies to the Congress, during that fiscal year, that—

(1) section 481(i)(5)(C) of that Act (relating to money laundering) does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own—

(A) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(2) of that Act) or a multilateral agreement which achieves the objectives of that section;

(B) in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States; and

(C) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.

SEC. 4407. ANNUAL CERTIFICATION PROCEDURES FOR BILATERAL AND MULTILATERAL ASSISTANCE.

(a) REVISION OF PROCEDURES.—Section 481(h) of the Foreign Assistance Act of 1961 is amended by striking out all that precedes subparagraph (B) of paragraph (4) and inserting in lieu thereof the following: 22 USC 2291.

"(h) ANNUAL CERTIFICATION PROCEDURES.—

"(1) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—(A) Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653(a) for each major illicit drug producing country or major drug-transit country shall be withheld from obligation and expenditure, except as provided in paragraph (2).

"(B) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in paragraph (2).

"(2) CERTIFICATION PROCEDURE.—(A) Subject to paragraph (4), the assistance withheld from a country pursuant to paragraph (1)(A) may be obligated and expended, and the requirement of

paragraph (1)(B) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by subsection (e), that—

"(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

"(I) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in subparagraph (B)) or a multilateral agreement which achieves the objectives of subparagraph (B),

"(II) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

"(III) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

"(IV) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

"(ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that the assistance withheld pursuant to paragraph (1)(A) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to paragraph (1)(B).

"(B) A bilateral narcotics agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(ii) increase drug interdiction and enforcement;

"(iii) increase drug treatment;

"(iv) increase the identification of and elimination of illicit drug laboratories;

"(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

"(vi) increase cooperation with United States drug enforcement officials; and

"(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

"(C) A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A)(i) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of subparagraph (B).

"(D) If the President makes a certification with respect to a country pursuant to subparagraph (A)(ii), he shall include in such certification—

"(i) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this subsection and multilateral development bank assistance is not provided to such country; and

"(ii) a statement weighing the risk described in clause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(E) The President may make a certification under subparagraph (A)(i) with respect to a major illicit drug producing country or major drug-transit country which is also a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(3) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by paragraph (2) with respect to a country, the President shall consider the following: President of U.S.

"(A) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4)? In the case of a major illicit drug producing country, the President shall give foremost consideration, in determining whether to make the determination required by paragraph (2), to whether the government of that country has taken actions which have resulted in such reductions.

"(B) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

"(C) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

"(i) the enactment and enforcement by that government of laws prohibiting such conduct,

"(ii) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

"(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

"(E) Has that government, as a matter of government policy, encouraged or facilitated the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

"(F) Does any senior official of that government engage in, encourage, or facilitate the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

"(G) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has been the victim of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and energetically sought to bring the perpetrators of such offense or offenses to justice?

"(H) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

"(I) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

"(J) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

"(K) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?

"(4) CONGRESSIONAL REVIEW.—Paragraph (1) shall apply without regard to paragraph (2) if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under paragraph (2), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(5) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under paragraph (2) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in paragraph (6)(A) are satisfied—

"(A) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(B) the requirement to vote against multilateral development bank assistance pursuant to paragraph (1)(B) shall apply with respect to that country, without regard to the date specified in that paragraph.

"(6) RECERTIFICATION.—(A) Paragraph (5) shall apply to a country until—

"(i) the President makes a certification under paragraph (2) with respect to that country, and the Congress does not enact a joint resolution under paragraph (4) disapproving the determination of the President contained in that certification; or

"(ii) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country, and the Congress enacts a joint resolution approving the determination of the President contained in that certification.".

(b) CONFORMING AMENDMENTS.—(1) Such section 481(h) is further amended—

(A) by striking out existing paragraph (5); and

(B) in subparagraph (B) of paragraph (6), as so redesignated by the amendment made by subsection (a) of this section—

(i) by striking out "such" in clause (i), and

(ii) by inserting "under this subsection" before "shall be" in clause (i); and

(iii) by striking out "resolution" in clause (ii) and inserting in lieu thereof "resolutions".

(2) Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking out subsection (c). 22 USC 2291 note.

SEC. 4408. ANNUAL CERTIFICATION PROCEDURES FOR TRADE AND AVIATION SANCTIONS.

(a) REVISION OF PROCEDURES.—Paragraphs (1) and (2) of section 802(b) the Trade Act of 1974 (19 U.S.C. 2492(b)(1) and (2)) are amended to read as follows:

"(b)(1)(A) Subject to paragraph (3), subsection (a) shall not apply with respect to a country if the President determines and certifies to the Congress, at the time of the submission of the report required by section 481(e) of the Foreign Assistance Act of 1961, that—

"(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

"(I) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in paragraph (B)) or a multilateral agreement which achieves the objectives of paragraph (B),

"(II) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

"(III) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

"(IV) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

"(ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that subsection (a) not be applied with respect to that country.

"(B) A bilateral narcotics agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(ii) increase drug interdiction and enforcement;

"(iii) increase drug treatment;

"(iv) increase the identification of and elimination of illicit drug laboratories;

"(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

"(vi) increase cooperation with United States drug enforcement officials; and

"(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

"(C) A country which in the previous year was designated as a major drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A)(i) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of subparagraph (B).

President of U.S.

"(D) If the President makes a certification with respect to a country pursuant to subparagraph (A)(ii), he shall include in such certification—

"(i) a full and complete description of the vital national interests placed at risk if action is taken pursuant to subsection (a) with respect to that country; and

"(ii) a statement weighing the risk described in clause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(E) The President may make a certification under subparagraph (A)(i) with respect to a major drug producing country or drug-transit

country which is also a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(2) In determining whether to make the certification required by paragraph (1) with respect to a country, the President shall consider the following:

President of U.S.

"(A) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 481(e)(4) of the Foreign Assistance Act of 1961? In the case of a major drug producing country, the President shall give foremost consideration, in determining whether to make the certification required by paragraph (1), to whether the government of that country has taken actions which have resulted in such reductions.

"(B) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

"(C) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

"(i) the enactment and enforcement by that government of laws prohibiting such conduct,

"(ii) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

"(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

"(E) Has that government, as a matter of government policy, encouraged or facilitated the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

"(F) Does any senior official of that government engage in, encourage, or facilitate the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

"(G) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has been the victim of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and has energetically sought to bring the perpetrators of such offense or offenses to justice?

"(H) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

"(I) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

"(J) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

"(K) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?".

19 USC 2492.

(b) CONGRESSIONAL REVIEW PERIOD.—Section 802(b) of that Act is amended—

(1) in paragraph (3) by striking out "30 days" and inserting in lieu thereof "45 days";

(2) in paragraph (4)(A) by striking out "30 days" and inserting in lieu thereof "45 days"; and

(3) in paragraph (4)(B) by striking out "30 days" and inserting in lieu thereof "45 days".

(c) DETERMINING MAJOR DRUG-TRANSIT COUNTRIES.—Section 802 of that Act is amended by adding at the end the following:

"(e) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under section 805(3)(A) and (B).".

Subtitle F—Miscellaneous Provisions Relating to Assistance Programs

22 USC 2291-2.

SEC. 4501. REPORTING ON TRANSFER OF UNITED STATES ASSETS.

(a) 15-DAY ADVANCE NOTIFICATION.—Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(b) ANNUAL REPORTS.—Section 4601 of this title requires that all such transfers be reported annually to the Congress.

SEC. 4502. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.

Section 481(a)(1) of the Foreign Assistance Act of 1961 is amended— 22 USC 2291.

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;".

SEC. 4503. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.

Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by section 4206 of this title, is further amended by adding at the end the following:

"SEC. 487. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.

"(a) PROHIBITION.—The President shall take all reasonable steps to ensure that assistance under this Act and the Arms Export Control Act is not provided to or through any individual or entity that the President knows or has reason to believe— President of U.S. 22 USC 2291f.

"(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3) of this Act); or

"(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

"(b) REGULATIONS.—The President shall issue regulations specifying the steps to be taken in carrying out this section.

"(c) CONGRESSIONAL REVIEW OF REGULATIONS.—Regulations issued pursuant to subsection (b) shall be submitted to the Congress before they take effect."

SEC. 4504. PROCUREMENT FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

The Congress urges the Secretary of State to take appropriate corrective action to improve the Department of State's procurement operations in order to assure that the procurement of property or services for use in providing assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) is timely, efficient, and in accordance with applicable procurement statutes and regulations.

SEC. 4505. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY.

Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by sections 4206 and 4503 of this title, is further amended by adding at the end the following:

"SEC. 488. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY. 22 USC 2291g.

"Funds made available to carry out this chapter may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces"

SEC. 4506. REIMBURSEMENT FOR DOD SERVICES USED IN PROVIDING INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

22 USC 2392.

Section 632(c) of the Foreign Assistance Act of 1961 is amended by inserting after "actual cost," the following: "or, in the case of services procured from the Department of Defense to carry out chapter 8 of part I, the amount of the additional costs incurred by the Department of Defense in providing such services,".

SEC. 4507. PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT.

Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by sections 4206, 4503, and 4505 of this title, is further amended by adding at the end the following:

President of U.S.
22 USC 2291h.

"SEC. 489. PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT.

"(a) IN GENERAL.—The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this chapter are used only in ways that are consistent with the purposes for which such equipment was made available.

"(b) REPORTS.—In the reports submitted pursuant to subsection (e), the President shall discuss—

"(1) any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this chapter, and

"(2) the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

"(c) REGULATIONS.—The President shall issue regulations specifying the steps to be taken in carrying out this section.

"(d) CONGRESSIONAL REVIEW OF REGULATIONS.—Regulations issued pursuant to subsection (c) shall be submitted to the Congress before they take effect.".

Subtitle G—Department of State Activities

22 USC 2291-3.

SEC. 4601. COORDINATION OF ALL UNITED STATES ANTI-NARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—Consistent with subtitle A of title I of this Act, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

(b) ANNUAL REPORTS.—

(1) REQUIREMENT FOR REPORTS.—At the time that the report required by section 481(e) of the Foreign Assistance Act of 1961 is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided by the United States Government during the preceding fiscal year to support international efforts to combat illicit narcotics production or trafficking.

(2) SPECIFIC ITEMS TO BE INCLUDED.—(A) Each report pursuant to this subsection shall specify the amount and nature of the assistance provided.

(B) Each report pursuant to this subsection shall include, for each country which is a significant direct or indirect source of

illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States, a section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year

(C) Each report required by this subsection shall also list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

(3) REPORTS MAY BE CLASSIFIED.—The reports required by this subsection may be provided on a classified basis to the extent necessary.

(c) RULE OF CONSTRUCTION.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

SEC. 4602. REWARDS FOR INFORMATION CONCERNING NARCOTICS-RELATED OFFENSES COMMITTED OUTSIDE THE UNITED STATES.

Section 36(g) of the State Department Basic Authorities Act of 1956 is amended by amending the second sentence to read as follows: "In addition to the amount authorized to be appropriated by the preceding sentence, there are authorized to be appropriated, without fiscal year limitation, $5,000,000 for 'Administration of Foreign Affairs' for use in paying rewards for information described in subsection (b)(1).". 22 USC 2708.

SEC. 4603. DENIAL OF PASSPORTS TO CERTAIN CONVICTED DRUG TRAFFICKERS.

Title I of the State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 42 as section 43; and

(2) by inserting after section 41 the following: 22 USC 2651 note.

"SEC. 42. DENIAL OF PASSPORTS TO CERTAIN CONVICTED DRUG TRAFFICKERS. 22 USC 2714.

"(a) INELIGIBILITY FOR PASSPORT.—

"(1) IN GENERAL.—A passport may not be issued to an individual who is convicted of an offense described in subsection (b) during the period described in subsection (c) if the individual used a passport or otherwise crossed an international border in committing the offense.

"(2) PASSPORT REVOCATION.—The Secretary of State shall revoke a passport previously issued to an individual who is ineligible to receive a passport under paragraph (1).

"(b) DRUG LAW OFFENSES.—

"(1) FELONIES.—Subsection (a) applies with respect to any individual convicted of a Federal drug offense, or a State drug offense, if the offense is a felony.

"(2) CERTAIN MISDEMEANORS.—Subsection (a) also applies with respect to an individual convicted of a Federal drug offense, or a State drug offense, if the offense is misdemeanor, but only if the Secretary of State determines that subsection (a) should apply with respect to that individual on account of that offense. This paragraph does not apply to an individual's first conviction for a misdemeanor which involves only possession of a controlled substance.

"(c) PERIOD OF INELIGIBILITY.—Subsection (a) applies during the period that the individual—

"(1) is imprisoned, or is legally required to be imprisoned, as the result of the conviction for the offense described in subsection (b); or

"(2) is on parole or other supervised release after having been imprisoned as the result of that conviction.

"(d) EMERGENCY AND HUMANITARIAN EXCEPTIONS.—Notwithstanding subsection (a), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual with respect to whom that subsection applies.

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'controlled substance' has the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'Federal drug offense' means a violation of—

"(A) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

"(B) any other Federal law involving controlled substances; or

"(C) subchapter II of chapter 53 of title 31, United States Code (commonly referred to as the 'Bank Secrecy Act'), or section 1956 or section 1957 of title 18, United States Code (commonly referred to as the 'Money Laundering Act'), if the Secretary of State determines that the violation is related to illicit production of or trafficking in a controlled substance;

"(3) the term 'felony' means a criminal offense punishable by death or imprisonment for more than one year;

"(4) the term 'imprisoned' means an individual is confined in or otherwise restricted to a jail-type institution, a half-way house, a treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a conviction;

"(5) the term 'misdemeanor' means a criminal offense other than a felony;

"(6) the term 'State drug offense' means a violation of State law involving the manufacture, distribution, or possession of a controlled substance; and

"(7) the term 'State law' means the law of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.".

SEC. 4604. MACHINE-READABLE DOCUMENT BORDER SECURITY PROGRAM. 8 USC 1103 note.

(a) REQUIREMENT TO DEVELOP PROGRAM.—(1) The Department of State, the United States Customs Service, and the Immigration and Naturalization Service shall develop a comprehensive machine-readable travel and identity document border security program that will improve border entry and departure control through automated data capture of machine-readable travel and identity documents.

(2) Within 60 days after the date of enactment of this Act, the Department of State, the Customs Service, and the Immigration and Naturalization Service shall jointly submit a detailed implementation plan to the Congress and the President regarding how they intend to carry out the program required by this section.

(3) The border security program required by this section shall include an integrated cooperative data exchange system that will incorporate law enforcement data on narcotics traffickers, terrorists, convicted criminals, fugitives, and others currently documented in the Lookout Systems of all three agencies and departments.

(4) In developing the border security program mandated in this section, the agencies and departments shall ensure that at least the following documents shall be integrated into the program and be machine-readable: border crossing cards; alien registration; pilots licenses; passports; and visas.

(b) AGENCIES THAT WILL CONTRIBUTE LAW ENFORCEMENT DATA FOR THE SYSTEM.—The following agencies and organizations shall contribute appropriate law enforcement data to the integrated cooperative data exchange system mandated in this section and shall update such information into the system on no less than a monthly basis:

(1) The Drug Enforcement Administration.
(2) The Federal Bureau of Investigation.
(3) The Bureau of Alcohol, Tobacco, and Firearms.
(4) The Internal Revenue Service.
(5) The Federal Aviation Administration.
(6) The United States Marshals Service.
(7) The United States Coast Guard.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $23,000,000 for fiscal year 1989 for the development, procurement, and implementation of a machine-readable travel and identity document border security program. Of this amount $7,000,000 shall be available only for the United State Customs Service, $7,000,000 shall be available only for the Immigration and Naturalization Service, and $9,000,000 shall be available only for the Department of State to carry out the provisions of this section.

(2) The amounts authorized by paragraph (1) are in addition to other amounts authorized to be appropriated for fiscal year 1989.

(d) CONTINUING FULL IMPLEMENTATION REQUIRED.—All agencie participating in the development and implementation of the border security program and systems mandated in this section shall maintain their participation and contributions to the program and systems authorized under this section at full implementation levels in fiscal years 1990, 1991, and 1992, subject to the availability of appropriations.

18 USC 3181 note.

SEC. 4605. EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES AND MODEL COMPREHENSIVE ANTIDRUG LAWS.

(a) FINDINGS.—The Congress finds that—

(1) section 133 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (enacted August 16, 1985), directed the Secretary of State to increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country;

(2) section 803 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (enacted December 22, 1987) directed the Secretary of State to ensure that an objective of the United States diplomatic mission in each major illicit drug producing or major drug-transit country be to ensure that drug traffickers can be extradited to the United States; and

(3) although some progress has been made pursuant to these directives in increasing international law enforcement cooperation with respect to illicit drug production and trafficking, much greater international law enforcement cooperation is required in combating the illicit drug problem.

(b) GREATER EMPHASIS REQUIRED.—Therefore, the Congress directs the Secretary of State to place greater emphasis on updating extradition treaties, and on negotiating mutual legal assistance treaties, with major illicit drug producing countries and major drug-transit countries.

(c) MODEL TREATIES AND ANTIDRUG LAWS.—The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive anti-narcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad.

(d) REPORT TO CONGRESS.—The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

SEC. 4606. OVERSEAS INVESTIGATIVE PROGRAM.

It is the sense of the Congress that Regional Security Officers and other security personnel at United States embassies and other civilian posts abroad should be directed to expand their investigative activities with respect to illicit drug use and trafficking by United States Government personnel and their dependents.

SEC. 4607. ASSIGNMENT OF MORE DRUG ENFORCEMENT ADMINISTRATION AGENTS TO UNITED STATES EMBASSIES.

The Congress urges the Secretary of State to permit the assignment of additional Drug Enforcement Administration agents to United States diplomatic missions in those foreign countries where illicit narcotics production or trafficking is, or is likely to become, a significant problem.

Subtitle H—International Banking Matters

31 USC 5311 note.

SEC. 4701. INTERNATIONAL CURRENCY TRANSACTION REPORTING.

(a) FINDINGS.—The Congress finds that—

(1) the success of cash transaction and money laundering control statutes in the United States has been significant; and

(2) the United States should play a leadership role in the development of an international system of a similar kind.

(b) PURPOSE.—It is the purpose of this section to urge the United States Government, to the maximum extent practicable, to seek the active cooperation of other countries in the enforcement of these statutes, since only a truly multilateral approach can be effective in eliminating bank haven loopholes through which money launderers can escape.

(c) ESTABLISHMENT OF INTERNATIONAL AGENCY.—The Congress urges the Secretary of the Treasury to negotiate with finance ministers of foreign countries to establish an international currency control agency to—

(1) serve as a central source of information and database for international drug enforcement agencies;

(2) collect and analyze currency transaction reports filed by member countries; and

(3) encourage the adoption, by member countries, of uniform cash transaction and money laundering statutes.

(d) MAINTENANCE OF DOMESTIC EFFORT.—While establishing a multilateral agency will be the most effective method of combating money laundering, the United States must itself continue to do everything it can to curb international money laundering.

SEC. 4702. RESTRICTIONS ON LAUNDERING OF UNITED STATES CURRENCY.

31 USC 5311 note.

(a) FINDINGS.—The Congress finds that international currency transactions, especially in United States currency, that involve the proceeds of narcotics trafficking fuel trade in narcotics in the United States and worldwide and consequently are a threat to the national security of the United States.

(b) PURPOSE.—The purpose of this section is to provide for international negotiations that would expand access to information on transactions involving large amounts of United States currency wherever those transactions occur worldwide.

(c) NEGOTIATIONS.—(1) The Secretary of the Treasury (hereinafter in this section referred to as the "Secretary") shall enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business in United States currency. Highest priority shall be attached to countries whose financial institutions the Secretary determines, in consultation with the Attorney General and the Director of National Drug Control Policy, may be engaging in currency transactions involving the proceeds of international narcotics trafficking, particularly United States currency derived from drug sales in the United States.

(2) The purposes of negotiations under this subsection are—

(A) to reach one or more international agreements to ensure that foreign banks and other financial institutions maintain adequate records of large United States currency transactions, and

(B) to establish a mechanism whereby such records may be made available to United States law enforcement officials.

In carrying out such negotiations, the Secretary should seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, and mutual legal assistance treaties.

(d) REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on progress in the negotiations under subsection (c). Not later than 2 years after such enactment, the Secretary shall submit a final report to such Committees and the President on the outcome of those negotiations and shall identify, in consultation with the Attorney General and the Director of National Drug Control Policy, countries—

(1) with respect to which the Secretary determines there is evidence that the financial institutions in such countries are engaging in currency transactions involving the proceeds of international narcotics trafficking; and

(2) which have not reached agreement with United States authorities on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings.

(e) AUTHORITY.—If after receiving the advice of the Secretary and in any case at the time of receipt of the Secretary's report, the Secretary determines that a foreign country—

(1) has jurisdiction over financial institutions that are substantially engaging in currency transactions that effect the United States involving the proceeds of international narcotics trafficking;

(2) such country has not reached agreement on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

(3) such country is not negotiating in good faith to reach such an agreement,

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the President shall impose appropriate penalties and sanctions, including temporarily or permanently—

(1) prohibiting such persons, institutions or other entities in such countries from participating in any United States dollar clearing or wire transfer system; and

(2) prohibiting such persons, institutions or entities in such countries from maintaining an account with any bank or other financial institution chartered under the laws of the United States or any State.

Any penalties or sanctions so imposed may be delayed or waived upon certification of the President to the Congress that it is in the national interest to do so. Financial institutions in such countries that maintain adequate records shall be exempt from such penalties and sanctions.

(f) DEFINITIONS.—For the purposes of this section—

(1) The term "United States currency" means Federal Reserve Notes and United States coins.

(2) The term "adequate records" means records of United States' currency transactions in excess of $10,000 including the identification of the person initiating the transaction, the person's business or occupation, and the account or accounts affected by the transaction, or other records of comparable effect.

(g) SUNSET.—The authority given the President in subsection (e) shall expire on June 30, 1994.

SEC. 4703. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE ARTICLES AND SERVICES FOR ANTI-NARCOTICS PURPOSES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) by inserting "(A)" before "The Bank";

(2) by striking "paragraph" and inserting in lieu thereof "subparagraph"; and

(3) by adding at the end the following new subparagraphs:

"(B) Subparagraph (A), and section 32 of the Arms Export Control Act, shall not apply to any sale of defense articles or services if—

"(i) the Bank is requested to provide a guarantee or insurance for the sale;

"(ii) the President determines that the defense articles or services are being sold primarily for anti-narcotics purposes;

"(iii) section 481(h)(5) of the Foreign Assistance Act of 1961 does not apply with respect to the purchasing country;

"(iv) the President determines, in accordance with subparagraph (C), that the sale is in the national interest of the United States;

"(v) the Bank determines that, notwithstanding the provision of a guarantee or insurance for the sale, not more than 5 percent of the guarantee and insurance authority available to the Bank in any fiscal year will be used by the Bank to support the sale of defense articles and services; and

"(vi) the sale is made on or before September 30, 1990.

"(C) In determining whether a sale of defense articles or services would be in the national interest of the United States, the President shall take into account whether the sale would— President of U.S.

"(i) be consistent with the anti-narcotics policy of the United States;

"(ii) involve the end use of a defense article or service in a major illicit drug producing or major drug-transit country (as defined in section 481(i) of the Foreign Assistance Act of 1961); and

"(iii) be made to a country with a democratic form of government.

"(D)(i) The Board shall not give approval to guarantee or insure a sale of defense articles or services unless—

"(I) the President determines, in accordance with subparagraph (C), that it is in the national interest of the United States for the Bank to provide such guarantee or insurance; and

"(II) such determination has been reported to the Speaker and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate, not less than 25 days of continuous session of the Congress before the date of such approval.

"(ii) For purposes of clause (i), continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to

a day certain shall be excluded in the computation of the 25-day period referred to in such sentence.

"(E) The provision of a guarantee or insurance under subparagraph (B) shall be deemed to be the provision of security assistance for purposes of section 502B of the Foreign Assistance Act of 1961 (relating to governments which engage in a consistent pattern of gross violations of international recognized human rights).

"(F) To the extent that defense articles or services for which a guarantee or insurance is provided under subparagraph (B) are used for a purpose other than anti-narcotics purposes, they may be used only for those purposes for which defense articles and defense services sold under the Arms Export Control Act (relating to the foreign military sales program) may be used under section 4 of such Act.

"(G) As used in this paragraph, the term 'defense articles and services' means articles, services, and related technical data that are designated as defense articles and defense services pursuant to sections 38 and 47(7) of the Arms Export Control Act and listed on the United States Munitions List (part 121 of title 22 of the Code of Federal Regulations).".

Subtitle I—Miscellaneous Provisions

SEC. 4801. INTELLIGENCE COMMUNITY ACTIONS DIRECTED AT ILLICIT INTERNATIONAL DRUG TRAFFICKING.

It is the sense of the Congress that, given the magnitude of the illicit drug problem and the threat it poses to the national security of the United States, agencies of the intelligence community should be more actively involved in the effort to combat illicit international drug trafficking.

SEC. 4802. CORRECTION OF TECHNICAL ERRORS IN PRIOR ACTS.

49 USC app. 1902 note.

100 Stat. 3207-72.

(a) ANTI-DRUG ABUSE ACT OF 1986.—(1) Section 2015(b)(1) of the Anti-Drug Abuse Act of 1986 is amended by striking out "effects" and inserting in lieu thereof "efforts".

(2) Section 2030(b) of that Act is amended by striking out "subsection (A)(4)" and inserting in lieu thereof "subsection (a)(4)".

22 USC 2291.

(b) 1986 DRUG ACT AMENDMENTS TO FOREIGN ASSISTANCE ACT.—Section 481(i)(4)(vi) of the Foreign Assistance Act of 1961 (as amended by section 2005 of the Anti-Drug Abuse Act of 1986) is amended by striking out "section 1049(c)(2)" and inserting in lieu thereof "section 104(c)(2)".

SEC. 4803. RESOURCES FOR CERTAIN DRUG CONTROL ACTIVITIES.

Children and youth. 21 USC 1502 note.

(a) FINDINGS.—The Congress finds that—

(1) there has been a severe, cancer-like growth of youth gangs who abuse, transport, and traffic in illegal drugs;

(2) such youth gangs engage in acts of violence, often on a random basis, resulting in death or serious bodily injury to thousands of people, as well as terrorizing tens of thousands of others;

(3) such youth gangs have spread their activities from southern California to more than 50 cities throughout the United States, thereby clearly indicating that the threat posed by these gangs is national in nature, requiring a strong Federal response;

(4) stopping drugs at the source is one of the critical elements of our Government's war on drugs; and

(5) the Airwing Operations of the Bureau of International Narcotics Matters in the Department of State is an important tool of our Government's policy against narcotics trafficking.

(b) REVIEW.—It is, therefore, the sense of the Congress that the Director of National Drug Control Policy should review the entire drug control problem to determine priorities for new resources or shifting of existing resources, giving particular attention to—

(1) planning for and assistance to the Airwing Operations of the Bureau of International Narcotics Matters in the Department of State; and

(2) assistance to control the present and growing threat posed to the Nation by youth gangs which traffic in illegal drugs.

(c) ADDITIONAL RESOURCES.—Based upon his findings, the Director of National Drug Control Policy should consider, as necessary, recommending significant resources in addition to those specifically allocated in this Act.

SEC. 4804. CONSISTENCY WITH INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

(a) In prescribing regulations under subtitle D of title V of this Act, the head of the appropriate agency—

(1) shall only establish requirements that are consistent with the international obligations of the United States, and

(2) shall take into consideration any applicable laws and regulations of foreign countries.

(b) Section 5152 shall not be construed as conferring extraterritorial application of the provisions of such section. 41 USC 701 note.

TITLE V—USER ACCOUNTABILITY

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 HOUSING DRUG ELIMINATION PILOT PROGRAM

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. Report to Congress.
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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.
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Subtitle D—Drug-Free Workplace Act of 1988

Sec. 5151. Short title.
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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.

21 USC 1502 note.

Subtitle A—Opposition to Legalization and Public Awareness

SEC. 5011. SENSE OF THE CONGRESS OPPOSING LEGALIZATION OF DRUGS.

The Congress finds that legalization of illegal drugs, on the Federal or State level, is an unconscionable surrender in a war in which, for the future of our country and the lives of our children, there can be no substitute for total victory.

SEC. 5012. PUBLIC AWARENESS CAMPAIGN.

The Director of National Drug Control Policy shall within 90 days after confirmation by the Senate develop a program to inform the American public of the provisions of this Act pertaining to penalties for the use or possession of illegal drugs.

Subtitle B—National Commission on Drug-Free Schools

SEC. 5051. NATIONAL COMMISSION ON DRUG-FREE SCHOOLS. 20 USC 3172 note.

(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). Reports.

(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 cochairmen may procure temporary and intermittent services of experts and consultants.

(4) Upon request of the cochairmen 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.

Mail.

(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.

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(l)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) provide that a public housing tenant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in criminal activity, including drug-related criminal activity, on or near public housing premises, while the tenant is a tenant in public housing, and such criminal activity shall be cause for termination of tenancy. For purposes of paragraph (5), the term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).".

SEC. 5102. STUDY OF PUBLIC HOUSING SECURITY ACTIVITIES.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study of the extent to which security activities in public housing projects are funded under the performance funding system established under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(b) SPECIFIC REQUIREMENTS.—The study shall include an analysis of—

(1) the extent to which the performance funding system currently takes into account, and should take into account, costs associated with maintaining security, including the hiring of security personnel, investigators, and security liaisons with local law enforcement agencies;

(2) the extent to which public housing agencies have been compelled to shift funds from tenant services, building maintenance, or other eligible activities to security activities; and

(3) an estimate of the per unit additional cost necessary to enable all public housing agencies to provide adequate security.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report setting forth the findings and recommendations of the Secretary as a result of the study conducted under this section.

42 USC 1437d note.

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.

The Secretary of Housing and Urban Development shall submit to the Congress a report on the impact of the implementation of the public housing tenancy and administrative grievance procedure

regulations issued under section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) on the ability of public housing agencies to evict or take other appropriate action against tenants engaging in criminal activity, especially with respect to the manufacture, sale, distribution, use, or possession of controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). The report shall be submitted not later than 12 months after the date of the enactment of this Act.

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— 42 USC 3751.

(1) by inserting after paragraph (16) the following new paragraph:

"(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;"; and

(2) by redesignating the succeeding paragraphs accordingly.

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 by inserting "(including any leasehold interest)" after "right, title, and interest".

CHAPTER 2—PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM

Public Housing Drug Elimination Act of 1988.

SEC. 5121. SHORT TITLE. 42 USC 11901 note.

This chapter may be cited as the "Public Housing Drug Elimination Act of 1988".

SEC. 5122. CONGRESSIONAL FINDINGS. 42 USC 11901.

The Congress finds that—

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

(2) public housing projects in many areas suffer from rampant drug-related crime;

(3) drug dealers are increasingly imposing a reign of terror on public housing tenants;

(4) the increase in drug-related 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; and

(5) local law enforcement authorities often lack the resources to deal with the drug problem in public housing, particularly in light of the recent reductions in Federal aid to cities.

SEC. 5123. AUTHORITY TO MAKE GRANTS. 42 USC 11902.

The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants to public housing agencies (including Indian housing authorities) for use in eliminating drug-related crime in public housing projects.

SEC. 5124. ELIGIBLE ACTIVITIES. 42 USC 11903.

A public housing agency may use a grant under this chapter for— Grants.

(1) the employment of security personnel in public housing projects;

(2) reimbursement of local law enforcement agencies for additional security and protective services for public housing projects;

(3) physical improvements in public housing projects which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related crime on or about the real property comprising any public housing project; and

(B) to provide evidence relating to any such crime in any administrative or judicial proceeding;

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

(6) innovative programs designed to reduce use of drugs in and around public housing projects; and

(7) providing funding to nonprofit public housing resident management corporation and tenant councils to develop security and drug abuse prevention programs involving site residents.

42 USC 11904.

SEC. 5125. APPLICATIONS.

(a) IN GENERAL.—To receive a grant under this chapter, a public housing agency 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 crime on the premises of public housing projects administered by the public housing agency.

(b) CRITERIA.—The Secretary shall approve applications under this chapter based upon—

(1) the extent of the crime problem in the facilities of the public housing project;

(2) the quality of the plan of the public housing agency to address crime in public housing projects;

(3) the capability of the public housing agency to carry out the plan; and

(4) the extent to which the local government and local community support the anti-crime activities of the public housing agency.

42 USC 11905.

SEC. 5126. 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) 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, of a controlled substance.

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

SEC. 5127. IMPLEMENTATION. 42 USC 11906.

The Secretary shall issue regulations to implement this chapter within 180 days after the date of the enactment of this Act. Regulations.

SEC. 5128. REPORT TO CONGRESS. 42 USC 11907.

Not later than June 30, 1990, the Secretary, in consultation with the Director of National Drug Control Policy, shall submit to the Congress a report setting forth the activities carried out under the program established in this chapter. The report shall include any recommendations of the Secretary for revisions necessary to make the program more effective.

SEC. 5129. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11908.

There are authorized to be appropriated to carry out this chapter $8,200,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990. Any amount appropriated under this section shall remain available until expended.

CHAPTER 3—DRUG-FREE PUBLIC HOUSING

Drug-Free Public Housing Act of 1988. 42 USC 11901 note.

SEC. 5141. SHORT TITLE.

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

SEC. 5142. STATEMENT OF PURPOSE. 42 USC 11921.

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. CLEARINGHOUSE ON DRUG ABUSE IN PUBLIC HOUSING. 42 USC 11922.

(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. REGIONAL TRAINING PROGRAM ON DRUG ABUSE IN PUBLIC HOUSING. 42 USC 11923.

(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 Act by a national training unit established by the Secretary.

42 USC 11924.

SEC. 5145. 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.

42 USC 11925.

SEC. 5146. REGULATIONS.

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

Drug-Free Workplace Act of 1988.
41 USC 701 note.

Subtitle D—Drug-Free Workplace Act of 1988

SEC. 5151. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Workplace Act of 1988".

41 USC 701.

SEC. 5152. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) DRUG-FREE WORKPLACE REQUIREMENT.—

(1) REQUIREMENT FOR PERSONS OTHER THAN INDIVIDUALS.—No person, other than an individual, shall be considered a responsible source, under the meaning of such term as defined in section 4(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(8)), for the purposes of being awarded a contract for the procurement of any property or services of a value of $25,000 or more from any Federal agency unless such person has certified to the contracting agency that it will provide a drug-free workplace by—

(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(B) establishing a drug-free awareness program to inform employees about—

(i) the dangers of drug abuse in the workplace;

(ii) the person's policy of maintaining a drug-free workplace;

(iii) any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) the penalties that may be imposed upon employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment on such contract, the employee will—

(i) abide by the terms of the statement; and

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the contracting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 5154; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) REQUIREMENT FOR INDIVIDUALS.—No Federal agency shall enter into a contract with an individual unless such contract includes a certification by the individual that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

(b) SUSPENSION, TERMINATION, OR DEBARMENT OF THE CONTRACTOR.—

(1) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT.—Each contract awarded by a Federal agency shall be subject to suspension of payments under the contract or termination of the contract, or both, and the contractor thereunder or the individual who entered the contract with the Federal agency, as applicable, shall be subject to suspension or debarment in accordance with the requirements of this section if the head of the agency determines that—

(A) the contractor or individual has made a false certification under subsection (a);

(B) the contractor violates such certification by failing to carry out the requirements of subparagraph (A), (B), (C), (D), (E), or (F) of subsection (a)(1); or

(C) such a number of employees of such contractor have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.—(A) If a contracting officer determines, in writing, that cause for suspension of payments, termination, or suspension or debarment exists, an appropriate action shall be initiated by a contracting officer of the agency, to be conducted by the agency concerned in accordance with the Federal Acquisition Regulation and applicable agency procedures.

(B) The Federal Acquisition Regulation shall be revised to include rules for conducting suspension and debarment proceedings under this subsection, including rules providing notice, opportunity to respond in writing or in person, and such other procedures as may be necessary to provide a full and fair proceeding to a contractor or individual in such proceeding.

(3) EFFECT OF DEBARMENT.—Upon issuance of any final decision under this subsection requiring debarment of a contractor or individual, such contractor or individual shall be ineligible for award of any contract by any Federal agency, and for

participation in any future procurement by any Federal agency, for a period specified in the decision, not to exceed 5 years.

41 USC 702.

SEC. 5153. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT RECIPIENTS.

(a) DRUG-FREE WORKPLACE REQUIREMENT.—

(1) PERSONS OTHER THAN INDIVIDUALS.—No person, other than an individual, shall receive a grant from any Federal agency unless such person has certified to the granting agency that it will provide a drug-free workplace by—

(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(B) establishing a drug-free awareness program to inform employees about—

(i) the dangers of drug abuse in the workplace;

(ii) the grantee's policy of maintaining a drug-free workplace;

(iii) any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) the penalties that may be imposed upon employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment in such grant, the employee will—

(i) abide by the terms of the statement; and

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the granting agency within 10 days after receiving notice of a conviction under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 5154; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) INDIVIDUALS.—No Federal agency shall make a grant to any individual unless such individual certifies to the agency as a condition of such grant that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with such grant.

(b) SUSPENSION, TERMINATION, OR DEBARMENT OF THE GRANTEE.—

(1) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT.—Each grant awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to suspension or debarment, in accordance with the requirements

of this section if the agency head of the granting agency or his official designee determines, in writing, that—

(A) the grantee has made a false certification under subsection (a);

(B) the grantee violates such certification by failing to carry out the requirements of subparagraph (A), (B), (C), (D), (E), (F), or (G) of subsection (a)(1); or

(C) such a number of employees of such grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a)(1).

(2) CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.—A suspension of payments, termination, or suspension or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding Executive order and any regulations promulgated to implement such law or Executive order.

(3) EFFECT OF DEBARMENT.—Upon issuance of any final decision under this subsection requiring debarment of a grantee, such grantee shall be ineligible for award of any grant from any Federal agency and for participation in any future grant from any Federal agency for a period specified in the decision, not to exceed 5 years.

SEC. 5154. EMPLOYEE SANCTIONS AND REMEDIES. 41 USC 703.

A grantee or contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to section 5152(a)(1)(D)(ii) or 5153(a)(1)(D)(ii)—

(1) take appropriate personnel action against such employee up to and including termination; or

(2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

SEC. 5155. WAIVER. 41 USC 704.

(a) IN GENERAL.—A termination, suspension of payments, or suspension or debarment under this subtitle may be waived by the head of an agency with respect to a particular contract or grant if—

(1) in the case of a waiver with respect to a contract, the head of the agency determines under section 5152(b)(1), after the issuance of a final determination under such section, that suspension of payments, or termination of the contract, or suspension or debarment of the contractor, or refusal to permit a person to be treated as a responsible source for a contract, as the case may be, would severely disrupt the operation of such agency to the detriment of the Federal Government or the general public; or

(2) in the case of a waiver with respect to a grant, the head of the agency determines that suspension of payments, termination of the grant, or suspension or debarment of the grantee would not be in the public interest.

(b) EXCLUSIVE AUTHORITY.—The authority of the head of an agency under this section to waive a termination, suspension, or debarment shall not be delegated.

41 USC 705.

SEC. 5156. REGULATIONS.

Not later than 90 days after the date of enactment of this subtitle, the governmentwide regulations governing actions under this subtitle shall be issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

41 USC 706.

SEC. 5157. DEFINITIONS.

For purposes of this subtitle—

(1) the term "drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in section 5152 or 5153 of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this Act;

(2) the term "employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in section 5152 or 5153;

(3) the term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812);

(4) the term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(5) the term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance;

(6) the term "grantee" means the department, division, or other unit of a person responsible for the performance under the grant;

(7) the term "contractor" means the department, division, or other unit of a person responsible for the performance under the contract; and

(8) the term "Federal agency" means an agency as that term is defined in section 552(f) of title 5, United States Code.

41 USC 707.

SEC. 5158. CONSTRUCTION OF SUBTITLE.

Nothing in this subtitle shall be construed to require law enforcement agencies, if the head of the agency determines it would be inappropriate in connection with the agency's undercover operations, to comply with the provisions of this subtitle.

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

Section 628 of Public Law 100-440 (relating to restrictions on the use of certain appropriated amounts) is amended—

Ante, p. 1758.

(1) by striking "(a)" after "SEC. 628."; and

(2) by striking subsection (b).

41 USC 701 note.

SEC. 5160. EFFECTIVE DATE.

Sections 5152 and 5153 shall be effective 120 days after the date of the enactment of this subtitle.

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.

There are authorized to be appropriated for the President's Media Commission on Alcohol and Drug Abuse Prevention—

(1) $1,000,000 for the fiscal year ending September 30, 1989;

(2) $1,000,000 for the fiscal year ending September 30, 1990; and

(3) $1,000,000 for the fiscal year ending September 30, 1991.

Subtitle F—Drug-Free America Policy

SEC. 5251. UNITED STATES POLICY FOR A DRUG-FREE AMERICA BY 1995. 21 USC 1502 note.

(a) FINDINGS.—The Congress finds that—

(1) approximately 37 million Americans used an illegal drug in the past year and more than 23 million Americans use illicit drugs at least monthly, including more than 6 million who use cocaine;

(2) half of all high school seniors have used illegal drugs at least once, and over 25 percent use drugs at least monthly;

(3) illicit drug use adds enormously to the national cost of health care and rehabilitation services;

(4) illegal drug use can result in a wide spectrum of extremely serious health problems, including disruption of normal heart rhythm, small lesions of the heart, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, and pulmonary damage, and in the most serious instances, heart attack, stroke, and sudden death;

(5) approximately 25 percent of all victims of AIDS acquired the disease through intravenous drug use;

(6) over 30,000 people were admitted to emergency rooms in 1986 with drug-related health problems, including nearly 10,000 for cocaine alone;

(7) there is a strong link between teenage suicide and use of illegal drugs;

(8) 10 to 15 percent of all highway fatalities involve drug use;

(9) illegal drug use is prevalent in the workplace and endangers fellow workers, national security, public safety, company morale, and production;

(10) it is estimated that 1 of every 10 American workers have their productivity impaired by substance abuse;

(11) it is estimated that drug users are 3 times as likely to be involved in on-the-job accidents, are absent from work twice as often, and incur 3 times the average level of sickness costs as non-users;

(12) the total cost to the economy of drug use is estimated to be over $100,000,000,000 annually;

(13) the connection between drugs and crime is also well-proven;

(14) the use of illicit drugs affects moods and emotions, chemically alters the brain, and causes loss of control, paranoia, reduction of inhibition, and unprovoked anger;

(15) drug-related homicides are increasing dramatically across the Nation;

(16) 8 of 10 men arrested for serious crimes in New York City test positive for cocaine use;

(17) illicit drug use is responsible for a substantially higher tax rate to pay for local law enforcement protection, interdiction, border control, and the cost of investigation, prosecution, confinement, and treatment;

(18) substantial increases in funding and resources have been made available in recent years to combat the drug problem, with spending for interdiction, law enforcement, and prevention programs up by 100 to 400 percent and these programs are producing results—

(A) seizures of cocaine are up from 1.7 tons in 1981 to 70 tons in 1987;

(B) seizures of heroin are up from 460 pounds in 1981 to 1,400 pounds in 1987;

(C) Drug Enforcement Administration drug convictions doubled between 1982 and 1986; and

(D) the average sentence for Federal cocaine convictions rose by 35 percent during this same period;

(19) despite the impressive rise in law enforcement efforts, the supply of illegal drugs has increased in recent years;

(20) the demand for drugs creates and sustains the illegal drug trade; and

(21) winning the drug war not only requires that we do more to limit supply, but that we focus our efforts to reduce demand.

(b) DECLARATION.—It is the declared policy of the United States Government to create a Drug-Free America by 1995.

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

21 USC 853a.

SEC. 5301. DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS.

Courts, U.S.

(a) DRUG TRAFFICKERS.—(1) Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substances (as such terms are defined for purposes of the Controlled Substances Act) shall—

(A) at the discretion of the court, upon the first conviction for such an offense be ineligible for any or all Federal benefits for up to 5 years after such conviction;

(B) at the discretion of the court, upon a second conviction for such an offense be ineligible for any or all Federal benefits for up to 10 years after such conviction; and

(C) upon a third or subsequent conviction for such an offense be permanently ineligible for all Federal benefits.

(2) The benefits which are denied under this subsection shall not include benefits relating to long-term drug treatment programs for addiction for any person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for

addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(b) DRUG POSSESSORS.—(1) Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance (as such term is defined for purposes of the Controlled Substances Act) shall—

(A) upon the first conviction for such an offense and at the discretion of the court—

(i) be ineligible for any or all Federal benefits for up to one year;

(ii) be required to successfully complete an approved drug treatment program which includes periodic testing to insure that the individual remains drug free;

(iii) be required to perform appropriate community service; or

(iv) any combination of clauses (i), (ii), or (iii); and

(B) upon a second or subsequent conviction for such an offense be ineligible for all Federal benefits for up to 5 years after such conviction as determined by the court. The court shall continue to have the discretion in subparagraph (A) above. In imposing penalties and conditions under subparagraph (A), the court may require that the completion of the conditions imposed by clause (ii) or (iii) be a requirement for the reinstatement of benefits under clause (i).

(2) The penalties and conditions which may be imposed under this subsection shall be waived in the case of a person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

(c) SUSPENSION OF PERIOD OF INELIGIBILITY.—The period of ineligibility referred to in subsections (a) and (b) shall be suspended if the individual—

(A) completes a supervised drug rehabilitation program after becoming ineligible under this section;

(B) has otherwise been rehabilitated; or

(C) has made a good faith effort to gain admission to a supervised drug rehabilitation program, but is unable to do so because of inaccessibility or unavailability of such a program, or the inability of the individual to pay for such a program.

(d) DEFINITIONS.—As used in this section—

(1) the term "Federal benefit"—

(A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

(2) the term "veterans benefit" means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

(e) INAPPLICABILITY OF THIS SECTION TO GOVERNMENT WITNESSES.—The penalties provided by this section shall not apply to any individ-

ual who cooperates or testifies with the Government in the prosecution of a Federal or State offense or who is in a Government witness protection program.

(f) INDIAN PROVISION.—Nothing in this section shall be construed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust responsibility of the United States owing to such Indian or Indian tribe. Nothing in this subsection shall exempt any individual Indian from the sanctions provided for in this section, provided that no individual Indian shall be denied any benefit under Federal Indian programs comparable to those described in subsection (d)(1)(B) or (d)(2) above.

(g) PRESIDENTIAL REPORT.—(1) On or before May 1, 1989, the President shall transmit to the Congress a report—

(A) delineating the role of State courts in implementing this section;

(B) describing the manner in which Federal agencies will implement and enforce the requirements of this section;

(C) detailing the means by which Federal and State agencies, courts, and law enforcement agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits; and

(D) recommending any modifications to improve the administration of this section or otherwise achieve the goal of discouraging the trafficking and possession of controlled substances.

(2) No later than September 1, 1989, the Congress shall consider the report of the President and enact such changes as it deems appropriate to further the goals of this section.

(h) EFFECTIVE DATE.—The denial of Federal benefits set forth in this section shall take effect for convictions occurring after September 1, 1989.

Anti-Drug Abuse Amendments Act of 1988.

TITLE VI—ANTI-DRUG ABUSE AMENDMENTS ACT OF 1988

21 USC 801 note.

SEC. 6001. SHORT TITLE.

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

Chemical Diversion and Trafficking Act of 1988.

Subtitle A—Chemical Diversion and Trafficking

21 USC 801 note.

SEC. 6051. SHORT TITLE.

This subtitle may be cited as the "Chemical Diversion and Trafficking Act of 1988".

SEC. 6052. REGULATION OF LISTED CHEMICALS AND CERTAIN MACHINES.

(a) IN GENERAL.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended to read as follows:

"REGULATION OF LISTED CHEMICALS AND CERTAIN MACHINES

"SEC. 310. (a)(1) Each regulated person who engages in a regulated transaction involving a listed chemical, a tableting machine, or an encapsulating machine shall keep a record of the transaction— Records. 21 USC 830.

"(A) for 4 years after the date of the transaction, if the listed chemical is a precursor chemical or if the transaction involves a tableting machine or an encapsulating machine; and

"(B) for 2 years after the date of the transaction, if the listed chemical is an essential chemical.

"(2) A record under this subsection shall be retrievable and shall include the date of the regulated transaction, the identity of each party to the regulated transaction, a statement of the quantity and form of the listed chemical, a description of the tableting machine or encapsulating machine, and a description of the method of transfer. Such record shall be available for inspection and copying by the Attorney General.

"(3) It is the duty of each regulated person who engages in a regulated transaction to identify each other party to the transaction. It is the duty of such other party to present proof of identity to the regulated person. The Attorney General shall specify by regulation the types of documents and other evidence that constitute proof of identity for purposes of this paragraph.

"(b) Each regulated person shall report to the Attorney General, in such form and manner as the Attorney General shall prescribe by regulation— Reports.

"(1) any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of this title;

"(2) any proposed regulated transaction with a person whose description or other identifying characteristic the Attorney General furnishes in advance to the regulated person;

"(3) any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person; and

"(4) any regulated transaction in a tableting machine or an encapsulating machine.

Each report under paragraph (1) shall be made at the earliest practicable opportunity after the regulated person becomes aware of the circumstance involved. A regulated person may not complete a transaction with a person whose description or identifying characteristic is furnished to the regulated person under paragraph (2) unless the transaction is approved by the Attorney General. The Attorney General shall make available to regulated persons guidance documents describing transactions and circumstances for which reports are required under paragraph (1) and paragraph (3).

"(c)(1) Except as provided in paragraph (2), any information obtained by the Attorney General under this section which is exempt from disclosure under section 552(a) of title 5, United States Code, by reason of section 552(b)(4) of such title, is confidential and may not be disclosed to any person.

"(2) Information referred to in paragraph (1) may be disclosed only—

"(A) to an officer or employee of the United States engaged in carrying out this title, title III, or the customs laws;

"(B) when relevant in any investigation or proceeding for the enforcement of this title, title III, or the customs laws;

International agreements.

"(C) when necessary to comply with an obligation of the United States under a treaty or other international agreement; or

"(D) to a State or local official or employee in conjunction with the enforcement of controlled substances laws or precursor chemical laws.

"(3) The Attorney General shall—

"(A) take such action as may be necessary to prevent unauthorized disclosure of information by any person to whom such information is disclosed under paragraph (2); and

"(B) issue guidelines that limit, to the maximum extent feasible, the disclosure of proprietary business information, including the names or identities of United States exporters of listed chemicals, to any person to whom such information is disclosed under paragraph (2).

"(4) Any person who is aggrieved by a disclosure of information in violation of this section may bring a civil action against the violator for appropriate relief.

"(5) Notwithstanding paragraph (4), a civil action may not be brought under such paragraph against investigative or law enforcement personnel of the Drug Enforcement Administration.".

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Regulation of listed chemicals and certain machines.".

SEC. 6053. NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.

(a) IN GENERAL.—Part A of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS

21 USC 971.

"SEC. 1018. (a) Each regulated person who imports or exports a listed chemical shall notify the Attorney General of the importation or exportation not later than 15 days before the transaction is to take place.

Regulations.

"(b)(1) The Attorney General shall provide by regulation for circumstances in which the requirement of subsection (a) does not apply to a transaction between a regulated person and a regular customer or regular supplier of the regulated person. At the time of any importation or exportation constituting a transaction referred to in the preceding sentence, the regulated person shall notify the Attorney General of the transaction.

"(2) The regulations under this subsection shall provide that the initial notification under subsection (a) with respect to a customer or supplier of a regulated person shall, upon the expiration of the 15-day period, qualify the customer as a regular customer or regular supplier, unless the Attorney General otherwise notifies the regulated person in writing.

"(c)(1) The Attorney General may order the suspension of any importation or exportation of a listed chemical (other than a regulated transaction to which the requirement of subsection (a) does not apply by reason of subsection (b)) or may disqualify any regular customer or regular supplier on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance. From and after the time when the Attorney General provides written notice of the order (including a statement of the legal and factual basis for the order) to the regulated person, the regulated person may not carry out the transaction.

Commerce and trade.

"(2) Upon written request to the Attorney General, a regulated person to whom an order applies under paragraph (1) is entitled to an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code. The hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person.".

(b) EFFECTIVE DATES AND SPECIAL RULES.—(1) Not later than 45 days after the date of the enactment of this Act, the Attorney General shall forward to the Director of the Office of Management and Budget proposed regulations required by the amendment made by subsection (a).

21 USC 971 note.

(2) Not later than 55 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) review such proposed regulations of the Attorney General; and

(B) forward any comments and recommendations for modifications to the Attorney General.

(3) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish the proposed final regulations required by the amendment made by subsection (a).

(4) Not later than 120 days after the date of the enactment of this Act, the Attorney General shall promulgate final regulations required by the amendment made by subsection (a).

Regulations.

(5) Subsection (a) of section 1018 of the Controlled Substances Import and Export Act, as added by subsection (a) of this section, shall take effect 90 days after the promulgation of the final regulations under paragraph (4).

(6) Each regulated person shall provide to the Attorney General the identity of any regular customer or regular supplier of the regulated person not later than 30 days after the promulgation of the final regulations under paragraph (4). Not later than 60 days after the end of such 30-day period, each regular customer and regular supplier so identified shall be a regular customer or regular supplier for purposes of any applicable exception from the requirement of subsection (a) of such section 1018, unless the the Attorney General otherwise notifies the regulated person in writing.

(c) PENALTY FOR IMPORTATION OR EXPORTATION.—Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by adding at the end the following new subsection:

"(d) Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or, in the case of an exportation, in violation of the law of the country to which the chemical is exported; or

"(2) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance in violation of this title or, in the case of an exportation, in violation of the law of the country to which the chemical is exported;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

(d) PENALTY FOR FAILURE TO NOTIFY.—Section 1011 of the Controlled Substances Import and Export Act (21 U.S.C. 961) is amended in the matter before paragraph (1) by inserting after "section 1004" the following: "or fails to notify the Attorney General of an importation or exportation under section 1018".

(e) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end of the items relating to part A of title III the following new item:

"Sec. 1018. Notification, suspension of shipment, and penalties with respect to importation and exportation of listed chemicals.".

SEC. 6054. DEFINITIONS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (8), by inserting "or a listed chemical" after "a controlled substance";

(2) in paragraph (11), by inserting "or a listed chemical" after "a controlled substance" both places it appears; and

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

"(33) The term 'listed chemical' means any listed precursor chemical or listed essential chemical.

"(34) The term 'listed precursor chemical' means a chemical specified by regulation of the Attorney General as a chemical that is used in manufacturing a controlled substance in violation of this title and is critical to the creation of the controlled substances, and such term includes (until otherwise specified by regulation of the Attorney General, as considered appropriate by the Attorney General or upon petition to the Attorney General by any person) the following:

"(A) Anthranilic acid and its salts.

"(B) Benzyl cyanide.

"(C) Ephedrine, its salts, optical isomers, and salts of optical isomers.

"(D) Ergonovine and its salts.

"(E) Ergotamine and its salts.

"(F) N-Acetylanthranilic acid and its salts.

"(G) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.

"(H) Phenylacetic acid and its salts.

"(I) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers.

"(J) Piperidine and its salts.

"(K) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers.

"(L) 3,4-Methylenedioxyphenyl-2-propanone.

"(35) The term 'listed essential chemical' means a chemical specified by regulation of the Attorney General as a chemical that is used as a solvent, reagent, or catalyst in manufacturing a controlled

substance in violation of this title, and such term includes (until otherwise specified by regulation of the Attorney General, as considered appropriate by the Attorney General or upon petition to the Attorney General by any person) the following chemicals:

"(A) Acetic anhydride.

"(B) Acetone.

"(C) Benzyl chloride.

"(D) Ethyl ether.

"(E) Hydriodic acid.

"(F) Potassium permanganate.

"(G) 2-Butanone.

"(H) Toluene.

"(36) The term 'regular customer' means, with respect to a regulated person, a customer with whom the regulated person has an established business relationship that is reported to the Attorney General.

"(37) The term 'regular supplier' means, with respect to a regulated person, a supplier with whom the regulated person has an established business relationship that is reported to the Attorney General.

"(38) The term 'regulated person' means a person who manufactures, distributes, imports, or exports a listed chemical, a tableting machine, or an encapsulating machine.

"(39) The term 'regulated transaction' means—

"(A) a distribution, receipt, sale, importation or exportation of a threshold amount, including a cumulative threshold amount for multiple transactions (as determined by the Attorney General, in consultation with the chemical industry and taking into consideration the quantities normally used for lawful purposes), of a listed chemical, except that such term does not include—

"(i) a domestic lawful distribution in the usual course of business between agents or employees of a single regulated person;

"(ii) a delivery of a listed chemical to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier, or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman, except that if the carriage or storage is in connection with the distribution, importation, or exportation of a listed chemical to a third person, this clause does not relieve a distributor, importer, or exporter from compliance with section 310;

"(iii) any category of transaction specified by regulation of the Attorney General as excluded from this definition as unnecessary for enforcement of this title or title III;

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act; or

"(v) any transaction in a chemical mixture; and

"(B) a distribution, importation, or exportation of a tableting machine or encapsulating machine.

"(40) The term 'chemical mixture' means a combination of two or more chemical substances, at least one of which is not a listed precursor chemical or a listed essential chemical, except that such term does not include any combination of a listed precursor chemi-

cal or a listed essential chemical with another chemical that is present solely as an impurity.".

SEC. 6055. AMENDMENTS TO SECTION 401 OF THE CONTROLLED SUBSTANCES ACT.

(a) ADDITIONAL OFFENSES.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended to read as follows:

"(d) Any person who knowingly or intentionally—

"(1) possesses a listed chemical with intent to manufacture a controlled substance except as authorized by this title;

"(2) possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance except as authorized by this title; or

"(3) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 310, or the regulations issued under that section, receives or distributes a reportable amount of any listed chemical in units small enough so that the making of records or filing of reports under that section is not required;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

(b) ADDITIONAL PENALTY AND OFFENSES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following new subsections:

"(f) In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, or importation of a listed chemical may be enjoined from engaging in any regulated transaction involving a listed chemical for not more than ten years.

"(g)(1) Whoever knowingly distributes a listed chemical in violation of this title (other than in violation of a recordkeeping or reporting requirement of section 310) shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) Whoever possesses any listed chemical, with knowledge that the recordkeeping or reporting requirements of section 310 have not been adhered to, if, after such knowledge is acquired, such person does not take immediate steps to remedy the violation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both.".

SEC. 6056. AMENDMENTS TO SECTION 402 OF THE CONTROLLED SUBSTANCES ACT.

(a) CONFIDENTIAL INFORMATION AMENDMENT.—Section 402(a)(8) of the Controlled Substances Act (21 U.S.C. 842(a)(8)) is amended by inserting after "protection" the following: ", or to use to his own advantage or reveal (other than as authorized by section 310) any information that is confidential under such section".

(b) IDENTIFICATION AMENDMENT.—Section 402(a)(9) of the Controlled Substances Act (21 U.S.C. 842(a)(9)) is amended to read as follows:

"(9) who is a regulated person to engage in a regulated transaction without obtaining the identification required by 310(a)(3).".

(c) TECHNICAL AMENDMENT.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by striking out subparagraph (C).

(d) RECORDS VIOLATIONS.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (8), as amended by subsection (a) of this section, by striking out "or" at the end of the paragraph;

(2) in paragraph (9), as amended by subsection (b) of this section, by striking out the period at the end of the paragraph and inserting in lieu thereof "; or"; and

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

"(10) to fail to keep a record or make a report under section 310.".

SEC. 6057. AMENDMENTS TO SECTION 403 OF THE CONTROLLED SUBSTANCES ACT.

(a) ADDITIONAL OFFENSES.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) in paragraph (4)(B), by striking out "piperidine" and inserting in lieu thereof "a listed chemical";

(2) in paragraph (4)(B), by striking out "or" after the semicolon;

(3) in paragraph (5), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding after paragraph (5) the following new paragraphs:

"(6) to possess any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or equipment specially designed or modified to manufacture a controlled substance, with intent to manufacture a controlled substance except as authorized by this title;

"(7) to manufacture, distribute, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or equipment specially designed or modified to manufacture a controlled substance, knowing that it will be used to manufacture a controlled substance except as authorized by this title; or

"(8) to create a chemical mixture for the purpose of evading a requirement of section 310 or to receive a chemical mixture created for that purpose.".

(b) ADDITIONAL PENALTY.—Section 403 of the Controlled Substances Act (21 U.S.C. 843), is amended by adding at the end the following new subsection:

"(d) In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, or importation of a listed chemical may be enjoined from engaging in any regulated transaction involving a listed chemical for not more than ten years.".

SEC. 6058. SUBPOENA POWER.

The first sentence of section 506(a) of the Controlled Substances Act (21 U.S.C. 876(a)) is amended by inserting "listed chemicals, tableting machines, or encapsulating machines," after "with respect to controlled substances,".

SEC. 6059. FORFEITURE.

(a) IN GENERAL.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding at the end the following new paragraph:

"(9) All listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, or intended to be distributed, imported, or exported, in violation of a felony provision of this title or title III.".

(b) TECHNICAL AMENDMENT.—Paragraph (3) and paragraph (4) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881 (a) and (4)) are each amended by striking out "paragraph (1) or (2)" and inserting in lieu thereof "paragraph (1), (2), or (9)".

SEC. 6060. CHEMICAL DIVERSION CONTROL PROGRAM.

Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended by adding at the end the following new subsection:

"(f) The Attorney General shall maintain an active program, both domestic and international, to curtail the diversion of precursor chemicals and essential chemicals used in the illicit manufacture of controlled substances.".

21 USC 802 note.

SEC. 6061. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, this subtitle shall take effect 120 days after the enactment of this Act.

Asset Forfeiture Amendments Act of 1988.

Subtitle B—Asset Forfeiture Amendments

21 USC 801 note.

SEC. 6071. SHORT TITLE.

This subtitle may be cited as the "Asset Forfeiture Amendments Act of 1988".

SEC. 6072. DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.

Section 524(c) of title 28, United States Code, is amended to read as follows:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the 'Fund') which shall be available to the Attorney General without fiscal year limitation for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include—

"(i) payments for contract services, the employment of outside contractors to operate and manage properties or provide other specialized services as necessary to dispose of such properties in an effort to maximize the return from such properties, and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions; and

"(ii) payments made pursuant to regulations promulgated by the Attorney General, that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment (not less than a majority of which use will be program related), training, printing,

contracting for services directly related to the identification of forfeitable assets processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances;

"(B) the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States;

"(C) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(D) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made, and the employment of attorneys and other personnel skilled in State real estate law as necessary;

"(E) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice;

"(F) for equipping for drug law enforcement functions any government-owned or leased vessels, vehicles, and aircraft available for official use by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service;

"(G) for purchase of evidence of any violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, chapter 96 of title 18, or sections 1956 and 1957 of title 18; and

"(H) after all reimbursements and program-related expenses have been met at the end of fiscal year 1989, the Attorney General may transfer deposits from the Fund to the building and facilities account of the Federal prison system for the construction of correctional institutions.

Amounts for paying the expenses authorized by subparagraphs (A)(ii), (B), (C), (F), and (G) shall be specified in appropriations acts. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) under the fund from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

"(2) Any award paid from the Fund for information, as provided in paragraph (1) (B) or (C), shall be paid at the discretion of the Attorney General or his delegate, under existing departmental delegation policies for the payment of awards, except that the authority to pay an award of $250,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for information pursuant to paragraph (1)(B) shall not

exceed $250,000. Any award for information pursuant to paragraph (1)(C) shall not exceed the lesser of $250,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) Any amount under subparagraph (F) of paragraph (1) shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay $100,000 or more may be delegated only to the respective head of the agency involved.

"(4) There shall be deposited in the Fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) or the Postmaster General of the United States pursuant to section 2003(b)(7) of title 39.

"(5) Amounts in the Fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

Reports.

"(6) The Attorney General shall transmit to the Congress, not later than 4 months after the end of each fiscal year, two detailed reports as follows:

"(A) a report on—

"(i) the estimated total value of property forfeited under any law enforced or administered by the Department of Justice with respect to which funds were not deposited in the Fund; and

"(ii) the estimated total value of all such property transferred to any State or local law enforcement agency; and

"(B) a report on—

"(i) the Fund's beginning balance;

"(ii) sources of receipts (seized cash, conveyances, and others);

"(iii) liens and mortgages paid and amount of money shared with State and local law enforcement agencies;

"(iv) the net amount realized from the year's operations, amount of seized cash being held as evidence, and the amount of money legally allowed to be carried over to next year;

"(v) any defendant's equity in property valued at $1,000,000 or more; and

"(vi) year-end Fund balance.

"(7) The Fund shall be subject to annual audit by the Comptroller General.

"(8) The provisions of this subsection relating to deposits in the Fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

Appropriation authorization.

"(9) There are authorized to be appropriated such sums as necessary for the purposes described in subparagraphs (A)(ii), (B), (C), (F), and (G) of paragraph (1). At the end of each of fiscal years 1990, 1991, and 1992, unobligated amounts not to exceed $150,000,000 remaining in the Fund shall be deposited in the Special Forfeiture Fund, except that an amount not to exceed $15,000,000 or, if determined necessary by the Attorney General to meet asset specific expenses, an amount equal to one-twelfth of the previous year's

expenditures may be carried forward and remain available for appropriation in the next fiscal year.

"(10) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice,

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the United States Customs Service in which case the provisions of section 613A of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

SEC. 6073. ESTABLISHMENT OF SPECIAL FORFEITURE FUND. 21 USC 1509.

(a) IN GENERAL.—There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the "Fund") which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations acts.

(b) DEPOSITS.—Beginning in fiscal year 1990, there shall be deposited in the Fund not to exceed $150,000,000 in unobligated amounts remaining at the end of each fiscal year from the Department of Justice Assets Forfeiture Fund (28 U.S.C. 524(c)) except that amounts specified in section 524(c)(9) of title 28, United States Code, may be carried forward and remain available for appropriation in the next fiscal year.

(c) INVESTMENT OF FUND.—Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(d) PRESIDENT'S BUDGET.—The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, United States Code, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control strategy.

(e) FUNDS PROVIDED SUPPLEMENTAL.—Funds disbursed under this subsection shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

(f) ANNUAL REPORT.—No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.

SEC. 6074. TRANSFER BY THE ATTORNEY GENERAL OF FOREIGN PROPERTY.

Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by—

(1) striking "or" after the semicolon in subparagraph (C);

(2) striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) adding at the end thereof the following:

"(E) transfer the forfeited personal property or the proceeds of the sale of any forfeited personal or real property

to any foreign country which participated directly or indirectly in the seizure or forfeiture of the property, if such a transfer—

"(i) has been agreed to by the Secretary of State;

"(ii) is authorized in an international agreement between the United States and the foreign country; and

"(iii) is made to a country which, if applicable, has been certified under section 481(h) of the Foreign Assistance Act of 1961.".

SEC. 6075. ADDITIONAL EXCEPTION TO PROVISION RELATING TO FORFEITURE OF CONVEYANCES.

Paragraph (4) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" after the semicolon;

(2) in subparagraph (B), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) no conveyance shall be forfeited under this paragraph to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge, consent, or willful blindness of the owner.".

SEC. 6076. FORFEITURES OF CONVEYANCES.

(a) AMENDMENT TO ACT OF AUGUST 9, 1939.—Section 2 of the Act of August 9, 1939 (chapter 618, 53 Stat. 1291; 49 U.S.C. App. 782), is amended by adding at the end the following: "No vessel, vehicle, or aircraft shall be forfeited under this section to the extent of an interest of an owner for a drug-related offense established by that owner to have been committed or omitted without the knowledge, consent, or willful blindness of the owner.".

(b) AMENDMENTS TO TARIFF ACT OF 1930.—Section 594(b) of the Tariff Act of 1930 (19 U.S.C. 1594(b)) is amended—

(1) by inserting "(1)" after "(b)";

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

(3) by adding at the end the following:

"(2) Except as provided in paragraph (1) or subsection (c), no vessel, vehicle, or aircraft is subject to forfeiture to the extent of an interest of an owner for a drug-related offense established by that owner to have been committed or omitted without the knowledge, consent, or willful blindness of the owner.".

SEC. 6077. RESTORATION OF EQUITABLE SHARING PRINCIPLE RELATING TO TRANSFER OF FORFEITED ASSETS TO STATE AND LOCAL AGENCIES UNDER THE CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by adding at the end the following new paragraph:

"(3) The Attorney General shall assure that any property transferred to a State or local law enforcement agency under paragraph (1)(A)—

"(A) has a value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into

account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and

"(B) is not so transferred to circumvent any requirement of State law that prohibits forfeiture or limits use or disposition of property forfeited to State or local agencies.".

(b) TECHNICAL AMENDMENT.—Section 511(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 881(e)(1)(A)) is amended to read as follows:

"(A) retain the property for official use or, in the manner provided with respect to transfers under section 616 of the Tariff Act of 1930, transfer the property to any Federal agency or to any State or local law enforcement agency which participated directly in the seizure or forfeiture of the property;".

(c) EFFECTIVE DATE.—Section 551(e)(3)(B) of the Controlled Substances Act, as enacted by subsection (a), shall apply with respect to fiscal years beginning after September 30, 1989. 21 USC 881 note.

SEC. 6078. COORDINATION OF POST-SEIZURE PROCEDURES.

(a) IN GENERAL.—Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end the following new section:

"COORDINATION AND CONSOLIDATION OF POST-SEIZURE ADMINISTRATION

"SEC. 517. The Attorney General and the Secretary of the Treasury shall take such action as may be necessary to develop and maintain a joint plan to coordinate and consolidate post-seizure administration of property seized under this title, title III, or provisions of the customs laws relating to controlled substances.". 21 USC 887.

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 516 the following new item:

"517. Coordination and consolidation of post-seizure administration.".

SEC. 6079. REGULATIONS TO PROVIDE FORFEITURE PROCEDURES. 21 USC 881 note.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall consult, and after providing a 30-day public comment period, shall prescribe regulations for expedited administrative procedures for seizures under section 511(a) (4), (6), and (7) of the Controlled Substances Act (21 U.S.C. 881(a) (4), (6), and (7)); section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a(a)); and section 2 of the Act of August 9, 1939 (53 Stat. 1291; 49 U.S.C. App. 782) for violations involving the possession of personal use quantities of a controlled substance.

(b) SPECIFICATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) minimize the adverse impact caused by prolonged detention, and

(2) provide for a final administrative determination of the case within 21 days of seizure, or provide a procedure by which the defendant can obtain release of the property pending a final determination of the case. Such regulations shall provide that the appropriate agency official rendering a final determination

shall immediately return the property if the following conditions are established:

(A) the owner or interested party did not know of or consent to the violation;

(B) the owner establishes a valid, good faith interest in the seized property as owner or otherwise; and

(C)(1) the owner establishes that the owner at no time had any knowledge or reason to believe that the property in which the owner claims an interest was being or would be used in a violation of the law; and

(2) if the owner at any time had, or should have had, knowledge or reason to believe that the property in which the owner claims an interest was being or would be used in a violation of the law, that the owner did what reasonably could be expected to prevent the violation.

An owner shall not have the seized property returned under this subsection if the owner had not acted in a normal and customary manner to ascertain how the property would be used.

(c) NOTICE.—At the time of seizure or upon issuance of a summons to appear under subsection (d), the officer making the seizure shall furnish to any person in possession of the conveyance a written notice specifying the procedures under this section. At the earliest practicable opportunity after determining ownership of the seized conveyance, the head of the department or agency that seizes the conveyance shall furnish a written notice to the owner and other interested parties (including lienholders) of the legal and factual basis of the seizure.

(d) SUMMONS IN LIEU OF SEIZURE OF COMMERCIAL FISHING INDUSTRY VESSELS.—Not later than 90 days after the enactment of this Act, the Attorney General, the Secretary of the Treasury, and the Secretary of Transportation shall prescribe joint regulations, after a public comment period of at least 30 days, providing for issuance of a summons to appear in lieu of seizure of a commercial fishing industry vessel as defined in section 2101 (11a), (11b), and (11c) of title 46, United States Code, for violations involving the possession of personal use quantities of a controlled substance. These regulations shall apply when the violation is committed on a commercial fishing industry vessel that is proceeding to or from a fishing area or intermediate port of call, or is actively engaged in fishing operations. The authority provided under this section shall not affect existing authority to arrest an individual for drug-related offenses or to release that individual into the custody of the vessel's master. Upon answering a summons to appear, the procedures set forth in subsections (a), (b), and (c) of this section shall apply. The jurisdiction of the district court for any forfeiture incurred shall not be affected by the use of a summons under this section.

(e) PERSONAL USE QUANTITIES OF A CONTROLLED SUBSTANCE.—For the purposes of this section, personal use quantities of a controlled substance shall not include sweepings or other evidence of nonpersonal use amounts.

SEC. 6080. EXPEDITED PROCEDURES FOR SEIZED CONVEYANCES.

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 511 the following new section:

"EXPEDITED PROCEDURES FOR SEIZED CONVEYANCES

Claims.
21 USC 881-1.

"SEC. 511A. (a)(1) The owner of a conveyance may petition the Attorney General for an expedited decision with respect to the conveyance, if the conveyance is seized for a drug-related offense and the owner has filed the requisite claim and cost bond in the manner provided in section 608 of the Tariff Act of 1930. The Attorney General shall make a determination on a petition under this section expeditiously, including a determination of any rights or defenses available to the petitioner. If the Attorney General does not grant or deny a petition under this section within 20 days after the date on which the petition is filed, the conveyance shall be returned to the owner pending further forfeiture proceedings.

"(2) With respect to a petition under this section, the Attorney General may—

"(A) deny the petition and retain possession of the conveyance;

"(B) grant the petition, move to dismiss the forfeiture action, if filed, and promptly release the conveyance to the owner; or

"(C) advise the petitioner that there is not adequate information available to determine the petition and promptly release the conveyance to the owner.

"(3) Release of a conveyance under subsection (a)(1) or (a)(2)(C) does not affect any forfeiture action with respect to the conveyance.

"(4) The Attorney General shall prescribe regulations to carry out this section.

Regulations.

"(b) At the time of seizure, the officer making the seizure shall furnish to any person in possession of the conveyance a written notice specifying the procedures under this section. At the earliest practicable opportunity after determining ownership of the seized conveyance, the head of the department or agency that seizes the conveyance shall furnish a written notice to the owner and other interested parties (including lienholders) of the legal and factual basis of the seizure.

"(c) Not later than 60 days after a claim and cost bond have been filed under section 608 of the Tariff Act of 1930 regarding a conveyance seized for a drug-related offense, the Attorney General shall file a complaint for forfeiture in the appropriate district court, except that the court may extend the period for filing for good cause shown or on agreement of the parties. If the Attorney General does not file a complaint as specified in the preceding sentence, the court shall order the return of the conveyance to the owner and the forfeiture may not take place.

"(d) Any owner of a conveyance seized for a drug-related offense may obtain release of the conveyance by providing security in the form of a bond to the Attorney General in an amount equal to the value of the conveyance unless the Attorney General determines the conveyance should be retained (1) as contraband, (2) as evidence of a violation of law, or (3) because, by reason of design or other characteristic, the conveyance is particularly suited for use in illegal activities.".

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 511 the following new item:

"511A. Expedited procedures for seized conveyances."

Subtitle C—State and Local Narcotics Control and Justice Assistance Improvements

PART 1—STATE AND LOCAL NARCOTICS CONTROL AND JUSTICE ASSISTANCE IMPROVEMENTS

SEC. 6091. BUREAU OF JUSTICE ASSISTANCE AND UNIFIED GRANT PROGRAMS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking parts D and E (42 U.S.C. 3741-3766) and inserting the following:

"PART D—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

"ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

42 USC 3741.

"SEC. 401. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereafter in this part referred to as the 'Bureau').

President of U.S.

"(b) The Bureau shall be headed by a Director (hereafter in this part referred to as the 'Director') who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

Grants.
Contracts.

"DUTIES AND FUNCTIONS OF THE DIRECTOR

42 USC 3742.

"SEC. 402. The Director shall have the following duties:

"(1) Providing funds to eligible States, units of local government, and nonprofit organizations pursuant to part E.

"(2) Establishing programs in accordance with subpart 2 of part E and, following public announcement of such programs, awarding and allocating funds and technical assistance in accordance with the criteria of subpart 2, and on terms and conditions determined by the Director to be consistent with subpart 2.

"(3) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities.

"(4) Providing for the development of technical assistance and training programs for State and local criminal justice agencies and fostering local participation in such activities.

"(5) Encouraging the targeting of State and local resources on efforts to reduce the incidence of drug abuse and crime and on programs relating to the apprehension and prosecution of drug offenders.

"(6) Establishing and carrying on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Bureau affecting State and local drug control and criminal justice priorities.

"(7) Preparing recommendations on the State and local drug enforcement component of the National Drug Control Strategy which shall be submitted to the Associate Director of the Office on National Drug Control Policy. In making such recommendations, the Director shall review the statewide strategies submitted by such States under part E, and shall obtain input from State and local drug enforcement officials. The recommendations made under this paragraph shall be provided at such time and in such form as the Director of National Drug Control Policy shall require.

"(8) Exercising such other powers and functions as may be vested in the Director pursuant to this title or by delegation of the Attorney General or Assistant Attorney General.

"PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

"NAME OF PROGRAMS

"SEC. 500. The grant programs established under this part shall be known as the 'Edward Byrne Memorial State and Local Law Enforcement Assistance Programs'. 42 USC 3750.

"Subpart 1—Drug Control and System Improvement Grant Program

"DESCRIPTION OF THE DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM

"SEC. 501. (a) It is the purpose of this subpart to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy by developing programs and projects to assist multijurisdictional and multi-State organizations in the drug control problem and to support national drug control priorities. 42 USC 3751.

"(b) The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the 'Director') is authorized to make grants to States, for the use by States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Such grants shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, and detention and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

"(1) demand reduction education programs in which law enforcement officers participate;

"(2) multijurisdictional task force programs that integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence, and facilitating multijurisdictional investigations;

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

"(4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

"(5) disrupting illicit commerce in stolen goods and property;

"(6) improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes, and fraud against the government with priority attention to cases involving drug-related official corruption;

"(7)(A) improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs;

"(B) developing and implementing antiterrorism plans for deep draft ports, international airports, and other important facilities;

"(8) career criminal prosecution programs including the development of proposed model drug control legislation;

"(9) financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information sharing systems;

Courts, U.S.

"(10) improving the operational effectiveness of the court process through programs such as court delay reduction programs and enhancement programs;

"(11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies;

"(12) providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

"(13) providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

"(14) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

"(15)(A) developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug dependent offenders, enhancement of State and local forensic laboratories, and

"(B) criminal and justice information systems to assist law enforcement, prosecution, courts, and corrections organization (including automated fingerprint identification systems);

"(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

"(17) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly; Aged persons.

"(18) drug control evaluation programs which the State and local units of government may utilize to evaluate programs and projects directed at State drug control activities;

"(19) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community; and

"(20) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

"(c) Each program funded under this section shall contain an evaluation component, developed pursuant to guidelines established by the National Institute of Justice, in consultation with the Bureau of Justice Assistance. The Director of the Bureau of Justice Assistance may waive this requirement when in the opinion of the Director—

"(1) the program is not of sufficient size to justify a full evaluation report; or

"(2) the program is designed primarily to provide material resources and supplies, such as laboratory equipment, that would not justify a full evaluation report.

"ELIGIBILITY

"SEC. 502. The Bureau is authorized to make financial assistance under this subpart available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this subpart. 42 USC 3752.

"STATE APPLICATIONS

"SEC. 503. (a) To request a grant under this subpart, the chief executive officer of a State shall submit an application within 60 days after the Bureau has promulgated regulations under this section, and for each subsequent year, within 60 days after the date that appropriations for this part are enacted, in such form as the Director may require. Such application shall include the following: 42 USC 3753.

"(1) A statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy shall be prepared after consultation with State and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice and shall contain—

"(A) a definition and analysis of the drug and violent crime problem in the State, and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems;

"(B) an assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application;

"(C) coordination requirements;

"(D) resource needs;

"(E) the establishment of statewide priorities for crime and drug control activities and programs;

"(F) an analysis of the relationship of the proposed State efforts to the national drug control strategy; and

"(G) a plan for coordinating the programs to be funded under this part with other federally funded programs, including State and local drug abuse education, treatment, and prevention programs.

"(2) A certification that Federal funds made available under the formula grant of this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(3) A certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds.

"(4) An assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 30-day period beginning on the date such application or amendment is so submitted).

"(5) An assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

"(6) An assurance that following the first fiscal year covered by an application and for each fiscal year thereafter, a performance evaluation and assessment report concerning the activities carried out pursuant to this section will be submitted to the Bureau.

"(7) A provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records that the Bureau shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds reviewed under this section.

Reports.

"(8) An assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this subpart.

"(9) A certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this subpart and all other applicable Federal laws. Such certification shall be made in a form accept-

able to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office.

"(10) A certification that the State is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

"(b) Within 30 days after the date of enactment of this part, the Director shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this section. Regulations.

"GRANT LIMITATIONS

"SEC. 504. (a) A grant made under this subpart may not— 42 USC 3754.

"(1) for fiscal year 1989 appropriations be expended for more than 75 per centum; and

"(2) for any subsequent fiscal year appropriations be expended for more than 50 per centum; Indians.

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section 502, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

"(b) Not more than 10 percent of a grant made to an eligible State under section 506 may be used for costs incurred to administer such grant.

"(c) States and units of local government or combinations thereof are authorized to use a grant made under section 506 for the expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

"(d) States and local units of government are authorized to use a grant made under section 506 for the expenses associated with conducting the evaluations required under section 501(c) of this part.

"(e) The non-Federal portion of the cost of such program or project shall be in cash. State and local units of government may use cash received under the equitable sharing program to cover the non-Federal portion of the costs of programs funded under section 506.

"(f) No funds may be awarded under this subpart to a grant recipient for a program or project for which funds have been awarded under this title for 4 years (in the aggregate), including any period occurring before the effective date of this subsection.

"REVIEW OF STATE APPLICATIONS

"SEC. 505. (a) The Bureau shall provide financial assistance to each State applicant under this subpart to carry out the programs or projects submitted by such applicant upon determining that— 42 USC 3755.

"(1) the application or amendment thereto is consistent with the requirements of this subpart; and

"(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in

writing that the program or project has been reviewed in accordance with this subpart.

"(b) Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 shall be deemed approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Grant funds awarded under this subpart shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

"(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

"ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

42 USC 3756.

"SEC. 506. (a) Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount required to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

"(1) $500,000 shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(b) that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraph (2) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsections (b) and (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(d) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a

State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 502, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(e) Any funds allocated under subsection (a) or (e) that are not distributed under this section shall be available for obligation under subpart 2.

"STATE OFFICE

"SEC. 507. (a) The chief executive of each participating State shall designate a State office for purposes of— 42 USC 3757.

"(1) preparing an application to obtain funds under section 503;

"(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

"(3) coordinating the distribution of funds provided under this part with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities and programs. Research and development.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"DISTRIBUTION OF GRANTS TO LOCAL GOVERNMENT

"SEC. 508. (a) Each application made by a local unit of government, or a combination of units of local government, to a State for funds under this subchapter shall be deemed approved, in whole or in part, by the State not later than 45 days after first received unless the State informs the applicant in writing of specific reasons for disapproval. The State shall not finally disapprove any application submitted to the State without first affording the applicant reasonable notice and opportunity for reconsideration. 42 USC 3758.

"(b) Each State which receives funds under section 506 in a fiscal year shall make such funds available to local units of government, or combinations thereof, whose application has been submitted to, approved and awarded by the State, within 45 days after the Bureau has approved the State application and has made funds available to such State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State cannot satisfy that requirement consistent with State statutes.

"Subpart 2—Discretionary Grants

"PURPOSES

"SEC. 510. (a) The purpose of this subpart is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of— 42 USC 3760.

"(1) undertaking educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of government;

"(3) undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section 502; and

"(4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

Contracts.

"(b) In carrying out this subpart, the Director is authorized to make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in section 501(b). The Director shall have final authority over all funds awarded under this subpart.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

42 USC 3761.

"SEC. 511. Of the total amount appropriated for this part in any fiscal year, 20 percent or $50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section 503. Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

"LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

42 USC 3762.

"SEC. 512. Grant funds awarded under section 511 shall not be used for land acquisition or construction projects.

"APPLICATION REQUIREMENTS

42 USC 3763.

"SEC. 513. (a) No grant may be made under this subpart unless an application has been submitted to the Director in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to section 511;

"(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals; and

"(4) agrees to conduct such evaluation according to the procedures and terms established by the Bureau.

"(b) Each applicant for funds under this subpart shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this subpart and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

"PERIOD OF AWARD

42 USC 3764.

"SEC. 514. The Bureau may provide financial aid and assistance to programs or projects under this subpart for a period of not to exceed 4 years. Grants made pursuant to this subpart may be extended or renewed by the Bureau for an additional period of up to 2 years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the public agency or private nonprofit organization within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from any source of funds, including Federal grants, available to the eligible jurisdiction.

"Subpart 3—Administrative Provisions

"EVALUATION

"SEC. 520. (a) To increase the efficiency and effectiveness of programs funded under this part, the National Institute of Justice shall— 42 USC 3766.

"(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct the program evaluations as required by section 501(c) of this part; and

"(2) conduct a reasonable number of comprehensive evaluations of programs funded under section 506 (formula grants) and section 511 (discretionary grants) of this part.

"(b) In selecting programs for review, the Director of the National Institute of Justice should consider—

"(1) whether the program establishes or demonstrates a new and innovative approach to drug or crime control;

"(2) the cost of the program to be evaluated and the number of similar programs funded under section 506 (formula grants) and section 511 (discretionary grants);

"(3) whether the program has a high potential to be replicated in other jurisdictions; and

"(4) whether there is substantial public awareness and community involvement in the program. Routine auditing, monitoring, and internal assessment of a State and local drug control program's progress shall be the sole responsibility of the Bureau of Justice Assistance.

"(c) The Director of the National Institute of Justice shall annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under this section. Reports.

"GENERAL PROVISIONS

"SEC. 521. (a) The Bureau shall prepare both a 'Program Brief' and 'Implementation Guide' document for proven programs and projects to be funded under this part. 42 USC 3766a.

"(b) The functions, powers, and duties specified in this part to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

"REPORTS

"SEC. 522. (a) Each State which receives a grant under section 506 shall submit to the Director, for each year in which any part of such 42 USC 3766b.

grant is expended by a State or unit of local government, a report which contains—

"(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503;

"(2) a summary of the activities carried out in such year with any grant received under subpart 2 by such State;

"(3) the evaluation result of programs and projects;

"(4) an explanation of how the Federal funds provided under this part were coordinated with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities; and

"(5) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

"(b) Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

"(1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for such fiscal year;

"(2) the amount of such grants awarded for each of the purposes specified in subpart 1;

"(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a);

"(4) an explanation of how Federal funds provided under this part have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and

"(5) evaluation results of programs and projects and State strategy implementation.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the items relating to parts D and E and inserting the following:

"PART D—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

"Sec. 401. Establishment of Bureau of Justice Assistance.
"Sec. 402. Duties and functions of the Director.

"PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

"Sec. 500. Name of programs.

"SUBPART 1—DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM

"Sec. 501. Description of the Drug Control and System Improvement Grant program.
"Sec. 502. Eligibility.
"Sec. 503. State applications.
"Sec. 504. Grant limitations.
"Sec. 505. Review of State applications.
"Sec. 506. Allocation and distribution of funds under formula grants.
"Sec. 507. State office.
"Sec. 508. Distribution of grants to local government.

"SUBPART 2—DISCRETIONARY GRANTS

"Sec. 510. Purpose.
"Sec. 511. Allocation of funds for discretionary grants.
"Sec. 512. Limitation on use of discretionary grant funds.

"Sec. 513. Application requirements.
"Sec. 514. Period of award.

"SUBPART 3—ADMINISTRATIVE PROVISIONS

"Sec. 520. Evaluation.
"Sec. 521. General provisions.
"Sec. 522. Reports.".

SEC. 6092. DUTIES AND FUNCTIONS OF THE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.

(a) IN GENERAL.—Section 302 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. section 3732) is amended in subsection (c) by redesignating paragraphs (16), (17), (18) and (19) as paragraphs (20), (21), (22) and (23), respectively, and inserting the following new paragraphs:

"(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

"(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

"(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

Research and development.

"(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information.".

(b) TECHNICAL AMENDMENT.—Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "407(a)" and inserting "506(a)".

42 USC 3791.

SEC. 6093. JUSTICE ASSISTANCE ACT REAUTHORIZATION.

Section 1001 of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

42 USC 3793.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1001. (a)(1) There is authorized to be appropriated $30,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992 to carry out the functions of the Bureau of Justice Statistics.

"(2) There is authorized to be appropriated $30,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992 to carry out the functions of the National Institute of Justice.

"(3) There are authorized to be appropriated $25,500,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under parts D, E, F, G, L, and M.

"(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L of this title.

"(5) There are authorized to be appropriated $275,000,000 for fiscal year 1989; $350,000,000 for fiscal year 1990; $400,000,000 for fiscal year 1991; and such sums as may be necessary for fiscal year 1992 to carry out the programs under parts D and E of this title.

"(6) There are authorized to be appropriated $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the programs under part M of this title.

"(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

"(c) Notwithstanding any other provision of law, no funds appropriated under this section for part E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such parts.".

Communications and telecommunications.

PART 2—REGIONAL INFORMATION SHARING SYSTEMS GRANTS

SEC. 6101. REGIONAL INFORMATION SHARING SYSTEMS GRANTS.

(a) GRANT AUTHORIZED.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking part M and inserting the following:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS GRANTS

42 USC 3796h.

"SEC. 1301. REGIONAL INFORMATION SHARING SYSTEMS GRANTS.

Contracts.

"(a) The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities spanning jurisdictional boundaries.

"(b) Grants and contracts awarded under this part shall be made for—

"(1) maintaining and operating information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

"(2) establishing and operating an analytical component to assist participating agencies and projects in the compilation, interpretation, and presentation of information provided to a project;

"(3) establishing and maintaining a telecommunication of the information sharing and analytical programs in clauses (1) and (2); and

"(4) other programs designated by the Director that are designed to further the purposes of this part.

Regulations.

"(c) The Director is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this section, including rules and regulations for submitting and reviewing applications."

(b) TECHNICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking out the items relating to part N and section 1401, and inserting in lieu thereof the following new items:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS GRANTS

"Sec. 1301. Regional information sharing systems grants.

"PART N—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1401. Continuation of rules, authorities, and proceedings."

PART 3—PUBLIC SAFETY OFFICERS' DEATH BENEFITS IMPROVEMENT

SEC. 6105. PUBLIC SAFETY OFFICERS' DEATH BENEFITS IMPROVEMENT.

(a) BASIC LEVEL OF DEATH BENEFIT PAYABLE.—Section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking out "$50,000" and inserting in lieu thereof "$100,000, adjusted in accordance with subsection (g)".

(b) ANNUAL ADJUSTMENT OF BENEFIT LEVEL.—Section 1201 of title I of the Omnibus Crime Control Act of 1968 (42 U.S.C. 3796) is amended by adding at the end thereof the following new subsections:

"(g) On October 1 of each fiscal year beginning after the effective date of this subsection, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsection (a), to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

"(h) The amount payable under subsection (a) with respect to the death of a public safety officer shall be the amount payable under subsection (a) as of the date of death of such officer.".

(c) PARENTS AS BENEFICIARIES.—Section 1201(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)(4)) is amended by striking out "dependent".

(d) TECHNICAL AMENDMENT.—Section 1203 of title I of the Omnibus Crime Control Act of 1968 (42 U.S.C. 3796b) is amended by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), (6), and (7), as paragraphs (2), (3), (4), (5), and (6), respectively.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on June 1, 1988.

42 USC 3796 note.

SEC. 6106. NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE DIED IN THE LINE OF DUTY.

(a) PROGRAM AUTHORIZATION.—Part L of title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796a) is amended by—

(1) redesignating sections 1203 and 1204 as sections 1204 and 1205, respectively; and

(2) adding after section 1202 the following new section:

42 USC 3796b, 3796c.

"NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE DIED IN THE LINE OF DUTY

42 USC 3796a-1.

"SEC. 1203. The Director is authorized and directed to use up to $150,000 of the funds appropriated for this part to establish national programs to assist the families of public safety officers who have died in the line of duty.".

(b) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

(1) redesignating the items for section 1203 and 1204 as sections 1204 and 1205, respectively; and

(2) inserting after section 1203 the following:

"Sec. 1203. National program for families of public safety officers who have died in the line of duty.".

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

Aliens.

(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.

SEC. 6152. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS ARMED CAREER CRIMINAL APPREHENSION PROGRAM PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the Bureau of Alcohol, Tobacco, and Firearms for fiscal year 1989, $10,660,000: *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 appropriations shall be used to increase the number of Armed Career Criminal Apprehension enforcement personnel and other personnel responsible for criminal enforcement of section 924 of title 18, United States Code, by no fewer than 244 full-time equivalent positions over such personnel levels onboard at the Bureau as of September 30, 1988, and for related equipment: *Provided further,* That of the amount authorized to be appropriated by this section, $615,000 shall be available for—

(1) the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco, and Firearms; and

(2) the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco, and Firearms.

SEC. 6153. DRUG ENFORCEMENT ADMINISTRATION PERSONNEL ENHANCEMENT.

(a) IN GENERAL.—There is authorized to be appropriated for salaries and expenses of the Drug Enforcement Administration for fiscal year 1989, $60,000,000: *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 $4,920,000 of such additional appropriation authorized in this section shall be used to increase Drug Enforcement Administration operations against criminals involved in youth gang-related organized crime: *Provided further,* That $10,000,000 of such additional amount authorized to be appropriated in this section shall be used to implement the Chemical Diversion and Trafficking Act of 1988: *Provided further,* That $15,000,000 of such additional amount authorized to be appropriated in this section shall be used for the Foreign Cooperative Investigations program: *Provided further,* That $5,000,000 of such additional amount authorized to be appropriated in this section shall be used for the Diversion Control program: *Provided further,* That $3,280,000 of such additional amount authorized to be appropriated in this section shall be used for additional analysts and equipment for the enhancement of the El Paso Intelligence Center (EPIC).

(b) DEA DRUG EDUCATION PROGRAM.—There is authorized to be appropriated, out of any funds made available by this or any other Act for the Drug Enforcement Administration, for the fiscal year ending September 30, 1989, such sums as may be necessary to establish and maintain a Drug Enforcement Administration Drug Education Program.

5 USC 5315 note.

(c) COMPENSATION OF DEPUTY DIRECTOR.—The Deputy Administrator of the Drug Enforcement Administration shall receive compensation at the rate now or hereafter prescribed by law for positions of Level IV of the Executive Schedule Pay Rate (5 U.S.C. 5315).

SEC. 6154. FEDERAL BUREAU OF INVESTIGATION DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the Federal Bureau of Investigation for fiscal year 1989, $30,000,000: *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.

SEC. 6155. UNITED STATES MARSHALS SERVICE DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the U.S. Marshals Service for the fiscal year 1989, $21,500,000: *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 as follows:

(1) for asset seizure and forfeiture activities;

(2) for criminal justice support activities, including prisoner production and transportation;

(3) for protection of the Federal judiciary and court facilities resulting from increased drug-related trials;

(4) for increased workloads of the Marshals Service Witness Security Program; and

(5) for payment of rewards for assistance in the capture or information leading to the capture of a Federal fugitive.

SEC. 6156. SUPPORT OF UNITED STATES PRISONERS.

There is authorized to be appropriated for fiscal year 1989, for support of United States prisoners in non-Federal institutions, $21,500,000 to remain available until expended, of which not to exceed $4,100,000 shall be available under the Cooperative Agree-

ment Program for the purpose of renovating, constructing, and equipping State and local correctional facilities: *Provided,* That the appropriation authorized under this section 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 amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General; *Provided further,* That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space required for Federal prisoners with authorized Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

SEC. 6157. FEDERAL PRISON SYSTEM.

There is authorized to be appropriated in fiscal year 1989 to the buildings and facilities account, Federal Prison System, Department of Justice, $200,000,000 for planning; acquisition of sites, construction of new facilities; purchase and acquisition of existing facilities and remodeling and equipping of such facilities for penal and correctional use, to alleviate overcrowding in existing prisons and to meet the increased demand for prison space resulting from drug-related offenses: *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. There is authorized to be appropriated in fiscal year 1989 for the salaries and expenses account, Federal Prison System, Department of Justice, $13,000,000: *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.

SEC. 6158. UNITED STATES ATTORNEYS DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the United States Attorneys, Department of Justice for fiscal year 1989, $36,080,000: *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.

SEC. 6159. FEDERAL JUDICIARY.

(a) IN GENERAL.—There is authorized to be appropriated to the Federal courts for salaries and expenses of the Courts of Appeals, District Courts, and other Judicial Services, $43,132,000 to remain available until expended: *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 the additional funds authorized to be appropriated under this section, shall be made available for the following:

(1) $30,340,000 for probation and pretrial services, including pretrial social services;

(2) $1,640,000 for additional deputy clerks;

(3) $656,000 for additional law clerks and clerical support staff;

(4) $4,100,000 for additional renovation of court facilities; and

(5) $4,756,000 for additional United States magistrates.

Reports.

(b) JUDICIAL CONFERENCE.—(1) The Judicial Conference of the United States shall prepare a report evaluating the impact of drug-related criminal activity on the Federal Judiciary. The Judicial Conference shall make its recommendations on the basis of the drug-related resource needs of the district courts. The report shall further contain a complete explanation of the specific criteria used in making its recommendations, including the officials and sources consulted on the impact of drug-related cases in specific judicial district courts. The report shall further contain a complete explanation of the specific criteria used in making its recommendations, including the officials and sources consulted on the impact of drug-related cases in specific judicial districts.

(2) The report required by paragraph (1) shall be transmitted to the United States House of Representatives and the Committee on the Judiciary of the United States Senate not later than 120 days after the date of enactment of this section.

(c) FEDERAL PUBLIC DEFENDER AND COMMUNITY DEFENDER.—There is authorized to be appropriated for the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act, the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, $28,700,000 to remain available until expended: *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.

(d) JURORS FEES AND EXPENSES.—There is authorized to be appropriated to the Federal courts for fees and expenses of jurors and compensation of jury commissioners, $2,378,000 to remain available until expended: *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.

(e) SECURITY EQUIPMENT.—There is authorized to be appropriated to the Federal courts for necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities, $4,920,000 to remain available until expended: *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.

SEC. 6160. THE NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT.

(a) DEFINITIONS.—As used in this section—

(1) the term "Commission" means the National Advisory Commission on Law Enforcement;

(2) the term "Commissioner" means a member of the National Advisory Commission on Law Enforcement; and

(3) the term "law enforcement officer" has the same meaning as provided in section 8401(17) of title 5, United States Code.

(b) ESTABLISHMENT.—There is established a National Advisory Commission on Law Enforcement, which shall consist of the following members:

(1) four members of the United States Senate, 2 of whom shall be selected by the Majority Leader and 2 of whom shall be selected by the Minority Leader;

(2) four members of the United States House of Representatives, 2 of whom shall be selected by the Speaker and 2 of whom shall be selected by the Minority Leader;

(3) the Comptroller General of the United States, who shall also serve as Chairman of the Commission;

(4) the Director of the Office of Personnel Management;

(5) the Attorney General of the United States and three other officials of the Department of Justice who shall be designated by the Attorney General;

(6) the Secretary of the Treasury and 2 other officials of the Department of the Treasury who shall be designated by the Secretary of the Treasury;

(7) the Inspector Generals of 3 departments or agencies of the executive branch of the United States who shall be designated by the President of the United States; and

(8) three representatives from Federal employee groups to be selected by the Office of Personnel Management after consultation with the Speaker of the House and the Majority Leader of the Senate.

(c) STUDY.—The Commission shall study the methods and rates of compensation, including salary, overtime pay, retirement policies, and other benefits of law enforcement officers in all Federal agencies, as well as the methods and rates of compensation of State and local law enforcement officers in a representative number of areas where Federal law enforcement officers are assigned, in order to determine—

(1) the differences which exist among Federal agencies with regard to the methods and rates of compensation for law enforcement officers;

(2) the rational basis, if any, for such differences, considering the nature of the responsibilities of the law enforcement officers in each agency; the qualifications and training required to perform such responsibilities; the degree of personal risk to which the law enforcement officers in each agency are normally exposed in the performance of their duties; and such other factors as the Commission deems relevant in evaluating the differences in compensation among the various agencies;

(3) the extent to which inequities appear to exist among Federal agencies with regard to the methods and rates of compensation of law enforcement officers, based on consideration of the factors mentioned in paragraph (2) of this subsection;

(4) the feasibility of devising a uniform system of overtime compensation for law enforcement officers in all or most Federal agencies, with due regard for both the special needs of law enforcement officers and the relative cost effectiveness to the

Government of such a system compared to those currently in use;

(5) how the salaries paid to Federal law enforcement officers compare to those of State and local officers in the same geographical area, especially those in "high cost-of-living" areas;

(6) the impact of the rates of compensation paid by various Federal agencies on the lifestyle, morale, and general well-being of law enforcement officers, including their ability to subsist;

(7) the recruiting and retention problems experienced by Federal agencies due to: inequities in compensation among such agencies; the differences between rates of compensation paid to Federal law enforcement officers and State and local officers in the same geographical areas; and other factors related to compensation;

(8) the extent to which Federal legislation and administrative regulations may be necessary or appropriate to rectify inequities among Federal agencies in the methods and rates of compensation for law enforcement officers; to address the lack of uniformity among agencies with regard to overtime pay; to provide premiums or special rates of pay for Federal law enforcement officers in high cost-of-living areas; to ensure that the levels of compensation paid to Federal law enforcement officers will be competitive with those paid to State and local officers in the same geographical areas; and to address such other matters related to the determinations made under this subsection as the Commission deems appropriate in the interests of enhancing the ability of Federal agencies to recruit and retain the most qualified and capable law enforcement officers; and

(9) the average retirement age of the Federal agencies and the retirement and benefits policies of Federal agencies.

(d) POWERS OF THE COMMISSION.—The Commission shall have the power to—

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

Contracts.

(2) enter into and perform, without regard to section 3324 of title 31, United States Code, such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

(3) request such information, data, and reports from any Federal agency or instrumentality as the Commission may from time to time require and as may be produced consistent with other law; and

(4) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties.

The Commission shall have such other powers as may be necessary to carry out its functions under this Act and may delegate to any member or designated person such powers as may be appropriate in the conduct of its functions.

(e) RESOURCES.—(1) Upon the request of the Commission, each Federal agency is authorized and directed to make its resources, services, equipment, personnel, facilities, and information available

to the greatest practicable extent to the Commission in the execution of its functions.

(2) Each Commissioner may utilize the resources, services, equipment, personnel, information, and facilities of his or her Federal agency or, in the case of the Commissioners who are Members of Congress, his or her congressional office, as may be necessary in the conduct of the Commissioner's respective functions as a member of the Commission.

(f) QUORUM.—A simple majority of the Commissioners then serving shall constitute a quorum for the conduct of business by the Commission, and the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the Commissioners present.

(g) MEETING.—The Chairman of the Commission shall call and preside at meetings of the Commission, but the Chairman may delegate to any other Commissioner the authority to preside at meetings of the Commission.

(h) REPORT AND DISSOLUTION OF COMMISSION.—(1) Within 6 months following the date of enactment of this Act, the Commission shall prepare and deliver to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, a written report setting forth—

(A) the findings and determinations made by the Commission pursuant to section 176(b); and

(B) specific proposals for such legislation and administrative regulations as the Commission has determined to be necessary or appropriate pursuant to section 176(b)(8).

(2) The Commission shall be terminated 60 days following submission of the report mandated by this section.

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 personnel, 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.

SEC. 6163. USE OF EXISTING FEDERAL RESEARCH AND DEVELOPMENT FACILITIES FOR CIVILIAN LAW ENFORCEMENT.

President of U.S.

(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.

SEC. 6164. FEDERAL LAW ENFORCEMENT TRAINING CENTER IMPROVEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL LAW ENFORCEMENT TRAINING CENTER.—(1) There is authorized to be appropriated for salaries and expenses of the Federal Law Enforcement Training Center for fiscal year 1989, $5,740,000; *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 $4,100,000 of such additional appropriation shall be used by the Federal Law Enforcement Training Center only to accommodate the advanced in-service training requirements of the Drug Enforcement Administration that cannot otherwise be met at the Department of Justice training facilities: *Provided further,* That $1,640,000 of such additional appropriation shall be used by the Center to increase the level of drug enforcement training, including basic and advanced training, for Federal, State, and local law enforcement officers: *Provided further,* That the Center shall hire 44 additional direct full-time equivalent positions and maintain an average of not less than 469 direct full-time equivalent positions by the end of fiscal year 1990. *Provided further,* That, on a space available, cost reimbursable basis, the Center shall, to the extent practical, increase the level of training for drug enforcement officers from foreign countries that are cooperating with the law enforcement agencies of the United States Government.

(2) There are authorized to be appropriated for salaries and expenses of the Federal Law Enforcement Training Center, $45,000,000 for the fiscal year ending September 30, 1990, and $50,000,000 for the fiscal year ending September 30, 1991: *Provided,* That in each fiscal year addressed in this paragraph, support for the State and local law enforcement training program and the training programs for drug enforcement officers from foreign countries shall be maintained at no less than the level of support in the fiscal year ending September 30, 1989.

(b) EXPANDED TRAINING.—The Secretary of the Treasury is directed to expand the advanced training programs for Federal law enforcement agencies at the Marana, Arizona, satellite facility of the Federal Law Enforcement Training Center, within the total

amount of appropriations authorized for fiscal years 1989, 1990, and 1991.

(c) REPORT.—The Secretary of the Treasury is directed to report in writing to the appropriate committees of the Congress by no later than 90 days from the date of enactment of this Act with his preliminary plans for the increased training activities at the Federal Law Enforcement Training Center facilities to be funded with the additional appropriations authorized in subsection (a)(1) of this section, and the authorized level of appropriations contained in subsection (a)(2).

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.

(c) DRUG ENFORCEMENT ADMINISTRATION.—The Drug Enforcement Administration is authorized to—

(1) detail special agent 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.

(d) CUSTOMS SERVICE.—The Customs Service is authorized to—

(1) detail special agent personnel for foreign language training to the Defense Language Institute or the Foreign Service Institute, or both; and

(2) reimburse, from appropriated funds, the Departments of Defense and State for the cost of training provided.

(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.

SEC. 6166. INTERDICTION TASK FORCE PROGRAMS.

Bahamas.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for salaries and expenses of the Drug Enforcement Administration for fiscal year 1989, $4,920,000: *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 appropriations shall be made available for the United States-Bahamas Drug Interdiction Task Force established by section 3301 of subtitle E of title III of the Antidrug Abuse Act of 1986 (21 U.S.C. 801 note) and related activities: *Provided further,* That of these amounts made available for the United States-Bahamas Drug Interdiction Task Force under this section, the Drug Enforcement Administration is authorized to provide grants or other financial assistance to the Commonwealth of the Bahamas in the establishment of a Bahamian Enforcement Strike Team that will conduct unilateral Bahamian Government drug interdiction operations in the southern Bahamian Islands: *Provided further,* That the appropriations authorized under this section shall only be made available for United States-Bahamian drug interdiction operations upon receipt of a $410,000 contribution toward such joint operations by the Commonwealth of the Bahamas in fiscal year 1989.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

Nigel Bowe.

(1) the Commonwealth of the Bahamas should aggressively pursue the extradition of Nigel Bowe and the consummation of the pending extradition treaty with the United States by the end of 1988;

(2) the Government of the United States should cooperate fully with the Commonwealth of the Bahamas in providing information to the Bahamas regarding allegations of corruption and cooperate in responding to requests from the Commonwealth of the Bahamas for the extradition of United States citizens who have been indicted for drug-related offenses in the Bahamas; and

(3) agents of the Drug Enforcement Agency should be physically present when confiscated or seized illegal drug contraband is destroyed by personnel of the Commonwealth of the Bahamas.

SEC. 6167. INTERPOL—UNITED STATES NATIONAL CENTRAL BUREAU.

There is authorized to be appropriated for the United States National Central Bureau for fiscal year 1989 $820,000: *Provided,* That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further,* That such appropriation shall be used to increase personnel by no fewer than 23 full-time equivalent positions over personnel levels as of September 30, 1988 for the purpose of maintaining no fewer than 24-hour operations and for upgrading telecommunications equipment.

SEC. 6168. DRUG ENFORCEMENT ADMINISTRATION AIR WING FACILITY.

The Administrator of the Drug Enforcement Administration shall take such action (including site acquisition, purchase of equipment and fixtures, and relocation from any former facility) as may be necessary to establish, maintain, and operate a special purpose facility for the use of the Drug Enforcement Administration Air Wing, to be located at a site having direct aircraft access to public aviation facilities. To carry out this section, there is authorized to be appropriated for the Department of Justice for the Drug Enforcement Administration, $10,800,000.

Subtitle E—Money Laundering

Money Laundering Prosecution Improvements Act of 1988. 18 USC 981 note.

SEC. 6181. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Prosecution Improvements Act of 1988".

SEC. 6182. APPLICATION OF SECTION 1957 TO ATTORNEYS FEES.

Section 1957(f)(1) of title 18, United States Code, is amended by inserting after "title 31)" the second place it appears the following: ", but such term does not include any transaction necessary to preserve a person's right to representation as guaranteed by the sixth amendment to the Constitution".

SEC. 6183. CROSS-REFERENCE TECHNICAL CORRECTIONS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking out "section 38 of the Arms Export Control Act" and all that follows through "(50 U.S.C. App. 3)" and inserting in lieu thereof "section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, or section 16 (relating to offenses and punishment) of the Trading with the Enemy Act.".

SEC. 6184. DEFINITION OF MONETARY INSTRUMENT FOR MONEY LAUNDERING OFFENSES.

Section 1957 of title 18, United States Code, is amended by striking out "for the purposes of subchapter II of chapter 53 of title 31" and inserting "in section 1956(c)(5) of this title" in lieu thereof.

SEC. 6185. BANK SECRECY ACT AMENDMENTS.

(a) BUSINESS SIMILAR TO FINANCIAL INSTITUTIONS.—Section 5312(a)(2) of title 31, United States Code, is amended by striking subparagraphs (T) and (U) and inserting the following:

"(T) a business engaged in vehicle sales, including automobile, airplane, and boat sales;

"(U) persons involved in real estate closings and settlements;

"(V) the United States Postal Service;

"(W) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this paragraph;

"(X) any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a

substitute for any activity in which any business described in this paragraph is authorized to engage; or

"(Y) any other business designated by the Secretary whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters.".

(b) IDENTIFICATION REQUIRED TO PURCHASE CERTAIN MONETARY INSTRUMENTS OF $3,000 OR MORE.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 5325. Identification required to purchase certain monetary instruments

"(a) IN GENERAL.—No financial institution may issue or sell a bank check, cashier's check, traveler's check, or money order to any individual in connection with a transaction or group of such contemporaneous transactions which involves United States coins or currency (or such other monetary instruments as the Secretary may prescribe) in amounts or denominations of $3,000 or more unless—

"(1) the individual has a transaction account with such financial institution and the financial institution—

"(A) verifies that fact through a signature card or other information maintained by such institution in connection with the account of such individual; and

"(B) records the method of verification in accordance with regulations which the Secretary of the Treasury shall prescribe; or

Regulations.

"(2) the individual furnishes the financial institution with such forms of identification as the Secretary of the Treasury may require in regulations which the Secretary shall prescribe and the financial institution verifies and records such information in accordance with regulations which such Secretary shall prescribe.

Regulations.

"(b) REPORT TO SECRETARY UPON REQUEST.—Any information required to be recorded by any financial institution under paragraph (1) or (2) of subsection (a) shall be reported by such institution to the Secretary of the Treasury at the request of such Secretary.

"(c) TRANSACTION ACCOUNT DEFINED.—For purposes of this section, the term 'transaction account' has the meaning given to such term in section 19(b)(1)(C) of the Federal Reserve Act.".

(c) SECRETARY AUTHORIZED TO REQUIRE RECORDKEEPING FOR DOMESTIC COIN AND CURRENCY TRANSACTIONS.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5325 (as added by subsection (b) of this section) the following new section:

"§ 5326. Records of certain domestic coin and currency transactions

"(a) IN GENERAL.—If the Secretary of the Treasury finds, upon the Secretary's own initiative or at the request of an appropriate Federal or State law enforcement official, that reasonable grounds exist for concluding that additional recordkeeping and reporting requirements are necessary to carry out the purposes of this subtitle and prevent evasions thereof, the Secretary may issue an order requiring any domestic financial institution or group of domestic financial institutions in a geographic area—

"(1) to obtain such information as the Secretary may describe in such order concerning—

"(A) any transaction in which such financial institution is involved for the payment, receipt, or transfer of United States coins or currency (or such other monetary instruments as the Secretary may describe in such order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe; and

"(B) any other person participating in such transaction;

"(2) to maintain a record of such information for such period of time as the Secretary may require; and

Reports.

"(3) to file a report with respect to any transaction described in paragraph (1)(A) in the manner and to the extent specified in the order.

"(b) MAXIMUM EFFECTIVE PERIOD FOR ORDER.—No order issued under subsection (a) shall be effective for more than 60 days unless renewed pursuant to the requirements of subsection (a).".

(d) REGULATIONS AND PENALTIES.—

(1) INSURED BANKS.—Section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) is amended by adding at the end thereof the following new subsection:

"(j) CIVIL PENALTIES.—

"(1) PENALTY IMPOSED.—Any insured bank and any director, officer, or employee of an insured bank who willfully or through gross negligence violates any regulation prescribed under subsection (b) shall be liable to the United States for a civil penalty of not more than $10,000.

"(2) TREATMENT OF CONTINUING VIOLATION.—A separate violation of any regulation prescribed under subsection (b) of this section occurs for each day the violation continues and at each office, branch, or place of business at which such violation occurs.

"(3) ASSESSMENT.—Any penalty imposed under paragraph (1) shall be assessed, mitigated, and collected in the manner provided in subsections (b) and (c) of section 5321 of title 31, United States Code.".

(2) INSURED INSTITUTIONS.—Section 411 of the National Housing Act (12 U.S.C. 1730d) is amended—

(A) by striking out "The Secretary" and inserting in lieu thereof "(a) REGULATIONS.—The Secretary"; and

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

"(b) CIVIL PENALTIES.—

"(1) PENALTY IMPOSED.—Any insured institution and any director, officer, or employee of an insured institution who willfully or through gross negligence violates any regulation prescribed under subsection (a) of this section shall be liable to the United States for a civil penalty of not more than $10,000.

"(2) TREATMENT OF CONTINUING VIOLATION.—A separate violation of any regulation prescribed under subsection (a) of this section occurs for each day the violation continues and at each office, branch, or place of business at which such violation occurs.

"(3) ASSESSMENT.—Any penalty imposed under paragraph (1) shall be assessed, mitigated, and collected in the manner provided in subsections (b) and (c) of section 5321 of title 31, United States Code.".

(3) OTHER FINANCIAL INSTITUTIONS.—

(A) INSTITUTIONS SUBJECT TO RECORDKEEPING REQUIREMENT.—Section 123(b) of Public Law 91-508 (12 U.S.C. 1953(b)) is amended to read as follows:

"(b) INSTITUTIONS SUBJECT TO RECORDKEEPING REQUIREMENTS.—The authority of the Secretary of the Treasury under subsection (a) extends to any financial institution (as defined in section 5312(a)(2) of title 31, United States Code), other than any insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act) and any insured institution (as defined in section 401(a) of the National Housing Act), and any partner, officer, director, or employee of any such financial institution.".

(B) CIVIL PENALTIES.—Section 125(a) of Public Law 91-508 (12 U.S.C. 1955(a)) is amended—

(i) by striking out "$1,000" and inserting in lieu thereof "$10,000";

(ii) by inserting "or grossly negligent" after "willful"; and

"(iii) by inserting "or through gross negligence" after "willfully".

(e) DELEGATION OF ENFORCEMENT POWER TO POSTAL SERVICE.—Section 5318(a)(1) of title 31, United States Code, is amended by inserting "and the Postal Service" after "appropriate supervising agency".

(f) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new items:

"5325. Identification required to purchase certain monetary instruments.
"5326. Records of certain domestic coin and currency transactions.".

(g) TECHNICAL CORRECTIONS.—

(1) Section 5312(a)(5) of title 31, United States Code, is amended—

(A) by inserting a comma after "Puerto Rico"; and

(B) by striking the second comma after "Pacific Islands".

(2) The first sentence of section 5321(a)(1) of title 31, United States Code, is amended by inserting "(if any)" after "transaction".

SEC. 6186. RIGHT TO FINANCIAL PRIVACY ACT AMENDMENTS.

(a) CLARIFICATION OF RIGHT OF FINANCIAL INSTITUTIONS TO REPORT SUSPECTED VIOLATIONS.—Section 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended by inserting ", corporation," after "individual".

(b) TRANSFER BY GOVERNMENT AGENCY OF RECORDS TO ATTORNEY GENERAL FOR CRIMINAL INVESTIGATION.—Section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412) is amended by adding at the end thereof the following new subsection:

"(f) TRANSFER TO ATTORNEY GENERAL.—

"(1) IN GENERAL.—Nothing in this title shall apply when financial records obtained by an agency or department of the United States are disclosed or transferred to the Attorney General upon the certification by a supervisory level official of the transferring agency or department that—

"(A) there is reason to believe that the records may be relevant to a violation of Federal criminal law; and

"(B) the records were obtained in the exercise of the agency's or department's supervisory or regulatory functions.

"(2) LIMITATION ON USE.—Records so transferred shall be used only for criminal investigative or prosecutive purposes by the Department of Justice and shall, upon completion of the investigation or prosecution (including any appeal), be returned only to the transferring agency or department.".

(c) FINANCIAL RECORDS OF INSIDERS.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end thereof the following new subsection:

"(l) CRIMES AGAINST FINANCIAL INSTITUTIONS BY INSIDERS.—Nothing in this title shall apply when any financial institution or supervisory agency provides any financial record of any officer, director, employee, or controlling shareholder (within the meaning of subparagraph (A) or (B) of section 2(a)(2) of the Bank Holding Company Act of 1956 or subparagraph (A) or (B) of section 408(a)(2) of the National Housing Act) of such institution, or of any major borrower from such institution who there is reason to believe may be acting in concert with any such officer, director, employee, or controlling shareholder, to the Attorney General of the United States, to a State law enforcement agency, or, in the case of a possible violation of subchapter II of chapter 53 of title 31, United States Code, to the Secretary of the Treasury if there is reason to believe that such record is relevant to a possible violation by such person of—

"(1) any law relating to crimes against financial institutions or supervisory agencies by directors, officers, employees, or controlling shareholders of, or by borrowers from, financial institutions; or

"(2) any provision of subchapter II of chapter 53 of title 31, United States Code.".

(d) GOOD FAITH AS A DEFENSE FROM LIABILITY FOR DISCLOSURE OF FINANCIAL RECORDS OF INSIDERS.—Section 1117(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3417(c)) is amended—

(1) by inserting "or pursuant to the provisions of section 1113(l)" after "certificate by any Government authority"; and

(2) by inserting before the period at the end thereof the following: "under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State".

(e) EXCEPTION TO REQUIREMENT OF ACTUAL PRESENTATION OF FINANCIAL RECORDS TO GRAND JURY.—Section 1120(1) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 1120(1)) is amended by inserting before the semicolon "unless the volume of such records makes such return and actual presentation impractical in which case the grand jury shall be provided with a description of the contents of the records.".

12 USC 3420.

SEC. 6187. STUDY OF WITHDRAWAL OF LEGAL TENDER STATUS OF $100 FEDERAL RESERVE NOTES.

(a) STUDY REQUIRED.—The Secretary of the Treasury, in consultation with appropriate law enforcement agencies, shall conduct a study of the feasibility of withdrawing the legal tender status of $100 Federal Reserve notes.

(b) FACTORS TO BE CONSIDERED.—The study conducted pursuant to subsection (a) by the Secretary of the Treasury shall include an analysis of the following factors:

(1) Whether $100 Federal Reserve notes are being used predominately for illegal activities, especially drug-related transactions.

(2) Whether withdrawing the legal tender status of $100 Federal Reserve notes would help deter such illegal activities.

(3) Whether withdrawing the legal tender status of $100 Federal Reserve notes would impair legitimate business transactions.

(4) Whether withdrawing the legal tender status of $50 Federal Reserve notes (in addition to the $100 notes) would result in even greater deterrence of illegal activities.

(c) REPORT REQUIRED.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on the study conducted pursuant to subsection (a).

Subtitle F—Sense of Congress That Proposals To Legalize Illicit Drugs Should Be Rejected

SEC. 6201. SENSE OF CONGRESS THAT PROPOSALS TO LEGALIZE ILLICIT DRUGS SHOULD BE REJECTED.

It is the sense of Congress that—

(1) proposals to combat sale and use of illicit drugs by legalization should be rejected; and

(2) consideration should be given only to proposals to attack directly the supply of, and demand for, illicit drugs, such as proposals to strengthen and expand penalties for sale and use, proposals to encourage greater multinational cooperation in eradication and interdiction, and proposals to promote educational awareness programs for young people.

Subtitle G—Firearms Provisions

SEC. 6211. INTERDICTION OF SUPPLY OF FIREARMS TO DRUG TRAFFICKERS.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(f) Whoever, with the intent to engage in conduct which—

"(1) constitutes an offense listed in section 1961(1),

"(2) is punishable under the Controlled Substances Act (21 U.S.C. 802 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.),

"(3) violates any State law relating to any controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or

"(4) constitutes a crime of violence (as defined in subsection (c)(3)),

travels from any State or foreign country into any other State and acquires, transfers, or attempts to acquire or transfer, a firearm in such other State in furtherance of such purpose, shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

"(g) Whoever knowingly transfers a firearm, knowing that such firearm will be used to commit a crime of violence (as defined in

subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 10 years, fined in accordance with this title, or both.".

SEC. 6212. CLARIFICATION OF DEFINITION OF DRUG TRAFFICKING CRIMES IN WHICH USE OR CARRYING OF FIREARMS AND ARMOR PIERCING AMMUNITION IS PROHIBITED.

Paragraph (2) of section 924(c) of title 18, United States Code, and paragraph (2) of section 929(a) of title 18, United States Code, are each amended to read as follows:

"(2) For purposes of this subsection, the term 'drug trafficking crime' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).".

18 USC 922 note.

SEC. 6213. IDENTIFICATION OF FELONS AND OTHER PERSONS INELIGIBLE TO PURCHASE HANDGUNS.

(a) IDENTIFICATION OF FELONS INELIGIBLE TO PURCHASE HANDGUNS.—The Attorney General shall develop a system for immediate and accurate identification of felons who attempt to purchase 1 or more firearms but are ineligible to purchase firearms by reason of section 922(g)(1) of title 18, United States Code. The system shall be accessible to dealers but only for the purpose of determining whether a potential purchaser is a convicted felon. The Attorney General shall establish a plan (including a cost analysis of the proposed system) for implementation of the system. In developing the system, the Attorney General shall consult with the Secretary of the Treasury, other Federal, State, and local law enforcement officials with expertise in the area, and other experts. The Attorney General shall begin implementation of the system 30 days after the report to the Congress as provided in subsection (b).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall report to the Congress a description of the system referred to in subsection (a) and a plan (including a cost analysis of the proposed system) for implementation of the system. Such report may include, if appropriate, recommendations for modifications of the system and legislation necessary in order to fully implement such system.

(c) ADDITIONAL STUDY OF OTHER PERSONS INELIGIBLE TO PURCHASE FIREARMS.—The Attorney General in consultation with the Secretary of the Treasury shall conduct a study to determine if an effective method for immediate and accurate identification of other persons who attempt to purchase 1 or more firearms but are ineligible to purchase firearms by reason of section 922(g) of title 18, United States Code. In conducting the study, the Attorney General shall consult with the Secretary of the Treasury, other Federal, State, and local law enforcement officials with expertise in the area, and other experts. Such study shall be completed within 18 months after the date of the enactment of this Act and shall be submitted to the Congress and made available to the public. Such study may include, if appropriate, recommendations for legislation.

(d) DEFINITIONS.—As used in this section, the terms "firearm" and "dealer" shall have the meanings given such terms in section 921(a) of title 18, United States Code.

SEC. 6214. REVOCATION OF PROBATION.

Section 3565 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of probation, the court shall, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.".

SEC. 6215. PROHIBITION AGAINST FIREARMS AND DANGEROUS WEAPONS IN FEDERAL FACILITIES.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 930. Possession of firearms and dangerous weapons in Federal facilities

"(a) Except as provided in subsection (c), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

"(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) Subsection (a) shall not apply to—

"(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

"(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

"(d) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

"(e) As used in this section:

"(1) The term 'Federal facility' means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

"(2) The term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

"(f) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and no person shall be convicted of an offense under subsection (a) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"930. Possession of firearms and dangerous weapons in Federal facilities.".

Subtitle H—Investigative Powers of Postal Service Personnel and National Forest System Drug Control

SEC. 6251. INVESTIGATIVE POWERS OF POSTAL SERVICE PERSONNEL.

(a) IN GENERAL.—Section 3061 of title 18, United States Code, is amended to read as follows:

"§ 3061. Investigative powers of Postal Service personnel

"(a) Subject to subsection (b) of this section, Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—

"(1) serve warrants and subpoenas issued under the authority of the United States;

"(2) make arrests without warrant for offenses against the United States committed in their presence;

"(3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

"(4) carry firearms; and

"(5) make seizures of property as provided by law.

"(b) The powers granted by subsection (a) of this section shall be exercised only—

"(1) in the enforcement of laws regarding property in the custody of the Postal Service, property of the Postal Service, the use of the mails, and other postal offenses; and

"(2) to the extent authorized by the Attorney General pursuant to agreement between the Attorney General and the Postal Service, in the enforcement of other laws of the United States, if the Attorney General determines that violations of such laws have a detrimental effect upon the operations of the Postal Service.".

(b) CLERICAL AMENDMENT.—The item relating to section 3061 in the table of sections of chapter 203 of title 18, United States Code, is amended to read as follows:

"3061. Investigative powers of Postal Service personnel.".

SEC. 6252. POSTAL SERVICE FUND AMENDMENTS.

Section 2003(b)(7) of title 39, United States Code, is amended—

(1) by striking out "administrative"; and

(2) by striking out "under title 18".

SEC. 6253. CIVIL FORFEITURE AUTHORITY OF THE POSTAL SERVICE UNDER THE CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 511 of the Controlled Substances Act (21 U.S.C. 881), as amended by section 6159, is further amended by adding at the end the following new subsection:

"(l) The functions of the Attorney General under this section shall be carried out by the Postal Service pursuant to such agreement as may be entered into between the Attorney General and the Postal Service.".

(b) DEPOSITS OF PROCEEDS IN POSTAL SERVICE FUND.—Section 511(e)(2)(B) of the Controlled Substances Act (21 U.S.C. 881(e)(2)(B)) is amended by striking out the period at the end and inserting in lieu thereof the following: ", except that, with respect to forfeitures conducted by the Postal Service, the Postal Service shall deposit in the Postal Service Fund, under section 2003(b)(7) of title 39, United States Code, such moneys and proceeds.".

SEC. 6254. NATIONAL FOREST SYSTEM, NATIONAL PARK SYSTEM, AND BUREAU OF LAND MANAGEMENT PUBLIC LANDS SAFETY.

16 USC 559b note.

(a) FINDINGS.—Congress finds that—

(1) National Forest System lands continue to be a haven for the unlawful production of marijuana and other controlled substances, which—

(A) endangers the public in its use of National Forest System lands;

(B) interferes with the ability of the Forest Service to effectively manage the natural resources and activities within the National Forest System; and

(C) causes damage and destruction of the natural resources and facilities managed by the Forest Service;

(2) the unlawful production of marijuana and other controlled substances often—

(A) is generally harmful to the environment and public health and safety;

(B) pollutes the air, soil, and water; and

(C) is harmful to wildlife;

(3) the Forest Service needs additional authority to adequately deal with the problem of controlled substance production that affects the administration of the National Forest System;

(4) the Forest Service needs to be able to exercise its investigative authorities outside the boundaries of the National Forest System for drug-related crimes arising from within the National Forest System in order to be effective in deterring such crime;

(5) the authority and powers of the Forest Service are not intended to be in conflict or interfere with the statutory authority, powers, or responsibilities of any State or political subdivision thereof; and

(6) the Forest Service, in the exercise of its law enforcement powers, should cooperate to every extent possible with any other Federal, State, or local law enforcement authority having jurisdiction in areas where national forests are located, particularly where coordinated investigative and enforcement actions can be effective to control crime which affects multiple agencies.

(b) POWERS.—Section 15003 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559c) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out "500 officers and employees" and inserting in lieu thereof "1,000 special agents and law enforcement officers"; and

(B) by striking out "within the boundaries of the National Forest System";

(2) in paragraph (2)—

(A) by inserting after "conduct" the following: ", within the exterior boundaries of the National Forest System,"; and

(B) by inserting before the semicolon at the end thereof the following: "and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest)"; and

(3) in paragraph (3), by inserting before the semicolon at the end thereof the following: ", for offenses committed within the National Forest System or which affect the administration of the National Forest System;".

(c) COOPERATION.—Section 15004 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559d) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof;

(2) in paragraph (2), by striking out ", within the boundaries of the National Forest System." and inserting in lieu thereof "for offenses committed within the National Forest System or which affect the administration of the National Forest System."; and

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

"(3) the Forest Service shall cooperate with the Attorney General in carrying out the seizure and forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881) for violations of the Controlled Substances Act relating to offenses committed within the National Forest System, or which affect the administration of the National Forest System;

"(4) the Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service; and

"(5) the Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in a multi-agency law enforcement task force investigation of violations of the Controlled Substances Act and other offenses committed in the course of or in connection with such violations.".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL FOREST SYSTEM.—Section 15006 of title XV of the Anti-Drug Abuse Act of 1986 (16 U.S.C. 559e) is amended to read as follows:

"SEC. 15006. FOREST SERVICE AUTHORIZATION.

16 USC 559e.

"In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances on lands administered by the Forest Service, from amounts appropriated there shall be made available to the Secretary, in addition to sums made available under other authority of law, $10,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for employment and training of additional and existing Forest Service law enforcement personnel, for expenses related to such employment, training, equipment, and facilities, and for cooperative programs with State and local law enforcement agencies.".

(2) NATIONAL PARK SERVICE POLICE.—Section 5052 of title V of the Anti-Drug Abuse Act of 1986 (16 U.S.C. 1 note) is amended to read as follows:

"SEC. 5052. NATIONAL PARK AUTHORIZATION.

"In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, from amounts appropriated there shall be made available to the Secretary of the Interior, in addition to sums made available under other authority of law, $3,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of officers or employees of the Department of the Interior designated pursuant to section 10(b) of the Act of August 18, 1970 (16 U.S.C. 1a-6), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities.".

(3) BUREAU OF LAND MANAGEMENT.—Title V of the Anti-Drug Abuse Act of 1986 is amended by adding at the end thereof the following new subtitle:

"Subtitle C—Bureau of Land Management Program

Bureau of Land Management Drug Enforcement Supplemental Authority Act.
43 USC 2 note.

"SEC. 5061. SHORT TITLE.

"This subtitle may be cited as the 'Bureau of Land Management Drug Enforcement Supplemental Authority Act'.

"SEC. 5062. BUREAU OF LAND MANAGEMENT AUTHORIZATION.

"In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances on Bureau of Land Management public lands, from amounts appropriated there are made available to the Secretary of the Interior, in addition to sums made available under other authority of law, $1,500,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of additional and existing personnel, for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities.".

(e) DESIGNATION OF AUTHORITY.—The National Forest System Drug Control Act of 1986 is amended by inserting after section 15007 (16 U.S.C. 559f) the following new section:

"SEC. 15008. DESIGNATION AUTHORITY OF SECRETARY OF AGRICULTURE.

16 USC 559g.

"(a) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to make law enforcement operations more efficient in connection with the administration and use of the National Forest System.

"(b) OFFICERS OF OTHER AGENCIES.—The Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service.

"(c) ACCEPTANCE BY FOREST SERVICE.—The Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in the investigation and enforcement of any Federal or State law or ordinance and regulation of any such agency, when such investigation or enforcement is mutually beneficial to the National Forest System and the cooperating agency or jurisdiction, upon entering into a memorandum of understanding or cooperative agreement with such agency or jurisdiction.".

(f) CRIMINAL PENALTY FOR PLACING HAZARDOUS OR INJURIOUS DEVICES ON FEDERAL LANDS.—Chapter 91 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1864. Hazardous or injurious devices on Federal lands

"(a) Whoever—

"(1) with the intent to violate the Controlled Substances Act,

"(2) with the intent to obstruct or harass the harvesting of timber, or

"(3) with reckless disregard to the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk,

uses a hazardous or injurious device on Federal land, on an Indian reservation, or on an Indian allotment while the title to such allotment is held in trust by the United States or while such allotment remains inalienable by the allottee without the consent of the United States shall be punished under subsection (b).

"(b) An individual who violates subsection (a) shall—

"(1) if death of an individual results, be fined under this title or imprisoned for any term of years or for life, or both;

"(2) if serious bodily injury to any individual results, be fined under this title or imprisoned for not more than twenty years, or both;

"(3) if bodily injury to any individual results, be fined under this title or imprisoned for not more than ten years, or both;

"(4) if damage exceeding $10,000 to the property of any individual results, be fined under this title or imprisoned for not more than ten years, or both; and

"(5) in any other case, be fined under this title or imprisoned for not more than one year.

"(c) Any individual who is punished under subsection (b)(3), (4), or (5) after one or more prior convictions under any such subsection shall be fined under this title or imprisoned for not more than ten years, or both.

"(d) As used in this section—

"(1) the term 'serious bodily injury' means bodily injury which involves—

"(A) a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; and

"(D) protracted loss or impairment of the function of bodily member, organ, or mental faculty; and

"(2) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.

"(3) the term 'hazardous or injurious device' means a device, which when assembled or placed, is capable of causing bodily injury, or damage to property, by the action of any person making contact with such device subsequent to the assembly or placement. Such term includes guns attached to trip wires or other triggering mechanisms, ammunition attached to trip wires or other triggering mechanisms, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, lines or wires, lines or wires with hooks attached, nails placed so that the sharpened ends are positioned in an upright manner, or tree spiking devices including spikes, nails, or other objects hammered, driven, fastened, or otherwise placed into or on any timber, whether or not severed from the stump.".

(g) CLERICAL AMENDMENT.—The table of sections for chapter 91 of title 18, United States Code, is amended by adding at the end the following new item:

"1864. Hazardous or injurious devices on Federal lands.".

(h) CRIMINAL PENALTY FOR POLLUTING FEDERAL LANDS.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following new paragraph:

"(6) Any person who violates subsection (a), or attempts to do so, and knowingly or intentionally uses a poison, chemical, or other hazardous substance on Federal land, and, by such use—

"(A) creates a serious hazard to humans, wildlife, or domestic animals,

"(B) degrades or harms the environment or natural resources, or

"(C) pollutes an aquifer, spring, stream, river, or body of water,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.".

(i) DRUG POLLUTION FUND.—Section 516 of the Controlled Substances Act (21 U.S.C. 886) is amended by adding at the end the following new subsection:

"(d)(1) There is established in the Treasury a trust fund to be known as the 'Drug Pollution Fund' (hereinafter referred to in this subsection as the 'Fund'), consisting of amounts appropriated or credited to such Fund under section 401(b)(6).

"(2) There are hereby appropriated to the Fund amounts equivalent to the fines imposed under section 401(b)(6).

"(3) Amounts in the Fund shall be available, as provided in appropriations Acts, for the purpose of making payments in accordance with paragraph (4) for the clean up of certain pollution resulting from the actions referred to in section 401(b)(6).

"(4)(A) The Secretary of the Treasury, after consultation with the Attorney General, shall make payments under paragraph (3), in

such amounts as the Secretary determines appropriate, to the heads of executive agencies or departments that meet the requirements of subparagraph (B).

"(B) In order to receive a payment under paragraph (3), the head of an executive agency or department shall submit an application in such form and containing such information as the Secretary of the Treasury shall by regulation require. Such application shall contain a description of the fine imposed under section 401(b)(6), the circumstances surrounding the imposition of such fine, and the type and severity of pollution that resulted from the actions to which such fine applies.

"(5) For purposes of subchapter B of chapter 98 of the Internal Revenue Code of 1986, the Fund established under this paragraph shall be treated in the same manner as a trust fund established under subchapter A of such chapter.".

(j) ARSON INVOLVING TIMBER.—The first undesignated paragraph of section 1855 of title 18, United States Code, is amended by striking out "not more than $5,000" and inserting in lieu thereof "under this title".

(k) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Agriculture shall each prepare and submit, to the Committee on Agriculture, the Committee on Interior and Insular Affairs, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on the Judiciary of the Senate, a report concerning the activities of the Attorney General and the Secretary of Agriculture in expediting investigations referred to in section 15003(2) of the National Forest Systems Drug Control Act of 1986 (16 U.S.C. 559c(2)).

Subtitle I—Travel Expenses and Health Care of Department of Justice Personnel Serving Abroad

SEC. 6281. AUTHORIZATION OF APPROPRIATIONS FOR TRAVEL AND RELATED EXPENSES AND FOR HEALTH CARE OF DEPARTMENT OF JUSTICE PERSONNEL SERVING ABROAD.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad

"There are authorized to be appropriated, for any fiscal year, for the Department of Justice, such sums as may be necessary—

"(1) for travel and related expenses of employees of the Department of Justice serving abroad and their families, to be payable in the same manner as applicable with respect to the Foreign Service under paragraphs (3), (5), (6), (8), (9), (11), and (15) of section 901 of the Foreign Service Act of 1980, and under the regulations issued by the Secretary of State; and

"(2) for health care for such employees and families, to be provided under section 904 of that Act.".

(b) CLERICAL AMENDMENT.—The table of section for chapter 31 of title 28, United States Code, is amended by adding at the end the following new item:

"530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad.".

Subtitle J—Program-Related and Study Provisions

SEC. 6291. ENHANCEMENT OF THE DRUG AFTERCARE PROGRAM OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 (18 U.S.C. 4255 note) is amended by—

(1) striking out "$14,000,000" and inserting "$24,000,000" in lieu thereof, and

(2) striking out "$16,000,000" and inserting "$26,000,000" in lieu thereof.

SEC. 6292. NATIONAL TRAINING CENTER FOR PRISON DRUG REHABILITATION PROGRAM PERSONNEL.

18 USC 4352 note.

(a) IN GENERAL.—The Director of the National Institute of Corrections, in consultation with persons with expertise in the field of community-based drug rehabilitation, shall establish and operate, at any suitable location, a national training center (hereinafter in this section referred to as the "center") for training Federal, State, and local prison or jail officials to conduct drug rehabilitation programs for criminals convicted of drug-related crimes and for drug-dependent criminals. Programs conducted at the center shall include training for correctional officers, administrative staff, and correctional mental health professionals (including subcontracting agency personnel).

(b) DESIGN AND CONSTRUCTION OF FACILITIES.—The Director of the National Institute of Corrections shall design and construct facilities for the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated with respect to the National Institute of Corrections, there are authorized to be appropriated to the Director of the National Institute of Corrections—

(1) for establishment and operation of the center, for curriculum development for the center, and for salaries and expenses of personnel at the center, not more than $4,000,000 for each of fiscal years 1989, 1990, and 1991; and

(2) for design and construction of facilities for the center, not more than $10,000,000 for fiscal years 1989, 1990, and 1991.

SEC. 6293. STUDY OF ALTERNATIVE JUDICIAL SYSTEM.

The Attorney General shall study the feasibility of prosecuting Federal drug-related offenses in a manner alternative or supplemental to the current criminal justice system. The Attorney General shall report the results of such study to Congress not later than 180 days after the date of the enactment of this Act.

Subtitle K—Manufacturing Offenses

SEC. 6301. CRIMINAL PENALTY FOR ENDANGERING HUMAN LIFE WHILE ILLEGALLY MANUFACTURING A CONTROLLED SUBSTANCE.

(a) IN GENERAL.—Part D of the Controlled Substances Act is amended by adding at the end the following new section:

"ENDANGERING HUMAN LIFE WHILE ILLEGALLY MANUFACTURING A CONTROLLED SUBSTANCE

21 USC 858.

"SEC. 417. Whoever, while manufacturing a controlled substance in violation of this title, or attempting to do so, or transporting or causing to be transported materials, including chemicals, to do so, creates a substantial risk of harm to human life shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end of the items relating to part D of title II the following new items:

"416. Establishment of manufacturing operations.
"417. Endangering human life while illegally manufacturing a controlled substance.".

Subtitle L—Serious Crack Possession Offenses

SEC. 6371. INCREASED PENALTIES FOR CERTAIN SERIOUS CRACK POSSESSION OFFENSES.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after the second sentence the following new sentence: "Notwithstanding the preceding sentence, a person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be fined under title 18, United States Code, or imprisoned not less than 5 years and not more than 20 years, or both, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams, if the conviction is after a prior conviction for the possession of such a mixture or substance under this subsection becomes final and the amount of the mixture or substance exceeds 3 grams, or if the conviction is after 2 or more prior convictions for the possession of such a mixture or substance under this subsection become final and the amount of the mixture or substance exceeds 1 gram.".

Subtitle M—Miscellaneous Drug Enforcement

5 USC 5541 note.

SEC. 6401. PAYMENT OF BONUSES FOR FOREIGN LANGUAGE CAPABILITIES.

Notwithstanding any other provision of law, the Drug Enforcement Administration and the Federal Bureau of Investigation are authorized on and after October 1, 1988, to pay bonuses up to 25 percent of base pay to employees of the Drug Enforcement Administration and the Federal Bureau of Investigation who possess and make substantial use of one or more languages, other than English,

in the performance of their official duties. The Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation shall develop such policies as necessary to implement the payment of these bonuses.

Subtitle N—Sundry Criminal Provisions

SEC. 6451. VIOLENT FELONIES BY JUVENILES.

Section 924(e) of title 18, United States Code, is amended—

(1) in paragraph (e)(2)(B), by inserting ", or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult," after "one year"; and

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

"(C) the term 'conviction' includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.".

SEC. 6452. LIFE IN PRISON FOR THREE-TIME DRUG OFFENDER.

(a) PENALTY FOR THIRD OFFENSE.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) in the sentence beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting "a prior conviction for a felony drug offense has become final"; and

(2) adding after such sentence the following: "If any person commits a violation of this subparagraph or of section 405, 405A, or 405B after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'felony drug offense' means an offense that is a felony under any provision of this title or any other Federal law that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances or a felony under any law of a State or a foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

(b) CONFORMING AMENDMENTS.—(1) Sections 405(b), 405A(b) and 405B(c) of the Controlled Substances Act (21 U.S.C. 845(b), 845a(b), and 845b(c)) are amended—

(A) by striking "a prior conviction or convictions" and inserting "a prior conviction", and

(B) by inserting at the end thereof the following: "Penalties for third and subsequent convictions shall be governed by section 401(b)(1)(A).".

(2) Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended by striking "or subsequent" from the caption.

SEC. 6453. PENALTIES FOR IMPORTATION BY AIRCRAFT AND OTHER VESSELS. 28 USC 994 note.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 1010(a) of the Controlled

Substances Import and Export Act (21 U.S.C. 960(a)) under circumstances in which—

(1) an aircraft other than a regularly scheduled commercial air carrier was used to import the controlled substance; or

(2) the defendant acted as a pilot, copilot, captain, navigator, flight officer, or any other operation officer aboard any craft or vessel carrying a controlled substance,

shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(A) two levels greater than the level that would have been assigned had the offense not been committed under circumstances set forth in (A) or (B) above; and

(B) in no event less than level 26.

(b) EFFECT OF AMENDMENT.—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (a) so as to achieve a comparable result.

28 USC 994 note.

SEC. 6454. ENHANCED PENALTIES FOR OFFENSES INVOLVING CHILDREN.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating sections 405, 405A, or 405B of the Controlled Substances Act (21 U.S.C. 845, 845a or 845b) involving a person under 18 years of age shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(b) EFFECTS OF AMENDMENT.—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (a) so as to achieve a comparable result.

(c) MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (a), as promulgated or amended under such subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to such subsection is subject to not more than one such enhancement.

SEC. 6455. EXCEPTION TO MANDATORY MINIMUM PENALTY FOR FIRST OFFENSE.

Section 405(a) of the Controlled Substances Act (21 U.S.C. 845(a)) is amended by inserting at the end the following: "The mandatory minimum sentencing provisions of this subsection shall not apply to offenses involving 5 grams or less of marihuana.".

SEC. 6456. ELIMINATION OF EXCEPTION TO MANDATORY MINIMUM FOR SECOND OFFENSES.

Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended by striking "The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.".

SEC. 6457. POSSESSION WITH INTENT TO DISTRIBUTE WITHIN 1,000 FEET OF A SCHOOLYARD.

Sections 405A (a) and (b) of the Controlled Substances Act (21 U.S.C. 845a (a) and (b)) are amended by inserting ", possessing with intent to distribute," after "distributing".

SEC. 6458. PLAYGROUNDS, YOUTH CENTERS, SWIMMING POOLS AND VIDEO ARCADES.

(a) Sections 405A (a) and (b) of the Controlled Substances Act (21 U.S.C. 845a (a) and (b)) are amended by inserting ", or within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility," after "university".

(b) Section 405A of the Controlled Substances Act (21 U.S.C. 845a) is amended by adding at the end thereof the following subsection:

"(d) For the purposes of this section—

"(1) The term 'playground' means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swingsets, and teeterboards.

"(2) The term 'youth center' means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

"(3) The term 'video arcade facility' means any facility, legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement containing a minimum of ten pinball and/or video machines.

"(4) The term 'swimming pool' includes any parking lot appurtenant thereto.".

SEC. 6459. APPLICATION OF MANDATORY MINIMUM PENALTIES TO PURCHASE OF CONTROLLED SUBSTANCES FROM MINORS.

Section 405b(a) of the Controlled Substances Act (21 U.S.C. 845b(a)) is amended by—

(1) striking "or" after the semicolon in paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting "; or"; and

(3) adding at the end thereof the following:

"(3) receive a controlled substance from a person under 18 years of age, other than an immediate family member, in violation of this title or title III.".

SEC. 6460. ENHANCED PENALTIES FOR USE OF CERTAIN WEAPONS IN CONNECTION WITH A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Subsection (c)(1) of section 924 of title 18, United States Code, is amended—

(1) in the first sentence, by striking "ten years" and inserting "thirty years"; and

(2) in the second sentence—

(A) by striking "ten years" and inserting "twenty years"; and

(B) by striking "20 years" and inserting "life imprisonment without release".

SEC. 6461. INCLUSION OF FEDERAL FIREARMS VIOLATIONS AS PREDICATE WIRETAP OFFENSES.

Section 2516(1) of title 18, United States Code, is amended by adding at the end thereof the following:

"(m) any felony violation of sections 922 and 924 of title 18, United States Code (relating to firearms); and

"(n) any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms).".

SEC. 6462. INCREASED PENALTIES FOR CERTAIN FIREARMS OFFENSES.

Section 924(a) of title 18, United States Code, is amended by—

(1) inserting "or 3" after "paragraph 2" in paragraph (1);

(2) striking out "(g), (i), (j)," in subparagraph (a)(1)(B);

(3) redesignating subsection (a)(2) as subsection (a)(3); and

(4) inserting a new subsection (a)(2) to read as follows:

"(2) Whoever knowingly violates subsections (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years or both.".

SEC. 6463. MONEY LAUNDERING FORFEITURES.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following:

Real property.

"(A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5313(a) or 5324 of title 31, or of section 1956 or 1957 of this title, or any property traceable to such property. However, no property shall be seized or forfeited in the case of a violation of section 5313(a) of title 31 by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, or employee thereof."; and

(2) by striking out subparagraph (C).

(b) CONFORMING AMENDMENT.—Section 981(b) of title 18, United States Code, is amended by striking out "involved in a violation of section 1956 or 1957 of this title investigated by the Secretary of the Treasury, and any property subject to forfeiture under subsection (a)(1)(C) of this section" and inserting in lieu thereof "involved in a violation of section 5313(a) or 5324 of title 31 or of section 1956 or 1957 of this title investigated by the Secretary of the Treasury".

(c) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended to read as follows:

"(a) The court, in imposing sentence on a person convicted of an offense in violation of section 5313(a) or 5324 of title 31, or of section 1956 or 1957 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property. However, no property shall be seized or forfeited in the case of a violation of section 5313(a) of title 31 by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, or employee thereof.".

SEC. 6464. FORFEITURE OF SUBSTITUTE ASSETS FOR MONEY LAUNDERING OFFENSE.

Section 982(b) of title 18, United States Code, is amended—

(1) by striking "(o)" both places it appears, and inserting "(p)" in lieu thereof; and

(2) by adding at the end the following: "However, the substitution of assets provisions of subsection 413(p) shall not be used to order a defendant to forfeit assets in place of the actual property laundered where such defendant acted merely as an intermediary who handled but did not retain the property in the course of the money laundering offense.".

SEC. 6465. UNDERCOVER "STING" OPERATIONS IN MONEY LAUNDERING CASES.

Section 1956(a) of title 18, United States Code, is amended by inserting after paragraph (a)(2) the following new paragraph:

"(3) Whoever, with the intent—

"(A) to promote the carrying on of specified unlawful activity;

"(B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or

"(C) to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph, the term 'represented' means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.".

SEC. 6466. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by—

(1) inserting "section 542 (relating to entry of goods by means of false statements)," after "securities of States and private entities),";

(2) inserting "section 549 (relating to removing goods from Customs custody)," after "smuggling goods into the United States),"; and

(3) inserting "section 2319 (relating to copyright infringement), section 310 of the Controlled Substances Act (21 U.S.C. 830) (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857) (relating to transportation of drug paraphenalia)," after "postal robbery and theft) of this title,".

SEC. 6467. MINORS CONVICTED OF DRUG TRAFFICKING.

(a) DELINQUENCY PROCEEDINGS.—Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking out "section 841, 952(a), 955, or 959 of title 21," and inserting in lieu thereof "section 401 of the Controlled Substances Act (21 U.S.C

841), or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), (3)), or section 922(p) of this title,"; and

(2) in the fourth undesignated paragraph—

(A) by striking out "section 841, 952(a), 955, or 959 of title 21," and inserting in lieu thereof "section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959),"; and

(B) by inserting after "2275 of this title," the following: "subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), (3)),".

(b) SURRENDER TO STATE AUTHORITIES.—The first undesignated paragraph of section 5001 of title 18, United States Code, is amended by inserting before the period at the end thereof the following: ", unless such surrender is precluded under section 5032 of this title".

SEC. 6468. DRUG OFFENSES WITHIN FEDERAL PRISONS.

(a) TWENTY YEAR MAXIMUM PENALTY.—Section 1791(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as (2) through (5), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) imprisonment for not more than 20 years, or both, if the object is specified in subsection (d)(1)(C) of this section;"; and

(3) in paragraph (3), as so redesignated, by striking "or (c)(1)(C)".

(b) CONSECUTIVE SENTENCES.—Section 1791 of title 18, United States Code, is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.".

28 USC 994 note.

(c) Pursuant to its authority under section 994(p) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 1791(a)(1) of title 18, United States Code, and punishable under section 1791(b)(1) of that title as so redesignated, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) two levels greater than the level that would have been assigned had the offense not been committed in prison; and

(2) in no event less than level 26.

(d) If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

SEC. 6469. AUTHORIZATION OF POSTAL SERVICE TO INVESTIGATE MONEY LAUNDERING.

(a) JURISDICTION.—(1) Section 1956 of title 18, United States Code, is amended by striking all that follows "appropriate" in subsection (e) and inserting the following: "and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General."

(2) Section 1957 of title 18, United States Code, is amended by striking all that follows "appropriate" in subsection (e) and inserting the following: "and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.".

(b) CONFORMING AMENDMENTS.—Section 981 of title 18, United States Code, is amended by—

(1) inserting "or the Postal Service" in subsection (b) following "Secretary of the Treasury" the first two times it appears;

(2) striking "the Attorney General or the Secretary of the Treasury" in subsections (b)(2) and (c) through (e) and inserting "the Attorney General, the Secretary of the Treasury, or the Postal Service";

(3) adding at the end of subsection (d) the following: "The Attorney General shall have sole responsibility for disposing of petitions for remission or mitigation with respect to property involved in a judicial forfeiture proceeding"; and

(4) adding at the end of subsection (e) the following: "The authority granted to the Secretary of the Treasury and the Postal Service pursuant to this subsection shall apply only to property that has been administratively forfeited.".

(c) POWERS OF THE SECRETARY.—Section 5318(a)(1) of title 31, United States Code, is amended by inserting "or the Postal Inspection Service" after "supervising agency".

SEC. 6470. CONTROLLED SUBSTANCES AND RELATED AMENDMENTS.

(a) ATTEMPT AND CONSPIRACY AMENDMENTS.—Section 406 of the Controlled Substance Act (21 U.S.C. 846) and section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) are amended by striking "is punishable" and all that follows through "punishment" and inserting "shall be subject to the same penalties as those".

(b) CLARIFYING AMENDMENTS RELATING TO FORFEITURE OF PROCEEDS OF A FOREIGN DRUG OFFENSE.—Subparagraph (B) of section 981(a)(1) of title 18, United States Code, is amended by—

(1) inserting ", real or personal," after "property";

(2) striking "which represents the proceeds of" and inserting "constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from";

(3) striking "or activity" the first place it appears;

(4) inserting "under the laws of the United States" after "punishable" the second place it appears; and

(5) inserting "constituting the offense against the foreign nation" after "such act or activity".

(c) CLARIFICATION OF CONTROLLED SUBSTANCE ANALOGUE PROVISION.—Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended by striking "this title and title III" and inserting "any Federal law".

(d) CORRECTION OF REFERENCE RELATING TO MANDATORY PRISON TERMS FOR JUVENILE DRUG TRAFFICKING.—Section 405B(e) of the Controlled Substances Act (21 U.S.C. 845b(e)) is amended by striking "required by section 401(b)".

(e) CORRECTION OF TYPOGRAPHICAL ERROR.—Section 981(a)(2) of title 18, United States Code, is amended by striking "emission" and inserting "omission".

(f) CORRECTION OF REFERENCE TO SUBSECTION.—Section 981(i)(1) of title 18, United States Code, is amended by striking "subchapter" and inserting "subsection".

(g) MANDATORY MINIMUM PENALTY FOR TRAFFICKING IN SUBSTANTIAL QUANTITY OF METHAMPHETAMINE.—Subparagraph (A) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) by striking "or" at the end of clause (vi);

(2) by inserting "or" at the end of clause (vii); and

(3) by adding a new clause (viii), as follows:

"(viii) 100 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;".

(h) CONFORMING AMENDMENT.—Subparagraph (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) by striking "or" at the end of clause (vi);

(2) by inserting "or" at the end of clause (vii); and

(3) by adding a new clause (viii), as follows:

"(viii) 10 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;".

SEC. 6471. MONEY LAUNDERING AMENDMENTS.

(a) INSERTION OF INCOME TAX PREDICATE FOR MONEY LAUNDERING OFFENSE.—Section 1956(a)(1)(A) of title 18, United States Code, is amended to read as follows:

"(A)(i) with the intent to promote the carrying on of specified unlawful activity; or

"(ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or".

(b) TRANSMISSION OR TRANSFER.—Section 1956(a)(2) of title 18, United States Code, is amended by striking "transports or attempts to transport" and inserting "transports, transmits, or transfers, or attempts to transport, transmit, or transfer".

(c) CLARIFICATION OF SCOPE OF STAY OF CIVIL FORFEITURE.—Section 981(g) of title 18, United States Code, is amended by inserting ", Federal, State or local," after "law".

SEC. 6472. BALLISTIC KNIFE ACT JURISDICTIONAL CLARIFICATIONS.

The Ballistic Knife Prohibition Act of 1986 (15 U.S.C. 1245) is amended—

(1) by striking "knowingly possesses, manufactures, sells, or imports" and inserting "in or affecting interstate commerce, within any Territory or possession of the United States, within Indian country (as defined in section 1151 of title 18), or within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18), knowingly possesses, manufactures, sells, or imports"; and

(2) by striking "or State" before "crime of violence".

SEC. 6473. COMMON CARRIER OPERATION AMENDMENTS.

(a) DEFINITIONAL REFINEMENT.—Section 342 of title 18, United States Code, is amended by striking "drugs" and inserting "any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

(b) CONFORMANCE OF FINE LEVEL.—Section 342 of title 18, United States Code, is amended by striking "fined not more than $10,000," and inserting "fined under this title,".

(c) LIMITATION AND CLARIFICATION OF PRESUMPTIONS.—Section 343 of title 18, United States Code, is amended—

(1) in paragraph (1) by striking ".10" and inserting ".10 percent" and by striking "conclusively"; and

(2) in paragraph (2) by striking "conclusively".

SEC. 6474. EXPLOSIVES OFFENSES AMENDMENTS.

(a) EXPANSION OF OFFENSE TO CERTAIN AIRPORTS AND STRENGTHENING OF PENALTY.—Section 844(g) of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(1) Except as provided in paragraph (2), whoever";

(2) by inserting "in an airport that is subject to the regulatory authority of the Federal Aviation Administration, or" after "possesses an explosive";

(3) by inserting "or airport" after "such building";

(4) by striking "not more than one year, or fined not more than $1,000, or both" and inserting "not more than five years, or fined under this title, or both"; and

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

"(2) The provisions of this subsection shall not be applicable to—

"(A) the possession of ammunition (as that term is defined in regulations issued pursuant to this chapter) in an airport that is subject to the regulatory authority of the Federal Aviation Administration if such ammunition is either in checked baggage or in a closed container; or

"(B) the possession of an explosive in an airport if the packaging and transportation of such explosive is exempt from, or subject to and in accordance with, regulations of the Research and Special Projects Administration for the handling of hazardous materials pursuant to the Hazardous Materials Transportation Act (49 App. U.S.C. 1801, et seq.).".

(b) STRENGTHENING OFFENSE OF USING OR CARRYING AN EXPLOSIVE IN COMMISSION OF A FEDERAL FELONY.—Section 844(h) of title 18, United States Code, is amended—

(1) by striking "unlawfully" in paragraph (2); and

(2) by striking "shall be sentenced" through the remainder of the subsection and inserting the following:

"including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for five years. In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the explosive was used or carried.".

(c) CONFORMING DEFINITIONAL CHANGE.—Section 842(d)(5) of title 18, United States Code, is amended to read as follows:

"(5) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).".

(d) CONFORMING DEFINITIONAL CHANGE.—Section 842(i)(3) of title 18, United States Code, is amended to read as follows:

"(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).".

SEC. 6475. CLARIFICATION OF PROHIBITION OF POSSESSION WITH INTENT TO DISTRIBUTE CONTROLLED SUBSTANCES ON AIRCRAFT.

Section 1010(a)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)(3)) is amended by striking "manufactures or distributes a controlled substance" and inserting "manufactures, possesses with intent to distribute, or distributes a controlled substance".

SEC. 6476. RESTARTING OF SPEEDY TRIAL ACT TIME PERIOD FOR DEFENDANTS WHO ABSCOND ON EVE OF TRIAL.

Section 3161 of title 18, United States Code, is amended by adding at the end the following:

"(k)(1) If the defendant is absent (as defined by subsection (h)(3)) on the day set for trial, and the defendant's subsequent appearance before the court on a bench warrant or other process or surrender to the court occurs more than 21 days after the day set for trial, the defendant shall be deemed to have first appeared before a judicial officer of the court in which the information or indictment is pending within the meaning of subsection (c) on the date of the defendant's subsequent appearance before the court.

"(2) If the defendant is absent (as defined by subsection (h)(3)) on the day set for trial, and the defendant's subsequent appearance before the court on a bench warrant or other process or surrender to the court occurs not more than 21 days after the day set for trial, the time limit required by subsection (c), as extended by subsection (h), shall be further extended by 21 days.".

SEC. 6477. ASSIMILATIVE CRIMES ACT AMENDMENTS.

(a) PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL.—Section 13 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following:

"(b) For purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.".

(b) IMPLIED CONSENT FOR CERTAIN TESTS.—(1) Chapter 205 of title 18, United States Code, is amended by adding at the end the following:

"§ 3117. Implied consent for certain tests

Motor vehicles.

"(a) CONSENT.—Whoever operates a motor vehicle in the special maritime and territorial jurisdiction of the United States consents thereby to a chemical test or tests of such person's blood, breath, or urine, if arrested for any offense arising from such person's driving while under the influence of a drug or alcohol in such jurisdiction. The test or tests shall be administered upon the request of a police officer having reasonable grounds to believe the person arrested to have been driving a motor vehicle upon the special maritime and territorial jurisdiction of the United States while under the influence of drugs or alcohol in violation of the laws of a State, territory, possession, or district.

"(b) EFFECT OF REFUSAL.—Whoever, having consented to a test or tests by reason of subsection (a), refuses to submit to such a test or tests, after having first been advised of the consequences of such a refusal, shall be denied the privilege of operating a motor vehicle upon the special maritime and territorial jurisdiction of the United States during the period of a year commencing on the date of arrest upon which such test or tests was refused, and such refusal may be admitted into evidence in any case arising from such person's driving while under the influence of a drug or alcohol in such jurisdiction. Any person who operates a motor vehicle in the special maritime and territorial jurisdiction of the United States after having been denied such privilege under this subsection shall be treated for the purposes of any civil or criminal proceedings arising out of such operation as operating such vehicle without a license to do so.".

(2) The table of sections at the beginning of chapter 205 of title 18, United States Code, is amended by adding at the end the following:

"3117. Implied consent for certain tests.".

SEC. 6478. PROTECTION OF FOREIGN OFFICIALS.

Section 112(b)(3) of title 18, United States Code, is amended by striking "but outside the District of Columbia".

SEC. 6479. MARIHUANA PLANTS.

Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in paragraph (A)(vii), by inserting ", or 1,000 or more marihuana plants regardless of weight" after "containing a detectable amount of marihuana";

(2) in paragraph (B)(vii), by inserting ", or 100 or more marihuana plants regardless of weight" after "containing a detectable amount of marihuana"; and

(3) in paragraph (D) by striking out "100 or more marihuana plants" and inserting in lieu thereof "50 or more marihuana plants".

SEC. 6480. FINES FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended—

(1) in the second sentence—

(A) by striking out "but not more than $5,000";

(B) by striking out "but not more than $10,000"; and

(C) by striking out "but not more than $25,000".

SEC. 6481. CONTINUING CRIMINAL ENTERPRISE.

21 USC 848.

(a) INCREASED PENALTIES.—Section 408(a) of the Controlled Substances Act is amended by—

(1) striking "10 years" and inserting "20 years"; and

(2) striking "20 years" and inserting "30 years".

(b) REDESIGNATION.—Subsections (d) and (e) of section 408 of the Controlled Substances Act are redesignated as (c) and (d).

SEC. 6482. COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(a) LOCOMOTIVES.—Section 341 of title 18, United States Code, is amended by adding after "means a" the following: "locomotive, a".

(b) MAXIMUM PENALTY.—Section 342 of title 18, United States Code, is amended by striking "five" and inserting "fifteen".

28 USC 994 note.

(c) SENTENCING GUIDELINES.—(1) Pursuant to its authority under section 994(p) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that—

(A) a defendant convicted of violating section 342 of title 18, United States Code, under circumstances in which death results, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is not less than level 26; and

(B) a defendant convicted of violating section 342 of title 18, United States Code, under circumstances in which serious bodily injury results, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is not less than level 21.

(2) If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in paragraph (1) so as to achieve a comparable result.

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.— 18 USC app.

"(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.".

SEC. 6484. WITNESS SERVING SENTENCE ABROAD.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3508. Custody and return of foreign witnesses

"(a) When the testimony of a person who is serving a sentence, is in pretrial detention, or is otherwise being held in custody, in a foreign country, is needed in a State or Federal criminal proceeding, the Attorney General shall, when he deems it appropriate in the exercise of his discretion, have the authority to request the temporary transfer of that person to the United States for the purposes of giving such testimony, to transport such person to the United States in custody, to maintain the custody of such person while he is in the United States, and to return such person to the foreign country.

International agreements.

"(b) Where the transfer to the United States of a person in custody for the purposes of giving testimony is provided for by treaty or convention, by this section, or both, that person shall be returned to the foreign country from which he is transferred. In no event shall the return of such person require any request for extradition or extradition proceedings, or proceedings under the immigration laws.

International agreements.

"(c) Where there is a treaty or convention between the United States and the foreign country in which the witness is being held in custody which provides for the transfer, custody and return of such witnesses, the terms and conditions of that treaty shall apply. Where there is no such treaty or convention, the Attorney General may exercise the authority described in paragraph (a) if both the foreign country and the witness give their consent.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3508. Custody and return of foreign witnesses.".

SEC. 6485. CLARIFICATIONS REGARDING DRUG PARAPHERNALIA.

Section 1822 of the Anti-Drug Abuse Act of 1986 (Public Law 99-570; 21 U.S.C. 857) is amended—

(1) in subsection (d), by striking out "in violation of the Controlled Substances Act" and inserting ", possession of which is unlawful under the Controlled Substances Act"; and

(2) in subsection (f)(2) by striking out "primarily intended for use with" and inserting "traditionally intended for use with".

21 USC 844a.

SEC. 6486. CIVIL PENALTY FOR POSSESSION OF SMALL AMOUNTS OF CERTAIN CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Any individual who knowingly possesses a controlled substance that is listed in section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) in violation of section 404 of that Act (21 U.S.C. 841(b)(1)(A)) in an amount that, as specified by regulation of the Attorney General, is a personal use amount

shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.

(b) INCOME AND NET ASSETS.—The income and net assets of an individual shall not be relevant to the determination whether to assess a civil penalty under this section or to prosecute the individual criminally. However, in determining the amount of a penalty under this section, the income and net assets of an individual shall be considered.

(c) PRIOR CONVICTION.—A civil penalty may not be assessed under this section if the individual previously was convicted of a Federal or State offense relating to a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(d) LIMITATION ON NUMBER OF ASSESSMENTS.—A civil penalty may not be assessed on an individual under this section on more than two separate occasions.

(e) ASSESSMENT.—A civil penalty under this section may be assessed by the Attorney General only by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Attorney General shall provide written notice to the individual who is the subject of the proposed order informing the individual of the opportunity to receive such a hearing with respect to the proposed order. The hearing may be held only if the individual makes a request for the hearing before the expiration of the 30-day period beginning on the date such notice is issued.

(f) COMPROMISE.—The Attorney General may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(g) JUDICIAL REVIEW.—If the Attorney General issues an order pursuant to subsection (e) after a hearing described in such subsection, the individual who is the subject of the order may, before the expiration of the 30-day period beginning on the date the order is issued, bring a civil action in the appropriate district court of the United States. In such action, the law and the facts of the violation and the assessment of the civil penalty shall be determined de novo, and shall include the right of a trial by jury, the right to counsel, and the right to confront witnesses. The facts of the violation shall be proved beyond a reasonable doubt.

(h) CIVIL ACTION.—If an individual does not request a hearing pursuant to subsection (e) and the Attorney General issues an order pursuant to such subsection, or if an individual does not under subsection (g) seek judicial review of such an order, the Attorney General may commence a civil action in any appropriate district court of the United States for the purpose of recovering the amount assessed and an amount representing interest at a rate computed in accordance with section 1961 of title 28, United States Code. Such interest shall accrue from the expiration of the 30-day period described in subsection (g). In such an action, the decision of the Attorney General to issue the order, and the amount of the penalty assessed by the Attorney General, shall not be subject to review.

(i) LIMITATION.—The Attorney General may not under this subsection commence proceeding against an individual after the expiration of the 5-year period beginning on the date on which the individual allegedly violated subsection (a).

(j) EXPUNGEMENT PROCEDURES.—The Attorney General shall dismiss the proceedings under this section against an individual upon

application of such individual at any time after the expiration of 3 years if—

(1) the individual has not previously been assessed a civil penalty under this section;

(2) the individual has paid the assessment;

(3) the individual has complied with any conditions imposed by the Attorney General;

(4) the individual has not been convicted of a Federal or State offense relating to a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(5) the individual agrees to submit to a drug test, and such test shows the individual to be drug free.

Records. Classified information.

A nonpublic record of a disposition under this subsection shall be retained by the Department of Justice solely for the purpose of determining in any subsequent proceeding whether the person qualified for a civil penalty or expungement under this section. If a record is expunged under this subsection, an individual concerning whom such an expungement has been made shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge a proceeding under this section or the results thereof in response to an inquiry made of him for any purpose.

SEC. 6487. PROTECTION OF FORMER FEDERAL OFFICIALS AND MEMBERS OF THE FAMILY OF FORMER FEDERAL OFFICIALS.

(a) FORMER FEDERAL OFFICIALS.—Section 111 of title 18, United States Code, is amended to read as follows:

"§ 111. Assaulting, resisting, or impeding certain officers or employees

"(a) IN GENERAL.—Whoever—

"(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

"(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall be fined under this title or imprisoned not more than three years, or both.

"(b) ENHANCED PENALTY.—Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon, shall be fined under this title or imprisoned not more than ten years, or both.".

(f) FAMILY MEMBERS OF FORMER FEDERAL OFFICIALS.—Section 115(a) of title 18, United States Code, is amended to read as follows:

"(a)(1) Whoever—

"(A) assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title; or

"(B) threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section,

with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).

"(2) Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder a member of the immediate family of any person who formerly served as a person designated in paragraph (1), with intent to retaliate against such person on account of the performance of official duties during the term of service of such person, shall be punished as provided in subsection (b).".

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

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Subtitle A—Death Penalty

SEC. 7001. DEATH PENALTY FOR DRUG-RELATED KILLINGS.

(a) ELEMENTS OF OFFENSE.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"Death Penalty

"(e)(1) In addition to the other penalties set forth in this section—

"(A) any person engaging in or working in furtherance of a continuing criminal enterprise, or any person engaging in an offense punishable under section 841(b)(1)(A) or section 960(b)(1) who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and

"(B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of this title or title III who intentionally kills or counsels, commands, induces,

procures, or causes the intentional killing of any Federal, State, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

"(2) As used in paragraph (1)(b), the term 'law enforcement officer' means a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions.".

(b) PROCEDURE APPLICABLE WITH RESPECT TO THE DEATH PENALTY.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by adding at the end the following:

"Hearing Required with Respect to the Death Penalty

"(g) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

"Notice by the Government in Death Penalty Cases

"(h)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors enumerated in subsection (n) and any other aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

"Hearing Before Court or Jury

"(i)(1) When the attorney for the Government has filed a notice as required under subsection (h) and the defendant is found guilty of or pleads guilty to an offense under subsection (e), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled under paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

"Proof of Aggravating and Mitigating Factors

"(j) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (e), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to matters relating to any of the aggravating or mitigating factors set forth in subsections (m) and (n), or any other mitigating factor or any other aggravating factor for which notice has been provided under subsection (h)(1)(B). Where information is presented relating to any of the aggravating factors set forth in subsection (n), information may be presented relating to any other aggravating factor for which notice has been provided under subsection (h)(1)(B). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial, or at the trial judge's discretion. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the evidence.

"Return of Findings

"(k) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factors set forth in subsection (n), found to exist. If one of the aggravating factors set forth in subsection (n)(1) and another of the aggravating factors set forth in paragraphs (2) through (12) of subsection (n) is found to exist, a special finding identifying any other aggravating factor for which notice has been provided under subsection (h)(1)(B), may be returned. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the

jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this subsection, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If an aggravating factor set forth in subsection (n)(1) is not found to exist or an aggravating factor set forth in subsection (n)(1) is found to exist but no other aggravating factor set forth in subsection (n) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (n)(1) and one or more of the other aggravating factors set forth in subsection (n) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend that a sentence of death shall be imposed rather than a sentence of life imprisonment without possibility of release or some other lesser sentence. The jury or the court, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"Imposition of Sentence

"(l) Upon the recommendation that the sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court.

"Mitigating Factors

"(m) In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider mitigating factors, including the following:

"(1) The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participa-

tion was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) The defendant was youthful, although not under the age of 18.

"(6) The defendant did not have a significant prior criminal record.

"(7) The defendant committed the offense under severe mental or emotional disturbance.

"(8) Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(9) The victim consented to the criminal conduct that resulted in the victim's death.

"(10) That other factors in the defendant's background or character mitigate against imposition of the death sentence.

"Aggravating Factors for Homicide

"(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors are the only aggravating factors that shall be considered, unless notice of additional aggravating factors is provided under subsection (h)(1)(B):

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim;

"(D) intentionally engaged in conduct which—

"(i) the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and

"(ii) resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (e), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

"(6) The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(7) The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(8) The defendant committed the offense after substantial planning and premeditation.

"(9) The victim was particularly vulnerable due to old age, youth, or infirmity.

"(10) The defendant had previously been convicted of violating this title or title III for which a sentence of five or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(11) The violation of this title in relation to which the conduct described in subsection (e) occurred was a violation of section 405.

"(12) The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"Right of the Defendant to Justice Without Discrimination

"(o)(1) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or the victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, may be. The jury shall return to the court a certificate signed by each juror that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, may be.

Reports.

"(2) Not later than one year from the date of enactment of the Anti-Drug Abuse Amendments Act of 1988, the Comptroller General shall conduct a study of the various procedures used by the several States for determining whether or not to impose the death penalty in particular cases, and shall report to the Congress on whether or not any or all of the various procedures create a significant risk that the race of a defendant, or the race of a victim against whom a crime was committed, influence the likelihood that defendants in those States will be sentenced to death. In conducting the study required by this paragraph, the General Accounting Office shall—

"(A) use ordinary methods of statistical analysis, including methods comparable to those ruled admissible by the courts in race discrimination cases under title VII of the Civil Rights Act of 1964;

"(B) study only crimes occurring after January 1, 1976; and

"(C) determine what, if any, other factors, including any relation between any aggravating or mitigating factors and the race of the victim or the defendant, may account for any

evidence that the race of the defendant, or the race of the victim, influences the likelihood that defendants will be sentenced to death. In addition, the General Accounting Office shall examine separately and include in the report, death penalty cases involving crimes similar to those covered under this section.

"Sentencing in Capital Cases in Which Death Penalty is not Sought or Imposed

"(p) If a person is convicted for an offense under subsection (e) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.

"Appeal in Capital Cases; Counsel for Financially Unable Defendants

"(q)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28, United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with, or the failure to find, any mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.

"(4)(A) Notwithstanding any other provision of law to the contrary, in every criminal action in which a defendant is charged with a crime which may be punishable by death, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time either—

"(i) before judgment; or

"(ii) after the entry of a judgment imposing a sentence of death but before the execution of that judgment;

shall be entitled to the appointment of one or more attorneys and the furnishing of such other services in accordance with paragraphs (5), (6), (7), (8), and (9).

"(B) In any post conviction proceeding under section 2254 or 2255 of title 28, United States Code, seeking to vacate or set aside a death sentence, any defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services shall be entitled to the appointment of

one or more attorneys and the furnishing of such other services in accordance with paragraphs (5), (6), (7), (8), and (9).

"(5) If the appointment is made before judgment, at least one attorney so appointed must have been admitted to practice in the court in which the prosecution is to be tried for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court.

"(6) If the appointment is made after judgment, at least one attorney so appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in that court in felony cases.

"(7) With respect to paragraphs (5) and (6), the court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

"(8) Unless replaced by similarly qualified counsel upon the attorney's own motion or upon motion of the defendant, each attorney so appointed shall represent the defendant throughout every subsequent stage of available judicial proceedings, including pretrial proceedings, trial, sentencing, motions for new trial, appeals, applications, for writ of certiorari to the Supreme Court of the United States, and all available post-conviction process, together with applications for stays of execution and other appropriate motions and procedures, and shall also represent the defendant in such competency proceedings and proceedings for executive or other clemency as may be available to the defendant.

"(9) Upon a finding in ex parte proceedings that investigative, expert or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or sentence, the court shall authorize the defendant's attorneys to obtain such services on behalf of the defendant and shall order the payment of fees and expenses therefore, under paragraph (10). Upon a finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision of and payment for such services nunc pro tunc.

"(10) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the court shall fix the compensation to be paid to attorneys appointed under this subsection and the fees and expenses to be paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9), at such rates or amounts as the court determines to be reasonably necessary to carry out the requirements of paragraphs (4) through (9).

"Refusal to Participate by State and Federal Correctional Employees

"(r) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the

term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

SEC. 7002. GAO STUDY OF THE COST OF EXECUTIONS. 21 USC 848 note.

(a) STUDY.—No later than three years after the date of the enactment of this Act, the Comptroller General shall carry out a study to review the cost of implementing the procedures for imposing and carrying out a death sentence prescribed by this title.

(b) SPECIFIC REQUIREMENT.—Such study shall consider, but not be limited to, information concerning impact on workload of the Federal prosecutors and judiciary and law enforcement necessary to obtain capital sentences and executions under this Act.

(c) SUBMISSION OF REPORT.—Not later than four years after date of the enactment of this Act, the Comptroller General shall submit to Congress a report describing the results of the study.

Subtitle B—Minor and Technical Criminal Law Amendments

Minor and Technical Criminal Law Amendments Act of 1988. 18 USC 1 note.

SEC. 7011. SHORT TITLE.

This subtitle may be cited as the "Minor and Technical Criminal Law Amendments Act of 1988".

SEC. 7012. CORRECTION OF CROSS REFERENCE.

Section 38 of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended by striking "section 23" and inserting "section 34". 18 USC 18.

SEC. 7013. CORRECTION OF ERRONEOUS REFERENCE.

Section 50(a) of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended by striking "1961(a)" and inserting "1961(l)". 18 USC 1961.

SEC. 7014. CORRECTION OF MISPRINT. 18 USC 4217.

Section 58(g) of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended by striking "SECTION 3147 AMENDMENTS.—Section 3147 of title" and inserting "REPEAL.—(1) Title". 18 USC 3147.

SEC. 7015. CORRECTION OF TYPOGRAPHICAL ERROR IN SECTION 31.

Section 31 of title 18, United States Code, is amended by striking "door in opened" and inserting "door is opened".

SEC. 7016. CORRECTION OF TYPOGRAPHICAL ERROR IN SECTION 32.

Section 32(a)(3) of title 18, United States Code, is amended by striking "intefering" and inserting "interfering".

SEC. 7017. CORRECTION OF TYPOGRAPHICAL ERROR IN SECTION 152.

The third paragraph of section 152 of title 18, United States Code is amended by striking "penalty or perjury" and inserting "penalty of perjury".

SEC. 7018. CONSPIRACY AGAINST CIVIL RIGHTS.

(a) IN GENERAL.—Section 241 of title 18, United States Code, is amended by striking "citizen" and inserting "inhabitant of any State, Territory, or District".

(b) CONFORMING AMENDMENTS.—(1) The heading for section 241 of title 18, United States Code, is amended by striking "**of citizens**".

(2) The item relating to section 241 in the table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by striking "of citizens".

SEC. 7019. DEPRIVATION OF CIVIL RIGHTS.

Section 242 of title 18, United States Code, is amended by inserting "and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both;" after "both;".

SEC. 7020. DESIGNATION OF ADDITIONAL HIGH LEVEL OFFICIALS OF THE DEPARTMENT OF JUSTICE TO PERFORM CERTAIN FUNCTIONS RELATING TO CRIMINAL AND ANCILLARY PROCEEDINGS.

(a) APPROVAL OF CERTAIN CIVIL RIGHTS PROSECUTIONS.—Section 245(a)(1) of title 18, United States Code, is amended—

(1) by striking "or the Deputy" and inserting ", the Deputy";

(2) by inserting ", the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General" after "Deputy Attorney General".

(b) APPROVAL OF PROSECUTIONS FOR FLIGHT TO AVOID SERVICE OF PROCESS AND RELATED PROCEEDINGS.—Section 1073 of title 18, United States Code, is amended by inserting ", the Deputy Attorney General, the Associate Attorney General," after "the Attorney General".

(c) DEFINITION OF "ATTORNEY GENERAL" FOR PURPOSES OF CERTAIN RACKETEERING PROCEEDINGS.—Section 1961(10) of title 18, United States Code, is amended by inserting "the Associate Attorney General of the United States," after "Deputy Attorney General of the United States,".

(d) SUMMONING OF SPECIAL GRAND JURIES.—Section 3331(a) of title 18, United States Code, is amended by inserting ", the Associate Attorney General" after "Deputy Attorney General".

(e) REQUESTING JUDICIAL GRANT OF IMMUNITY IN GENERAL.—Section 6003(b) of title 18, United States Code, is amended—

(1) by inserting ", the Associate Attorney General" after "Deputy Attorney General"; and

(2) by inserting "or Deputy Assistant Attorney General" after "Assistant Attorney General".

(f) REQUESTING JUDICIAL GRANT OF IMMUNITY IN CERTAIN DRUG CASES.—Section 514(c) of the Controlled Substances Act (21 U.S.C. 884(c)) is amended by inserting ", the Associate Attorney General" after "Deputy Attorney General".

(g) OBJECTING TO DISCLOSURE OF CLASSIFIED INFORMATION UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 14 of the Classified Information Procedures Act (18 U.S.C. App. 14) is amended by inserting ", the Associate Attorney General," after "Deputy Attorney General".

SEC. 7021. OFF-HIGHWAY VEHICLE IDENTIFICATION OFFENSE.

Section 553(b)(2) of title 18, United States Code, is amended to read as follows:

"(2)(A) in the case of a motor vehicle, is not a violation of section 511 of this title (relating to altering or removing motor vehicle identification numbers); or

"(B) in the case of off-highway mobile equipment, would not be a violation of section 511 of this title if such equipment were a motor vehicle.".

SEC. 7022. REDESIGNATION OF PARAGRAPHS IN SECTION 831.

Paragraphs (3) through (6) of section 831(e) of title 18, United States Code, are redesignated as paragraphs (2) through (5), respectively.

SEC. 7023. IDENTIFICATION FRAUD.

Section 1028(a)(6) of title 18, United States Code, is amended—

(1) by inserting "knowingly" before "possesses";

(2) by inserting "lawful" before "authority" the first place it appears; and

(3) by inserting "such" before "authority" the second place it appears.

SEC. 7024. TRANSMISSION OF WAGERING INFORMATION.

(a) TRANSMISSION OF INFORMATION TO FOREIGN COUNTRIES.—Section 1084(b) of title 18, United States Code, is amended by inserting "or foreign country" after "State" each place it appears.

(b) DEFINITION OF "STATE".—(1) Section 1084 of title 18, United States Code, is amended by adding at the end the following:

"(e) As used in this section, the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.".

(2) Section 1084(c) of title 18, United States Code, is amended by striking ", Commonwealth of Puerto Rico, territory, possession, or the District of Columbia".

SEC. 7025. PUNCTUATION CORRECTION IN SECTION 1111.

Section 1111(a) of title 18, United States Code, is amended by inserting a comma after "arson".

SEC. 7026. PUNCTUATION CORRECTION IN SECTION 1114.

Section 1114 of title 18, United States Code, is amended by striking the second comma after "terms of this section".

SEC. 7027. CLARIFICATION OF RELATION BETWEEN TWO AMENDMENTS MADE BY PUBLIC LAWS ENACTED IN THE 99TH CONGRESS.

Section 1153 of title 18, United States Code, is amended by striking "maiming" and all that follows through "incest" and inserting "maiming, a felony under chapter 109A, incest".

SEC. 7028. CORRECTION OF SUBSECTION DESIGNATION.

Section 1203 of title 18, United States Code, is amended by striking "(C)" the last place it appears and inserting "(c)".

SEC. 7029. OBSTRUCTION OF JUSTICE AMENDMENTS.

(a) EXPANSION OF VENUE FOR SECTIONS 1512 AND 1503 CASES.—Section 1512 of title 18, United States Code, is amended by adding at the end the following:

"(h) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or

in the district in which the conduct constituting the alleged offense occurred.".

(b) DEFINITION CHANGES.—Section 1515(a)(1)(A) of title 18, United States Code, is amended by inserting "a judge of the United States Tax Court, a special trial judge of the Tax Court, a judge of the United States Claims Court," after "bankruptcy judge,".

(c) CORRUPT PERSUASION.—Section 1512(b) of title 18, United States Code, is amended by striking "or threatens" and inserting "threatens, or corruptly persuades".

(d) DEFINITION.—Section 1515(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) the term 'corruptly persuades' does not include conduct which would be misleading conduct but for a lack of a state of mind.".

SEC. 7030. CONFORMING AMENDMENT TO TABLE OF SECTIONS.

The item relating to section 1515 in the table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting "; general provision" after "provisions".

SEC. 7031. CROSS REFERENCE CORRECTIONS AND ADDITIONS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by—

(1) striking "section 511" and inserting "section 513";

(2) striking "section 543" and inserting "section 545"; and

(3) inserting "section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies)," after "section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee),".

SEC. 7032. CROSS REFERENCE CORRECTION AND ADDITIONS.

Section 1961(1) of title 18, United States Code, is amended by striking "section 2320" and inserting "section 2321".

SEC. 7033. SYNTAX CORRECTION IN SECTION 1962.

Section 1962(d) of title 18, United States Code, is amended by striking "subsections" and inserting "subsection".

SEC. 7034. SECTION 1963 AMENDMENTS.

(a) CORRECTION OF TYPOGRAPHICAL ERROR IN SUBSECTION (n).—Section 1963(n) of title 18, United States Code, is amended by striking "act of omission" and inserting "act or omission".

(b) REDESIGNATION.—Subsection (n) of section 1963 of title 18, United States Code, is redesignated as subsection (m).

SEC. 7035. CLERICAL CORRECTION TO TABLE OF CONTENTS FOR CHAPTER 119.

The table of sections at the beginning of chapter 119 of title 18, United States Code, is amended by striking "wire or oral" in the items relating to sections 2511, 2512, 2513, 2516, 2517, 2518, and 2519 and inserting "wire, oral, or electronic".

SEC. 7036. SECTION 2516 AMENDMENTS.

(a) SYNTAX CORRECTION.—Section 2516(1) of title 18, United States Code, is amended—

(1) by inserting "or" after "Associate Attorney General,", and

(2) by striking the comma that follows a comma.

(b) CORRECTION OF CROSS-REFERENCES.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by striking "the second section 2320" and inserting "section 2321"; and

(2) by striking "section 2252 or 2253 (sexual exploitation of children),".

(c) PUNCTUATION CORRECTIONS.—

(1) section 2516(1)(a) is amended by striking "(relating to riots);" and inserting "(relating to riots),";

(2) section 2516(1)(j) is amended by striking "or;"; and

(3) section 2516(1)(k) is amended by inserting "or" at the end thereof.

SEC. 7037. CORRECTION OF CROSS REFERENCE.

Section 2702(b)(2) of title 18, United States Code, is amended by striking "2516" and inserting "2517".

SEC. 7038. GOVERNMENTAL ACCESS TO CONTENTS OF ELECTRONIC COMMUNICATIONS IN AND RECORDS OF A REMOTE COMPUTING SERVICE.

Sections 2703(b)(1)(B)(i) and 2703(c)(1)(B)(i) of title 18, United States Code, are amended by inserting "or trial" after "grand jury".

SEC. 7039. DEFINITION OF COURT FOR CERTAIN APPLICATIONS.

Section 2703(d) of title 18, United States Code, is amended by inserting "may be issued by any court that is a court of competent jurisdiction set forth in section 3126(2)(A) of this title and" before "shall issue".

SEC. 7040. SECTION 3124 AMENDMENT.

Section 3124(b) of title 18, United States Code, is amended by inserting "order" after "court" the last place it appears.

SEC. 7041. SENTENCING CLASSIFICATION OF OFFENSES.

(a) REDESIGNATION.—Section 3559(a) of title 18, United States Code, is amended—

(1) by striking "classified—" and all that follows through "is—" and inserting "classified if the maximum term of imprisonment authorized is—"; and

(2) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9).

(b) CLASS B CLASSIFICATION.—Section 3559(a) of title 18, United States Code, is amended in each of paragraphs (2) and (3) (as so redesignated by subsection (a)), by striking "twenty" and inserting "twenty-five".

SEC. 7042. CORRECTION OF CROSS REFERENCES.

Subsection (h) of section 3663 of title 18, United States Code, is amended to read as follows:

"(h) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.".

SEC. 7043. FURLOUGH OF CERTAIN INDIVIDUALS ORDERED TO BE COMMITTED FOR INSANITY.

Section 4243 of title 18, United States Code, is amended by adding at the end thereof the following:

"(h) LIMITATIONS ON FURLOUGHS.—An individual who is hospitalized under subsection (e) of this section after being found not guilty only by reason of insanity of an offense for which subsection (d) of this section creates a burden of proof of clear and convincing evidence, may leave temporarily the premises of the facility in which that individual is hospitalized only—

"(1) with the approval of the committing court, upon notice to the attorney for the Government and such individual, and after opportunity for a hearing;

"(2) in an emergency; or

"(3) when accompanied by a Federal law enforcement officer (as defined in section 115 of this title).".

SEC. 7044. PERIODIC REPORTS RELATING TO CERTAIN HOSPITALIZED PERSONS.

Section 4247(e)(1)(B) of title 18, United States Code, is amended by adding at the end thereof the following: "A copy of each such report concerning a person hospitalized after the beginning of a prosecution of that person for violation of section 871, 879, or 1751 of this title shall be submitted to the Director of the United States Secret Service. Except with the prior approval of the court, the Secret Service shall not use or disclose the information in these copies for any purpose other than carrying out protective duties under section 3056(a) of this title.".

Classified information.

SEC. 7045. INSERTION OF MISSING CLOSE PARENTHESIS.

The last paragraph of section 5034 of title 18, United States Code, is amended by striking "facility upon" and inserting "facility) upon".

SEC. 7046. AMENDMENT TO RULES OF EVIDENCE CONFORMING TERMINOLOGY RELATING TO SEX OFFENSES.

28 USC app.

(a) IN GENERAL.—Rule 412 of the Federal Rules of Evidence is amended—

(1) in the heading of such rule, by striking "**Rape**" and inserting "**Sex Offense**";

(2) in subdivisions (a) and (b), by striking "rape or of assault with intent to commit rape" each place it appears and inserting "an offense under chapter 109A of title 18, United States Code";

(3) in subdivision (a), by striking "rape or assault" and inserting "offense";

(4) by striking "rape or assault with intent to commit rape" each place it appears and inserting "an offense under chapter 109A of title 18, United States Code"; and

(5) in subdivision (b)(2)(B), by striking "rape or assault" and inserting "such offense".

(b) CLERICAL AMENDMENT.—The item relating to rule 412 in the table of contents at the beginning of the Federal Rules of Evidence is amended by striking "Rape" and inserting "Sex Offense".

SEC. 7047. EXTENSION OF POWER TO MAKE CERTAIN EXAMINATIONS TO PSYCHOLOGISTS.

(a) SECTION 4247(b).—Section 4247(b) of title 18, United States Code, is amended by striking "clinical psychologist" and inserting "psychologist".

(b) CONFORMING AMENDMENT TO RULE 35.—Rule 35 of the Federal Rules of Civil Procedure is amended— 28 USC app.

(1) in subdivision (a), by striking "physical or mental examination by a physician" and inserting "physical examination by a physician, or mental examination by a physician or psychologist";

(2) in subdivision (b), by inserting "or psychologist" after "physician" each time it appears, and by adding "or psychologist" to the heading of the subdivision; and

(3) by adding at the end the following new subdivision:

"(c) DEFINITIONS.—For the purpose of this rule, a psychologist is a psychologist licensed or certified by a State or the District of Columbia.".

SEC. 7048. SYNTACTICAL CORRECTION RELATING TO CERTAIN COUNTERFEIT OR FORGED ITEMS.

The second paragraph of section 2315 of title 18, United States Code, is amended by striking "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken" and inserting "moving as, or which are a part of, or which constitute interstate or foreign commerce".

SEC. 7049. FORM CORRECTION IN FEDERAL RULES OF CIVIL PROCEDURE.

Rule 17(a) of the Federal Rules of Civil Procedure is amended by striking "with him". 28 USC app.

SEC. 7050. PUNCTUATION CORRECTION IN FEDERAL RULES OF CIVIL PROCEDURE.

Rule 71A(e) is amended by striking "taking of the defendants property" and inserting "taking of the defendant's property".

SEC. 7051. DEFINITION OF "UNITED STATES" IN REFERENCE TO TERRORIST ACTS.

Section 3077(4) of title 18, United States Code, is amended to read as follows:

"(4) 'United States,' when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States;".

SEC. 7052. CROSS REFERENCES PERTAINING TO ARREST AUTHORITY FOR VIOLATION OF RELEASE CONDITIONS.

Section 3062 of title 18, United States Code, is amended by striking "a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J)" and inserting "a condition imposed on the person pursuant to section 3142(c)(1)(B) (iv), (v), (viii), (ix), or (xiii), or, if the violation involves a failure to

remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(1)(B)(x)".

SEC. 7053. RENUMBERING OF SECTIONS IN CHAPTER 95.

(a) SECTION 1958.—Section 1952A of title 18, United States Code, is redesignated as section 1958.

(b) SECTION 1959.—Section 1952B of title 18, United States Code, is redesignated as section 1959.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 95 of title 18, United States Code, is amended—

(1) by striking "1952A" and inserting "1958";

(2) by striking "1952B" and inserting "1959"; and

(3) by inserting the items for redesignated sections 1958 and 1959 at the end of the table.

(d) SECTION 2516(c).—Section 2516(c) of title 18, United States Code, is amended—

(1) by striking "1952A" and inserting "1958"; and

(2) by striking "1952B" and inserting "1959".

SEC. 7054. ADDITION OF RICO PREDICATE.

Section 1961(1)(B) of title 18, United States Code, is amended—

(1) by inserting after "section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)" the following: ", section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251-2252 (relating to sexual exploitation of children)"; and

(2) by inserting after "sections 891-894 (relating to extortionate credit transactions)" the following: ", section 1029 (relative to fraud and related activity in connection with access devices)".

SEC. 7055. PROVISION OF MISDEMEANOR PENALTY FOR CERTAIN ESCAPES.

Sections 751(a) and 752(a) of title 18, United States Code, are amended by inserting ", or for exclusion or expulsion proceedings under the immigration laws," after "extradition".

SEC. 7056. CLARIFICATION OF PREDICATE OFFENSE REQUIREMENTS FOR ARMED CAREER CRIMINAL ACT.

Section 924(e)(1) of title 18, United States Code, is amended by inserting "committed on occasions different from one another," after "for a violent felony or a serious drug offense, or both,"

SEC. 7057. TRANSPORTATION AND RECEIPT OF STOLEN SECURITIES.

(a) TRANSMISSION OR TRANSFER.—The first paragraph of section 2314 of title 18, United States Code, is amended by striking "transports" and inserting "transports, transmits, or transfers".

(b) INAPPLICABILITY OF SECTION.—The final paragraphs of sections 2314 and 2315 of title 18, United States Code, are amended—

(1) by striking "or by a bank or corporation of any foreign country"; and

(2) by adding at the end thereof: "This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money.".

SEC. 7058. MAXIMUM PENALTY ADJUSTMENTS.

(a) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "five years" and inserting "ten years"; and

(2) in paragraph (3) by striking "one year" and inserting "two years".

(b) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking "five years" and inserting "ten years".

(c) ATTEMPTED MURDER.—Section 1113 of title 18, United States Code, is amended by striking "shall be fined not more than $1,000 or imprisoned not more than three years, or both" and inserting "shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both."

(d) RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS.—Section 1963(a) of title 18, United States Code, is amended by striking "shall be fined not more than $25,000 or imprisoned not more than twenty years, or both" and inserting "shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both.".

SEC. 7059. INTERSTATE AGREEMENT ON DETAINERS ACT AMENDMENTS.

The Interstate Agreement on Detainers Act (84 Stat. 1397) is amended by adding at the end thereof the following new section:

"§ 9. Special Provisions when United States is a Receiving State 18 USC app.

"Notwithstanding any provision of the agreement on detainers to the contrary, in a case in which the United States is a receiving State—

"(1) any order of a court dismissing any indictment, information, or complaint may be with or without prejudice. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: The seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of the agreement on detainers and on the administration of justice; and

"(2) it shall not be a violation of the agreement on detainers if prior to trial the prisoner is returned to the custody of the sending State pursuant to an order of the appropriate court issued after reasonable notice to the prisoner and the United States and an opportunity for a hearing.".

SEC. 7060. CLERICAL CORRECTIONS RELATING TO CHAPTER 44.

(a) SECTION 924(c) AMENDMENTS.—Paragraph (1) of section 924(c) of title 18, United States Code, is amended—

(1) by striking "crime,," the first place it appears and inserting "crime";

(2) by striking "crime,," each other place it appears and inserting "crime,";

(3) by striking "including a crime" and inserting "(including a crime";

(4) by striking "crime, which" and inserting "crime which";

(5) by striking "device, for" and inserting "device) for"; and

(6) by striking ", or drug trafficking crime".

(b) SECTION 929 AMENDMENT.—Paragraph (1) of section 929(a) of title 18, United States Code, is amended by striking "crime," each place it appears and inserting "crime".

(c) SECTION 922(g) AMENDMENT.—Section 922(g)(3) of title 18, United States Code, is amended by inserting "who" before "is an unlawful user".

(d) SECTION 923 AMENDMENTS.—Section 923 of title 18, United States Code, is amended—

(1) in subsection (a), by striking the period that follows "licensing"; and

(2) in subsection (f)(3), by striking the period that follows a period.

SEC. 7061. INSERTION OF MISSING SUBSECTION HEADING.

Section 2706(c) of title 18, United States Code, is amended by inserting "EXCEPTION.—" after "(c)".

SEC. 7062. INSERTION OF MISSING TABLE.

Chapter 113A of title 18, United States Code, is amended by inserting after the heading of such chapter the following table:

"Sec. 2331. Terrorist acts abroad against United States nationals.".

SEC. 7063. CORRECTION OF ITEMS IN TABLES OF CHAPTERS.

(a) CHAPTER 113A.—The item relating to chapter 113A in the table of sections at the beginning of part I of title 18, United States Code, is amended by striking the final period and inserting "..... 2331".

(b) CHAPTER 121.—The item relating to chapter 121 in the table of sections at the beginning of part I of title 18, United States Code, is amended by striking "Wire and Electronic Communications and Transactional Records Access" and inserting "wire and electronic communications and transactional records access".

(c) CHAPTER 17A.—The item relating to chapter 17A in the table of sections at the beginning of part I of title 18, United States Code, is amended by striking "Carrier Operation Under the Influence of Alcohol or Drugs" and inserting "carrier operation under the influence of alcohol or drugs..... 341".

(d) CHAPTER 109A.—The item relating to chapter 109A in the table of sections at the beginning of part I of title 18, United States Code, is amended by striking "Abuse" and inserting "abuse".

(e) CHAPTER 11.—The item relating to chapter 11 in the table of sections at the beginning of part I of title 18, United States Code, is amended by striking "Bribery and graft" and inserting "Bribery, graft, and conflicts of interest".

SEC. 7064. INSERTION OF MISSING LETTER.

Section 794(d)(4) of title 18, United States Code, is amended by striking "amount" and inserting "amounts".

SEC. 7065. PUNCTUATION CORRECTION.

Section 1030(a)(2) of title 18, United States Code, is amended—

(1) by striking the comma that follows a comma; and

(2) by inserting a comma after "financial institution".

SEC. 7066. REFERENCE CORRECTION.

Section 2232(c) of title 18, United States Code, is amended by inserting "of 1978" after "Surveillance Act".

SEC. 7067. CONFORMING AMENDMENT TO TABLE OF SECTIONS.

The item relating to section 2710 in the table of sections at the beginning of chapter 121 of title 18, United States Code, is amended by inserting "for chapter" after "Definitions".

SEC. 7068. CORRECTION OF ITEM IN TABLE OF SECTIONS FOR CHAPTER 206.

The item relating to section 3123 in the table of sections at the beginning of chapter 206 of title 18, United States Code, is amended by striking "trap or trace" and inserting "trap and trace".

SEC. 7069. CORRECTION OF ITEMS IN TABLE OF SECTIONS FOR CHAPTER 46.

The items in the table of sections at the beginning of chapter 46 of title 18, United States Code, are each amended by striking "Forfeiture" and inserting "forfeiture".

SEC. 7070. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 2422 of title 18, United States Code, is amended by striking "of foreign commerce" and inserting "or foreign commerce"

SEC. 7071. CONFORMING AMENDMENT TO TABLE OF SECTIONS FOR CHAPTER 117.

The item relating to section 2424 in the table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by striking "female" and inserting "individual".

SEC. 7072. ELIMINATION OF CROSS REFERENCES TO REPEALED SECTION.

(a) SECTION 3401.—Section 3401(g) of title 18, United States Code, is amended by striking "and section 4216".

(b) SECTION 3522.—Section 3522(c) of title 18, United States Code, is amended by striking "4216" and inserting "4215".

(c) SECTION 4106.—Section 4106(b) of title 18, United States Code, is amended by striking "4216" and inserting "4215".

SEC. 7073. INSERTION OF MISSING WORD.

Section 3142(c)(3) of title 18, United States Code, is amended by inserting "the" before "order".

SEC. 7074. INSERTION OF MISSING COMMA.

Section 351(a) of title 18, United States Code, is amended by inserting a comma after "(as defined in section 3056 of this title)".

SEC. 7075. CORRECTIONS OF ERRORS IN FEDERAL RULES OF EVIDENCE. 28 USC app.

(a) INSERTION OF MISSING WORD.—Rule 615 of the Federal Rules of Evidence is amended by inserting "a" before "party which is not a natural person.".

(b) SYNTAX CORRECTION.—Rule 804(a)(5) of the Federal Rules of Evidence is amended by striking "subdivisions" and inserting "subdivision".

(c) CORRECTION OF CAPITALIZATION.—Rule 1101(a) of the Federal Rules of Evidence is amended—

(1) by striking "Rules" and inserting "rules"; and

(2) by striking "Courts of Appeals" and inserting "courts of appeals".

SEC. 7076. SUPERVISED RELEASE.

18 USC app.

Rule 11(c)(1) of the Federal Rules of Criminal Procedure is amended by adding "or term of supervised release" after "special parole term".

SEC. 7077. INJUNCTIONS AGAINST FRAUD.

Section 1345 of title 18, United States Code, is amended by adding "or of section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title" after "violation of this chapter,".

SEC. 7078. OBSTRUCTION OF FEDERAL AUDIT.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1516. Obstruction of Federal audit

Fraud.
Contracts.

"(a) Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person receiving in excess of $100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract, shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) For purposes of this section the term 'Federal auditor' means any person employed on a full- or part-time or contractual basis to perform an audit or a quality assurance inspection for or on behalf of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1516. Obstruction of Federal audit.".

SEC. 7079. UNAUTHORIZED USE OF THE TERM "SECRET SERVICE".

(a) UNAUTHORIZED USE.—Section 709 of title 18, United States Code, is amended by inserting after the undesignated paragraph relating to the Federal Bureau of Investigations the following new paragraph:

"Whoever, except with written permission of the Director of the United States Secret Service, knowingly uses the words 'Secret Service', 'Secret Service Uniformed Division', the initials 'U.S.S.S.', 'U.D.', or any colorable imitation of such words or initials, in connection with, or as a part of any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, other production, product, or item, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, product, or item, is approved, endorsed, or authorized by or associated in any manner with, the United States Secret Service, or the United States Secret Service Uniformed Division; or".

18 USC 709 note.

(b) EFFECTIVE DATE.—This section shall take effect 90 days after the date of enactment of this Act.

SEC. 7080. AGGREGATION TO PERMIT PROSECUTION OF CERTAIN SCHEMES TO DEFRAUD MULTIPLE VICTIMS.

The second paragraph of section 2314 of title 18, United States Code, is amended by inserting "or persons" after "person" the first place it appears, and by inserting "or those persons" after "person" the second place it appears.

SEC. 7081. TIME FOR REFILING INDICTMENT OR INFORMATION FOLLOWING DISMISSAL.

(a) INDICTMENT WHERE DEFECT FOUND AFTER PERIOD OF LIMITATIONS.—Section 3288 of title 18, United States Code, is amended—

(1) by inserting after "within six calendar months of the date of the dismissal of the indictment or information" the following: ", or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final";

(2) by striking all beginning with "Whenever" through "for any cause," and inserting "Whenever an indictment or information charging a felony is dismissed for any reason";

(3) by adding at the end thereof the following: "This section does not permit the filing of a new indictment or information where the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of limitations, or some other reason that would bar a new prosecution."; and

(4) so that the section heading reads as follows:

"§ 3288. Indictments and information dismissed after period of limitations"

(b) INDICTMENT WHERE DEFECT FOUND BEFORE PERIOD OF LIMITATIONS.—Section 3289 of title 18, United States Code, is amended—

(1) by inserting after "within six calendar months of the date of the dismissal of the indictment or information" the following: "or, in the event of an appeal, within 60 days of the date the dismissal of the indictment or information becomes final";

(2) by striking all beginning with "Whenever" through "for any cause," and inserting "Whenever an indictment or information charging a felony is dismissed for any reason";

(3) by adding at the end thereof the following: "This section does not permit the filing of a new indictment or information where the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of limitations, or some other reason that would bar a new prosecution."; and

(4) so that the section heading reads as follows:

"§ 3289. Indictments and information dismissed before period of limitations".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by striking the items for sections 3288 and 3289 and inserting the following:

"3288. Indictments and information dismissed after period of limitations.
"3289. Indictments and information dismissed before period of limitations.".

SEC. 7082. CRIMINAL FINES AMENDMENTS.

(a) APPLICATION OF GOVERNMENT PETITION FOR MODIFICATION OR REMISSION OF FINES TO OLD FINES.—Section 3573 of title 18, United States Code, is amended by adding at the end thereof the following: "This section shall apply to all fines and assessments irrespective of the date of imposition.".

(b) APPLICATION OF STATUTE OF LIMITATIONS FOR SPECIAL ASSESSMENTS TO OLD ASSESSMENTS.—Section 3013(c) of title 18, United States Code, is amended by adding at the end thereof the following: "This subsection shall apply to all assessments irrespective of the date of imposition.".

(c) APPLICATION OF WAIVER BY ATTORNEY GENERAL OF INTEREST OR PENALTY RELATING TO FINES TO OLD FINES.—Section 3612(h) of title 18, United States Code, is amended by inserting "or any interest or penalty relating to a fine imposed under any prior law" after "under this section".

(d) NOTICE REQUIREMENTS.—Sections 3612(d) and (e) of title 18, United States Code, are amended by striking ", by certified mail,".

SEC. 7083. SYNTAX CORRECTION TO MINIMUM SENTENCE PROVISION.

Section 994(n) of title 28, United States Code, is amended by striking "as minimum sentence" and inserting "as a minimum sentence".

SEC. 7084. REFUND OF FORFEITED BAIL.

(a) OFFENSE.—Chapter 207 of title 18, United States Code, is amended by adding the following new section after section 3150:

"§ 3151. Refund of forfeited bail

"Appropriations available to refund money erroneously received and deposited in the Treasury are available to refund any part of forfeited bail deposited into the Treasury and ordered remitted under the Federal Rules of Criminal Procedure.".

(b) SECTION ANALYSIS.—The section analysis for chapter 207 of title 18, United States Code, is amended by inserting at the appropriate place the following new item:

"3151. Refund of forfeited bail.".

SEC. 7085. SPECIAL ASSESSMENTS ON PERSONS CONVICTED OF OFFENSES.

Paragraph (1) of section 3013(a) of title 18, United States Code, is amended to read as follows:

"(1) in the case of an infraction or a misdemeanor—

"(A) if the defendant is an individual—

"(i) the amount of $5 in the case of an infraction or a class C misdemeanor;

"(ii) the amount of $10 in the case of a class B misdemeanor; and

"(iii) the amount of $25 in the case of a class A misdemeanor; and

"(B) if the defendant is a person other than an individual—

"(i) the amount of $25 in the case of a infraction or a class C misdemeanor;

"(ii) the amount of $50 in the case of a class B misdemeanor; and

"(iii) the amount of $125 in the case of a class A misdemeanor.".

SEC. 7086. CONDITIONS OF PROBATION.

Section 3563(a)(2) of title 18, United States Code, is amended by inserting before the period ", unless the court finds on the record that extraordinary circumstances exist that would make such a condition plainly unreasonable, in which event the court shall impose one or more of the other conditions set forth under subsection (b)".

SEC. 7087. AUTHORITY TO OBTAIN ARREST WARRANT FOR FOREIGN FUGITIVE WHOSE SPECIFIC WHEREABOUTS ARE NOT KNOWN.

District of Columbia.

Section 3184 of title 18, United States Code, is amended by inserting after the first sentence the following: "Such complaint may be filed before and such warrant may be issued by a judge or magistrate of the United States District Court for the District of Columbia if the whereabouts within the United States of the person charged are not known.".

SEC. 7088. MISUSE OF SOCIAL SECURITY NUMBER.

Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) in the first undesignated paragraph, by striking "not more than $5,000" after "shall be fined" and inserting "under title 18, United States Code,";

(2) in the second undesignated paragraph, by striking "not more than $25,000" after "shall be fined" and inserting "under title 18, United States Code,"; and

(3) adding at the end the following: "For the purpose of subsection (g), the terms 'social security number' and 'social security account number' mean such numbers as are assigned by the Secretary under section 405(c)(2) of this title whether or not, in actual use, such numbers are called social security numbers.".

SEC. 7089. PETTY OFFENSE AMENDMENTS.

(a) TITLE 18.—Section 19 of title 18, United States Code, is amended by inserting ", for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b) (6) or (7) in the case of an individual or section 3571(c) (6) or (7) in the case of an organization" after "infraction".

(b) RULES OF PROCEDURE.—Rule 9 of the Rules of Procedure for the Trial of Misdemeanors before United States Magistrates is amended to read as follows:

18 USC app.

"Rule 9. Definition

"As used in these rules, 'petty offense' has the meaning set forth in 18 U.S.C. § 19.".

(c) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 54 of the Federal Rules of Criminal Procedure is amended in the definition of "petty offense" to read as follows:

18 USC app.

" 'Petty offense' has the meaning set forth in 18 U.S.C. 19.".

SEC. 7090. NONMAILABILITY OF LOCKSMITHING DEVICES.

(a) IN GENERAL.—Title 39, United States Code, is amended by inserting after section 3002 the following:

"§ 3002a. Nonmailability of locksmithing devices.

"(a) Any locksmithing device is nonmailable mail, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such device is mailed to—

"(1) a lock manufacturer or distributor;

"(2) a bona fide locksmith;

"(3) a bona fide repossessor; or

"(4) a motor vehicle manufacturer or dealer.

"(b) For the purpose of this section, 'locksmithing device' means—

"(1) a device or tool (other than a key) designed to manipulate the tumblers in a lock into the unlocked position through the keyway of such lock;

"(2) a device or tool (other than a key or a device or tool under paragraph (1)) designed for the unauthorized opening or bypassing of a lock or similar security device; and

"(3) a device or tool designed for making an impression of a key or similar security device to duplicate such key or device.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of title 39, United States Code, is amended by inserting after the item relating to section 3002 the following:

"3002a. Nonmailability of locksmithing devices.".

(c) PENALTIES.—Section 1716A of title 18, United States Code, is amended—

(1) by inserting "**locksmithing devices and**" before "**motor vehicle**" in the section heading;

(2) by inserting "(a)" before "Whoever"; and

(3) by striking out "fined not more than $1,000, or" and inserting "under this title"; and

(4) by adding at the end the following:

"(b) Whoever knowingly deposits for mailing or delivery, causes to be delivered by mail, or causes to be delivered by any interstate mailing or delivery other than by the United States Postal Service, any matter declared to be nonmailable by section 3002a of title 39, shall be fined under this title, imprisoned not more than one year, or both.".

(d) CLERICAL AMENDMENT.—The table of sections for chapter 83 of title 18, United States Code, is amended by striking out the item relating to section 1716A and inserting the following:

"1716A. Nonmailable locksmithing devices and motor vehicle master keys.".

SEC. 7091. BAIL PENDING APPEAL.

Section 3143(b) of title 18, United States Code, is amended by—

(1) striking subparagraph (2) and inserting the following:

"(2) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in—

"(A) reversal,

"(B) an order for a new trial,

"(C) a sentence that does not include a term of imprisonment, or

"(D) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process."; and

(2) inserting before the final period the following: ", except that in the circumstance described in paragraph (b)(2)(D), the judicial officer shall order the detention terminated at the expiration of the likely reduced sentence".

SEC. 7092. EMERGENCY PEN REGISTER AND TRAP AND TRACE DEVICE INSTALLATION.

(a) Chapter 206 of title 18, United States Code is amended—

(1) by renumbering sections 3125 and 3126 as sections 3126 and 3127 respectively; and

(2) by adding after section 3124 the following new section:

"§ 3125. Emergency pen register and trap and trace device installation.

"(a) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the

Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

"(1) an emergency situation exists that involves—

"(A) immediate danger of death or serious bodily injury to any person; or

"(B) conspiratorial activities characteristic of organized crime,

that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and

"(2) there are grounds upon which an order could be entered under this chapter to authorize such installation and use 'may have installed and use a pen register or trap and trace device if, within forty-eight hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with section 3123 of this title.'

"(b) In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

"(c) The knowing installation or use by any investigative or law enforcement officer of a pen register or trap and trace device pursuant to subsection (a) without application for the authorizing order within forty-eight hours of the installation shall constitute a violation of this chapter.

"(d) A provider for a wire or electronic service, landlord, custodian, or other person who furnished facilities or technical assistance pursuant to this section shall be reasonably compensated for such reasonable expenses incurred in providing such facilities and assistance.".

(b)(1) Section 3124(d) of title 18, United States Code, is amended by adding after the words "court order under this chapter" the words "or request pursuant to section 3125 of this title".

(2) Section 3124(e) of title 18, United States Code, is amended by adding after the words "court order" the words "under this chapter, a request pursuant to section 3125 of this title".

(c) The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by renumbering the items for sections 3125 and 3126 as sections 3126 and 3127, respectively; and

(2) by inserting the following new item: "3125. Emergency pen register and trap and trace device installation".

(d) Section 3124(b) of title 18, United States Code, is amended by adding after the words "shall be furnished" the words ", pursuant to subsection 3123(b) or section 3125 of this title,".

SEC. 7093. AUTHORITY OF FEDERAL PRISON INDUSTRIES TO BORROW AND INVEST FUNDS.

(a) GRANT OF AUTHORITY.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4128 the following new section:

"§ 4129. Authority to borrow and invest

"(a)(1) As approved by the board of directors, Federal Prison Industries, to such extent and in such amounts as are provided in appropriations Acts, is authorized to issue its obligations to the Secretary of the Treasury, and the Secretary of the Treasury, in the Secretary's discretion, may purchase or agree to purchase any such obligations, except that the aggregate amount of obligations issued by Federal Prison Industries under this paragraph that are outstanding at any time may not exceed 25 percent of the net worth of the corporation. For purchases of such obligations by the Secretary of the Treasury, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31 after the date of the enactment of this section, and the purposes for which securities may be issued under that chapter are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. For purposes of the first sentence of this paragraph, the net worth of Federal Prison Industries is the amount by which its assets (including capital) exceed its liabilities.

"(2) The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as the Secretary shall determine, any of the obligations acquired by the Secretary under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

"(b) Federal Prison Industries may request the Secretary of the Treasury to invest excess moneys from the Prison Industries Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the corporation as determined by the board of directors, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 307 of title 18, United States Code, is amended by adding at the end the following new item:

"4129. Authority to borrow and invest.".

SEC. 7094. USE OF FUNDS.

Section 4126 of title 18, United States Code, is amended—

(1) by designating the first through fifth paragraphs as subsections (a) through (e), respectively;

(2) by amending subsection (c), as designated by paragraph (1) of this section, to read as follows:

Corporations.

"(c) The corporation, in accordance with the laws generally applicable to the expenditures of the several departments, agencies, and establishments of the Government, is authorized to employ the fund, and any earnings that may accrue to the corporation—

"(1) as operating capital in performing the duties imposed by this chapter;

"(2) in the lease, purchase, other acquisition, repair, alteration, erection, and maintenance of industrial buildings and equipment;

"(3) in the vocational training of inmates without regard to their industrial or other assignments;

"(4) in paying, under rules and regulations promulgated by the Attorney General, compensation to inmates employed in any industry, or performing outstanding services in institutional operations, and compensation to inmates or their dependents for injuries suffered in any industry or in any work activity in connection with the maintenance or operation of the institution in which the inmates are confined.

In no event may compensation for such injuries be paid in an amount greater than that provided in chapter 81 of title 5."; and

(3) by adding at the end the following:

"(f) Funds available to the corporation may be used for the lease, purchase, other acquisition, repair, alteration, erection, or maintenance of facilities only to the extent such facilities are necessary for the industrial operations of the corporation under this chapter. Such funds may not be used for the construction or acquisition of penal or correctional institutions, including camps described in section 4125.".

SEC. 7095. REPORTS TO CONGRESS.

Section 4127 of title 18, United States Code, is amended to read as follows:

"The board of directors of Federal Prison Industries shall submit an annual report to the Congress on the conduct of the business of the corporation during each fiscal year, and on the condition of its funds during such fiscal year. Such report shall include a statement of the amount of obligations issued under section 4129(a)(1) during such fiscal year, and an estimate of the amount of obligations that will be so issued in the following fiscal year.".

SEC. 7096. GUIDELINES AND PUBLIC COMMENT ON NEW OR EXPANDED PRODUCTION BY FEDERAL PRISON INDUSTRIES.

Corporations.

Section 4122(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking out "all physically fit inmates in the United States penal and correctional institutions" and inserting in lieu thereof "the greatest number of those inmates in the United States penal and correctional institutions who are eligible to work as is reasonably possible"; and

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

"(2) Federal Prison Industries shall conduct its operations so as to produce products on an economic basis, but shall avoid capturing more than a reasonable share of the market among Federal departments, agencies, and institutions for any specific product. Federal Prison Industries shall concentrate on providing to the Federal Government only those products which permit employment of the greatest number of those inmates who are eligible to work as is reasonably possible.

Employment and unemployment.

"(3) Federal Prison Industries shall diversify its products so that its sales are distributed among its industries as broadly as possible.

"(4) Any decision by Federal Prison Industries to produce a new product or to significantly expand the production of an existing product shall be made by the board of directors of the corporation.

Before the board of directors makes a final decision, the corporation shall do the following:

"(A) The corporation shall prepare a detailed written analysis of the probable impact on industry and free labor of the plans for new production or expanded production. In such written analysis the corporation shall, at a minimum, identify and consider—

"(i) the number of vendors currently meeting the requirements of the Federal Government for the product;

Small business.

"(ii) the proportion of the Federal Government market for the product currently served by small businesses, small disadvantaged businesses, or businesses operating in labor surplus areas;

"(iii) the size of the Federal Government and non-Federal Government markets for the product;

"(iv) the projected growth in the Federal Government demand for the product; and

"(v) the projected ability of the Federal Government market to sustain both Federal Prison Industries and private vendors.

"(B) The corporation shall announce in a publication designed to most effectively provide notice to potentially affected private vendors the plans to produce any new product or to significantly expand production of an existing product. The announcement shall also indicate that the analysis prepared under subparagraph (A) is available through the corporation and shall invite comments from private industry regarding the new production or expanded production.

"(C) The corporation shall directly advise those affected trade associations that the corporation can reasonably identify the plans for new production or expanded production, and the corporation shall invite such trade associations to submit comments on those plans.

"(D) The corporation shall provide to the board of directors—

"(i) the analysis prepared under subparagraph (A) on the proposal to produce a new product or to significantly expand the production of an existing product,

"(ii) comments submitted to the corporation on the proposal, and

"(iii) the corporation's recommendations for action on the proposal in light of such comments.

In addition, the board of directors, before making a final decision under this paragraph on a proposal, shall, upon the request of an established trade association or other interested representatives of private industry, provide a reasonable opportunity to such trade association or other representatives to present comments directly to the board of directors on the proposal.

Public information.

"(5) Federal Prison Industries shall publish in the manner specified in paragraph (4)(B) the final decision of the board with respect to the production of a new product or the significant expansion of the production of an existing product.

Public information.

"(6) Federal Prison Industries shall publish, after the end of each 6-month period, a list of sales by the corporation for that 6-month period. Such list shall be made available to all interested parties.".

Subtitle C—Sentencing Amendments

SEC. 7101. PRISONERS TRANSFERRED TO THE UNITED STATES.

(a) PRISONERS TRANSFERRED TO THE UNITED STATES.—Chapter 306 of title 18, United States Code, is amended by inserting after section 4106 the following:

"§ 4106A. Transfer of offenders on parole; parole offenders transferred

"(a) Upon the receipt of an offender who is on parole from the authorities of a foreign country, the Attorney General shall assign the offender to the United States Parole Commission for supervision.

"(b)(1)(A) The United States Parole Commission shall, without unnecessary delay, determine a release date and a period and conditions of supervised release for an offender transferred to the United States to serve a sentence of imprisonment, as though the offender were convicted in a United States district court of a similar offense.

"(B) In making such determination, the United States Parole Commission shall consider—

"(i) any recommendation of the United States Probation Service, including any recommendation as to the applicable guideline range; and

"(ii) any documents provided by the transferring country; relating to that offender.

"(C) The combined periods of imprisonment and supervised release that result from such determination shall not exceed the term of imprisonment imposed by the foreign court on that offender

"(D) The duties conferred on a United States probation officer with respect to a defendant by section 3552 of this title shall, with respect to an offender so transferred, be carried out by the United States Probation Service.

"(2)(A) A determination by the United States Parole Commission under this subsection may be appealed to the United States court of appeals for the circuit in which the offender is imprisoned at the time of the determination of such Commission. Notice of appeal must be filed not later than 45 days after receipt of notice of such determination.

"(B) The court of appeals shall decide and dispose of the appeal in accordance with section 3742 of this title as though the determination appealed had been a sentence imposed by a United States district court.

"(3) During the supervised release of an offender under this subsection, the United States district court for the district in which the offender resides shall supervise the offender.

"(c) This section shall apply only to offenses committed on or after November 1, 1987.".

(b) TECHNICAL AMENDMENT.—Section 4108(a) of title 18, United States Code, is amended by striking out "including any term of imprisonment" and all that follows through "28 U.S.C. 994(a)(1),".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 306 of title 18, United States Code, is amended by inserting after the item relating to section 4106 the following:

"4106A. Transfer of offenders on parole; parole of offenders transferred.".

(d) APPOINTMENT OF GUARDIANS AD LITEM AND PROVISION OF COUNSEL.—Section 4109 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "In proceedings"; and

(2) by adding at the end the following:

"(b) Guardians ad litem appointed by the verifying officer under section 4100 of this title to represent offenders who are financially unable to provide for compensation and travel expenses of the guardian ad litem shall be compensated and reimbursed under subsection (a)(1) of this section.

"(c) The offender shall have the right to advice of counsel in proceedings before the United States Parole Commission under section 4106A of this title and in an appeal from a determination of such Commission under such section. If the offender is financially unable to obtain counsel, counsel for such proceedings and appeal shall be appointed under section 3006A of this title.".

(e) CONSENT TO TRANSFER BY GUARDIANS FOR INCOMPETENTS; APPOINTMENT OF GUARDIAN INDEPENDENT OF APPOINTMENT OF COUNSEL.—Section 4100(b) of title 18, United States Code, is amended—

(1) in the last sentence, by—

(A) inserting ", or is deemed by the verifying officer to be mentally incompetent or otherwise incapable of knowingly and voluntarily consenting to the transfer," after "under eighteen years of age"; and

(B) inserting ", guardian ad litem," after "guardian"; and

(2) by adding at the end the following: "The appointment of a guardian ad litem shall be independent of the appointment of counsel under section 4109 of this title.".

(f) CONFORMING AMENDMENTS AND COMPENSATION MAXIMA RELATING TO PROVISION OF COUNSEL.—(1) Section 3006A(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (H);

(B) by striking the period at the end of subparagraph (I) and inserting "; or"; and

(C) by adding at the end the following:

"(J) is entitled to the appointment of counsel under section 4109 of this title.".

(2) Section 3006A(d)(2) of title 18, United States Code, is amended by inserting after the second sentence the following: "For representation of an offender before the United States Parole Commission in a proceeding under section 4106A of this title, the compensation shall not exceed $750 for each attorney in each proceeding; for representation of an offender in an appeal from a determination of such Commission under such section, the compensation shall not exceed $2,500 for each attorney in each court."

SEC. 7102. RECORDS OTHER THAN TRANSCRIPTS.

Section 3553(c) of title 18, United States Code, is amended by—

(1) inserting after "transcription" the following: "or other appropriate public record"; and

(2) striking "clerk of the" in the last sentence.

SEC. 7103. STANDARD OF REVIEW.

(a) TITLE 18 AMENDMENT.—Section 3742 of title 18, United States Code, is amended—

(1) in subsections (a)(2) and (b)(2), by striking "issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)";

(2) by striking paragraph (3) of subsection (a) and inserting the following:

"(3) is greater than the sentence specified in the applicable guideline range to the extent that the sentence includes a greater fine or term of imprisonment, probation, or supervised release than the maximum established in the guideline range, or includes a more limiting condition of probation or supervised release under section 3563(b)(6) or (b)(11) than the maximum established in the guideline range; or";

(3) by striking paragraph (3) of subsection (b) and inserting the following:

"(3) is less than the sentence specified in the applicable guideline range to the extent that the sentence includes a lesser fine or term of imprisonment, probation, or supervised release than the minimum established in the guideline range, or includes a less limiting condition of probation or supervised release under section 3563(b)(6) or (b)(11) than the minimum established in the guideline range; or";

(4) by striking paragraph (4) of subsection (a) and inserting the following:

"(4) was imposed for an offense for which there is no sentencing guideline and is plainly unreasonable.";

(5) in subsection (b)—

(A) by striking paragraph (4) through the end and inserting the following:

"(4) was imposed for an offense for which there is no sentencing guideline and is plainly unreasonable."; and

(B) by inserting after "The Government" the following: ", with the personal approval of the Attorney General or the Solicitor General,";

(6) in subsections (d)(3) and (e)(2), by striking "range of the applicable sentencing guideline" and inserting "applicable guideline range";

(7) in the second sentence of subsection (d), by inserting "and shall give due deference to the district court's application of the guidelines to the facts" after "clearly erroneous";

(8) by inserting a new subsection (c), as follows, and by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively:

"(c) PLEA AGREEMENTS.—In the case of a plea agreement that includes a specific sentence under rule 11(e)(1)(C) of the Federal Rules of Criminal Procedure—

"(1) a defendant may not file a notice of appeal under paragraph (3) or (4) of subsection (a) unless the sentence imposed is greater than the sentence set forth in such agreement; and

"(2) the Government may not file a notice of appeal under paragraph (3) or (4) of subsection (b) unless the sentence imposed is less than the sentence set forth in such agreement."; and

(9) by adding at the end of the section the following new subsection:

"(h) GUIDELINE NOT EXPRESSED AS A RANGE.—For the purpose of this section, the term 'guideline range' includes a guideline range having the same upper and lower limits.".

(b) TITLE 28 AMENDMENT.—Section 994(a)(1) of title 28, United States Code, is amended—

(1) in subparagraph (C), by striking out "term; and" and inserting "term;";

(2) in subparagraph (D), by inserting "and" after "consecutively;"; and

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

"(E) a determination under paragraphs (6) and (11) of section 3563(b) of title 18;".

SEC. 7104. HIRING OUTSIDE COUNSEL.

Section 995(a) of title 28, United States Code, is amended by—

(1) striking "and" at the end of paragraph (21);

(2) striking the period at the end of paragraph (22) and inserting "; and"; and

(3) adding at the end thereof the following:

"(23) retain private attorneys to provide legal advice to the Commission in the conduct of its work, or to appear for or represent the Commission in any case in which the Commission is authorized by law to represent itself, or in which the Commission is representing itself with the consent of the Department of Justice; and the Commission may in its discretion pay reasonable attorney's fees to private attorneys employed by it out of its appropriated funds. When serving as officers or employees of the United States, such private attorneys shall be considered special government employees as defined in section 202(a) of title 18; and".

SEC. 7105. POWERS OF THE COMMISSION.

Section 995(a)(2) of title 28, United States Code, is amended by striking "grade 18 of the General Schedule pay rates (5 U.S.C. 5332)" and inserting "Level 6 of the Senior Executive Service Schedule (5 U.S.C. 5382)".

SEC. 7106. GRANTING INCENTIVE AWARDS.

(a) DEFINED AS AGENCY.—Section 4501(1) of title 5, United States Code, is amended by—

(1) striking "and" at the end of subparagraph (F);

(2) adding "and" at the end of subparagraph (G); and

(3) adding at the end thereof the following:

"(H) the United States Sentencing Commission;".

(b) POWERS OF COMMISSION.—Section 995(a) of title 28, United States Code, is amended by adding at the end thereof the following:

"(24) grant incentive awards to its employees pursuant to chapter 45 of title 5, United States Code.".

(c) INCENTIVE AWARDS.—Section 996(b) of title 28, United States Code, is amended by inserting before "81", the following: "45 (Incentive Awards),".

SEC. 7107. TECHNICAL CORRECTION.

Section 3582(c) of title 18, United States Code, is amended by striking "28 U.S.C. 994(n)" and inserting "28 U.S.C. 994(o)".

SEC. 7108. PROTECTION OF PUBLIC.

(a) CONDITIONS.—Section 3583(d) of title 18, United States Code, is amended—

(1) in paragraph (1) by inserting "(a)(2)(C)," after "(a)(2)(B),", and

(2) in paragraph (2) by inserting "(a)(2)(C)," after "(a)(2)(B),"

(b) MODIFICATION OR REVOCATION.—Section 3583(e) of title 18, United States Code, is amended—

(1) by inserting "(a)(2)(C)," after "(a)(2)(B),";

(2) in paragraph (2), by inserting "or" after "supervision;";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 7109. AUTHORITY TO AMEND GUIDELINES.

Subsection (p) of section 994 of title 28, United States Code, is amended to read as follows:

"(p) The Commission, at or after the beginning of a regular session of Congress, but not later than the first day of May, may promulgate under subsection (a) of this section and submit to Congress amendments to the guidelines and modifications to previously submitted amendments that have not taken effect, including modifications to the effective dates of such amendments. Such an amendment or modification shall be accompanied by a statement of the reasons therefor and shall take effect on a date specified by the Commission, which shall be no earlier than 180 days after being so submitted and no later than the first day of November of the calendar year in which the amendment or modification is submitted, except to the extent that the effective date is revised or the amendment is otherwise modified or disapproved by Act of Congress.".

SEC. 7110. CLARIFICATION OF RESTITUTION PROVISION.

SEC. 3563(b)(3) of title 18, United States Code, is amended by striking "3556" and inserting "3663 and 3664 (but not subject to the limitations of 3663(a))".

SEC. 7111. AMENDMENT TO RULE 4, RULES OF APPELLATE PROCEDURE.

Rule 4(b) of the Rules of Appellate Procedure is amended— 28 USC app.

(1) in the first sentence, by inserting "(i)" after "entry of", and inserting "or (ii) a notice of appeal by the Government" at the end; and

(2) in the sentence beginning "When an appeal by the government is authorized", by inserting "(i)" after "entry of", and inserting "or (ii) a notice of appeal by any defendant" at the end.

Subtitle D—Victim Compensation and Assistance

SEC. 7121. VICTIMS OF CRIME ACT OF 1984 REAUTHORIZATION.

(a) IN GENERAL.—Subsection (c) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c)(1)(A) If the total deposited in the Fund during a particular fiscal year reaches the ceiling sum described in subparagraph (B), the excess over the ceiling sum shall not be part of the Fund. The first $2,200,000 of such excess shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code, and the remaining excess shall be deposited in the general fund of the Treasury.

"(B) The ceiling sum referred to in subparagraph (A) is—

"(i) $125,000,000 through fiscal year 1991; and

"(ii) $150,000,000 thereafter through fiscal year 1994.

"(2) No deposits shall be made in the Fund after September 30, 1994.".

(b) USE OF SUMS IN EXCESS OF PRIOR CAP.—(1) Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended by adding at the end the following:

"(D) Any deposits in the Fund in a particular fiscal year in excess of $110,000,000 shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 1403;

"(ii) 47.5 percent shall be available for grants under section 1404(a); and

"(iii) 5 percent shall be available for grants under section 1404(c)(1)(B).".

(2) Section 1402(d)(2)(C) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)(C)) is amended by inserting ", but not in excess of $110,000,000," after "$105,500,000".

SEC. 7122. VICTIMS ASSISTANCE AMENDMENT.

Section 1404(a)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(2)) is amended—

(1) by inserting after subparagraph (A) the following:

Grants.

"(B) certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation with State and local officials and representatives from private organizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;"; and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) accordingly.

SEC. 7123. ESTABLISHMENT OF OFFICE FOR VICTIMS OF CRIME.

(a) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by adding at the end the following:

"ESTABLISHMENT OF OFFICE FOR VICTIMS OF CRIME

42 USC 10605.

"SEC. 1411. (a) There is established within the Department of Justice an Office for Victims of Crime (hereinafter in this chapter referred to as the 'Office').

President of U.S.

"(b) The Office shall be headed by a Director (referred to in this chapter as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under this part.

"(c) The Director shall have the following duties:

"(1) Administering funds made available by section 1402.

"(2) Providing funds to eligible States pursuant to sections 1403 and 1404.

"(3) Establishing programs in accordance with section 1404(c) on terms and conditions determined by the Director to be consistent with that subsection.

"(4) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in activities related to crime victims.

"(5) Such other functions as the Attorney General may delegate.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking "Attorney General" and inserting "Director".

(2) Section 1403(a)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking "Attorney General" and inserting "Director".

(3) Section 1403(b)(6) of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking "Attorney General" and inserting "Director".

(4) Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Attorney General" and inserting "Director".

(5) Section 1404(a)(2)(C) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Attorney General" and inserting "Director".

(6) Section 1404(c)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs" and inserting "Director".

(7) Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Assistant Attorney General for the Office of Justice Programs" and inserting "Director".

(8) Section 1404(c)(3)(D) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Attorney General may assign" and inserting "Director deems appropriate".

(9) Section 1404(c)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended by striking "Attorney General" and inserting "Director".

(10) Section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by—

(A) striking "Attorney General" each place it appears and inserting "Director"; and

(B) striking "and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate".

(11) Section 1407(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by striking "Attorney General" and inserting "Director".

(12) Section 1407(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by striking "Attorney General or any duly authorized representative of the Attorney General" and inserting "Director".

(13) Section 1407(f) of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by striking "Attorney General" each place it appears and inserting "Director".

(14) Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by—

(A) striking "Attorney General" each place it appears and inserting "Director"; and

(B) striking "no later than December 31, 1987" and inserting "on December 31, 1990, and on December 31 every 2 years thereafter".

SEC. 7124. GRANTS FOR INDIAN COUNTRY.

42 USC 10601.

Children and youth.

Section 1402 of the Victims of Crime Act of 1984 is amended by adding at the end the following:

"(g)(1) The Attorney General, acting through the Director, shall use 15 percent of the funds available under subsection (d)(2)(A)(iv) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

"(A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

"(B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.".

"(2) As used in this subsection, the term "tribe" has the meaning given that term in section 4(b) of the Indian Self-Determination and Education Assistance Act.".

SEC. 7125. OTHER AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) NEW CRITERIA.—Section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is amended—

(1) by inserting after paragraph (5) the following:

"(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

"(A) the crimes would be compensable crimes had they occurred inside that State; and

"(B) the places the crimes occurred in are States not having eligible crime victim compensation programs;

"(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender; and"; and

(2) by redesignating paragraph (6) as paragraph (8).

(b) INCREASE OF STATE ANNUAL GRANT AMOUNT.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by striking out "35 percent" each place it appears and inserting "40 percent" in lieu thereof.

(c) ADDING VICTIMS OF DRUNK DRIVING AND DOMESTIC VIOLENCE.—(1) Paragraph (1) of section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended to read as follows:

"(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence;".

(2) Section 1403(d)(3) of the Victims of Crime Act (42 U.S.C. 10602(d)(3)) is amended by inserting ", and includes driving while intoxicated and domestic violence" after "program".

(d) CHANGE IN VICTIM COMPENSATION CRITERIA.—Section 1403(b)(5) (42 U.S.C. 10602(b)(5)) of the Victims of Crime Act of 1984 is amended to read as follows:

"(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;".

(e) REMOVAL OF OBSOLETE PROVISION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c).

SEC. 7126. TREATMENT OF EYEGLASSES.

(a) NOT TO BE CONSIDERED PROPERTY.—Section 1403(d)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(1)) is amended by inserting ", eyeglasses or other corrective lenses," after "prosthetic devices".

(b) TO BE INCLUDED IN MEDICAL EXPENSES.—Section 1403(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(2)) is amended—

(1) by inserting "eyeglasses and other corrective lenses, for" after "crime victim compensation program, expenses for"; and

(2) by inserting a comma after "prosthetic devices".

SEC. 7127. INCLUSION OF VIRGIN ISLANDS AS STATE FOR ALL PURPOSES OF ACT.

Section 1404(d)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(1)) is amended by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

SEC. 7128. ALLOCATION TO STATES.

(a) IN GENERAL.—(1) Section 1404(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(3)) is amended by striking out "$100,000" and inserting "the base amount" in lieu thereof.

(b) CONFORMING AMENDMENT.—Section 1404(a)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(4)) is amended by striking out "$100,000" and inserting "the base amount" in lieu thereof.

(c) DEFINITION.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(5) As used in this subsection, the term "base amount" means—

"(A) $150,000 for fiscal years 1989 through 1991; and

"(B) $200,000 thereafter through fiscal year 1994.".

SEC. 7129. TRANSITION RULE.

42 USC 10601 note.

The amendments made by this chapter shall not apply with respect to a State compensation program that was an eligible State crime victim compensation program on the date of the enactment of this Act until October 1, 1990.

SEC. 7130. RETROACTIVE TRANSFER TO FUND.

42 USC 10601 note.

An amount equivalent to those sums which would have been placed in the Fund under section 1402(b) of the Victims of Crime Act, but for the effect of section 1402(c)(2) of such Act, is hereby transferred to the Fund from any sums not appropriated from the general treasury.

Federal Aviation Administration Drug Enforcement Assistance Act of 1988.
49 USC app. 1301 note.

Subtitle E—Federal Aviation Administration Drug Enforcement Assistance

SEC. 7201. SHORT TITLE.

This subtitle may be cited as the "Federal Aviation Administration Drug Enforcement Assistance Act of 1988".

49 USC app. 1401 note.

SEC. 7202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Illegal drug consumption and the trafficking in illegal drugs is a major problem in the United States.

(2) The smuggling of drugs into the United States through the use of general aviation aircraft is a major contributing factor in the illegal drug crisis facing our Nation.

(3) The Federal Government has a significant role in combatting such drug crisis.

(4) The Federal Aviation Administration has played an important role in assisting law enforcement agencies in certain aspects of drug interdiction and enforcement activities.

(5) The current systems of registering aircraft, certificating pilots, and processing major aircraft repair and alteration forms and enforcement of the requirements associated with such systems need to be improved in order to more effectively contribute to drug interdiction and enforcement efforts.

(6) Improving such systems and enforcement of such requirements will require providing the Federal Aviation Administration with additional funding and other resources.

(7) Improved systems of registering aircraft, certificating pilots, and processing major aircraft repair and alteration forms and increased enforcement of requirements associated with such systems will benefit all users of such systems (including law enforcement officials) and the general public.

(b) POLICY.—Section 103 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1303) is amended by redesignating paragraphs (a), (b), (c), (d), and (e) (and any references thereto) as paragraphs (1), (2), (3), (4), and (5), respectively, by striking out the semicolons at the end of each of paragraphs (1), (2), (3), and (4) (as so redesignated) and inserting in lieu thereof a period, and by adding at the end thereof the following new paragraph:

"(6) The provision of assistance to law enforcement agencies in the enforcement of laws relating to the regulation of controlled substances, to the extent consistent with aviation safety.".

SEC. 7203. AIRCRAFT REGISTRATION SYSTEM.

(a) MODIFICATION AUTHORITY.—Section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401) is amended by adding at the end thereof the following new subsection:

Records. Fraud.

"(h) MODIFICATION OF SYSTEM.—The Administrator is authorized and directed to make such modifications in the system established under this title for registration and recordation of aircraft as may be necessary to make such system more effective in serving the needs of buyers and sellers of aircraft, officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act), and other users of such system. Such modifications may include a system of titling

aircraft or of registering all aircraft whether or not operated, shall assure positive, verifiable, and timely identification of the true owner, and shall address, at a minimum, each of the following deficiencies in and abuses of the existing system:

"(1) The registration of aircraft to fictitious persons.

"(2) The use of false or nonexistent addresses by persons registering aircraft.

"(3) The use by a person registering an aircraft of a post office box or 'mail drop' as a return address for the purpose of evading identification of such person's address.

"(4) The registration of aircraft to corporations and other entities established to facilitate unlawful activities.

"(5) The submission of names of individuals on applications for registration of aircraft which are not identifiable.

"(6) The ability to make frequent legal changes in the registration markings which are assigned to aircraft.

"(7) The use of false registration markings on aircraft.

"(8) The illegal use of 'reserved' registration markings on aircraft.

"(9) The large number of aircraft which are classified as being in 'self-reported status'.

"(10) The lack of a system to assure timely and adequate notice of the transfer of ownership of aircraft.

"(11) The practice of allowing temporary operation and navigation of aircraft without issuance of a certificate of registration under this section.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 501 of such Act is amended by adding at the end thereof the following:

"(h) Modification of system.".

SEC. 7204. REVOCATION OF AIRMAN CERTIFICATES.

(a) LIMITATION ON REISSUANCE OF REVOKED CERTIFICATES.—Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422(b)) is amended by striking out subparagraphs (A) and (B) of paragraph (2) and inserting in lieu thereof the following:

"(2) LIMITATION ON REISSUANCE OF REVOKED CERTIFICATES.—

"(A) GENERAL RULE.—Except as provided in subparagraphs (B) and (C), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked under section 609(c).

"(B) SPECIAL RULE FOR LAW ENFORCEMENT PURPOSES.—The Administrator may issue an airman certificate to any person whose airman certificate has been revoked under section 609(c) if the Administrator determines that issuance of such certificate will facilitate law enforcement efforts.".

(b) WAIVER OF REVOCATION REQUIREMENT.—Section 609(c) of such Act (49 U.S.C. 1429(c)) is amended by adding at the end thereof the following new paragraph: 49 USC app. 1429.

"(5) WAIVER OF REVOCATION REQUIREMENT.—Upon request of a Federal or State law enforcement official, the Administrator may waive the requirements of paragraphs (1) and (2) that an airman certificate of any person be revoked if the Administrator determines that such waiver will facilitate law enforcement efforts.".

SEC. 7205. MODIFICATION OF SYSTEM FOR ISSUING AIRMAN'S CERTIFICATES TO PILOTS.

(a) MODIFICATION AUTHORITY.—Section 602 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422) is amended by adding at the end thereof the following new subsection:

"(d) MODIFICATION OF SYSTEM.—The Administrator is authorized and directed to make such modifications in the system established under this title for issuance of airman's certificates to pilots as may be necessary to make such system more effective in serving the needs of pilots and officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act). Such modifications shall assure positive and verifiable identification of each person applying for or holding such a certificate and shall address, at a minimum, each of the following deficiencies in and abuses of the existing system:

Fraud.

"(1) The use of fictitious names and addresses by applicants for such certificates.

"(2) The use of stolen or fraudulent identification in applying for such certificates.

"(3) The use by a person applying for such a certificate of a post office box or 'mail drop' as a return address for the purpose of evading identification of such person's address.

"(4) The use of counterfeit and stolen airman's certificates by pilots.

"(5) The absence of information concerning physical characteristics of holders of such certificates.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 602 of such Act is amended by adding at the end thereof the following:

"(d) Modification of system.".

SEC. 7206. MODIFICATION OF SYSTEM FOR PROCESSING FORMS FOR ALTERATIONS OF FUEL SYSTEMS.

(a) MODIFICATION AUTHORITY.—Section 605 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1425) is amended by adding at the end thereof the following new subsection:

"(c) MODIFICATION OF SYSTEM.—The Administrator is authorized and directed to make such modifications in the system established under this title for processing forms for major repairs or alterations of fuel tanks and fuel systems of aircraft as may be necessary to make such system more effective in serving the needs of users of such system, including officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act). Such modifications shall address, at a minimum, each of the following deficiencies in and abuses of the existing system:

"(1) The lack of a special identification feature to permit such forms to be easily distinguished from other major repair and alteration forms.

"(2) The excessive amount of time required for receiving such forms at the Airmen and Aircraft Registry of the Federal Aviation Administration.

"(3) The backlog of such forms which are awaiting processing at the Airmen and Aircraft Registry.

"(4) The lack of ready access by law enforcement officials to information contained on such forms.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 605 of such Act is amended by adding at the end thereof the following:

"(c) Modification of system.".

SEC. 7207. REGISTRATION, CERTIFICATION, AND FUEL SYSTEM ALTERATION REGULATIONS.

(a) RULEMAKING.—Not later than 10 months after the date of the enactment of this subtitle, the Administrator shall issue final regulations for carrying out the objectives of sections 501(h), 602(d), and 605(c) of the Federal Aviation Act of 1958 and provide a written explanation of how such regulations address each of the deficiencies and abuses required to be addressed by such sections. Such regulations shall include, but not limited to, a requirement that each individual listed in an application for registration of an aircraft provide, together with such application, his or her driver's license number and each person (other than an individual) listed in such an application provide, together with such application, its Federal tax identification number.

49 USC 1401 note.

(b) CONSULTATION REQUIREMENT.—In issuing regulations in accordance with this section, the Administrator shall consult the Drug Enforcement Administration of the Department of Justice, the United States Customs Service, other Federal law enforcement officials, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(c) FEES.—

(1) GENERAL RULES.—Section 313 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354) is amended by adding at the end thereof the following new subsection:

"(f) PROCESSING FEES.—

"(1) ESTABLISHMENT AND COLLECTION.—The Administrator may establish and collect such fees as may be necessary to cover the costs associated with issuance of certificates of registration of aircraft, issuance of airman certificates to pilots, and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

"(2) MAXIMUM FEE SCHEDULE.—The amount of any fee which may be collected under this subsection—

"(A) with respect to issuance of an airman's certificate to a pilot may not exceed $12;

"(B) with respect to registration of an aircraft after transfer of ownership may not exceed $25;

"(C) with respect to renewal of an aircraft registration may not exceed $15; and

"(D) with respect to processing of a form for a major repair or alteration of a fuel tank or fuel system of an aircraft may not exceed $7.50.

The amounts established by this paragraph shall be adjusted by the Administrator for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(3) LIMITATION.—No fee may be collected under this subsection before the date on which the final regulations referred to in section 7207(a) of the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 take effect.

"(4) CREDIT TO ACCOUNT; AVAILABILITY.—The amount of fees collected under this subsection shall be credited to the account in the United States Treasury from which expenses were incurred by the Administrator for carrying out titles V and VI of this Act and shall be available to the Administrator for paying expenses for which such fees are collected.".

(2) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 313 is amended by adding at the end thereof the following:

"(f) Processing fees.".

(3) CONFORMING AMENDMENT TO SECTION 334 OF TITLE 49.—The first sentence of section 334 of title 49, United States Code, is amended by striking out "only when" and all that follows through the period and inserting in lieu thereof the following: "only when—

"(1) the charge—

"(A) was in effect on January 1, 1973, and

"(B) is not more than the charge that was in effect on such date, adjusted in proportion to changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor between January 1, 1973, and the date the charge is imposed; or

"(2) the charge is a fee established and collected in accordance with section 313(f) of the Federal Aviation Act of 1958.".

Reports.
49 USC app. 1354 note.

(4) GAO AUDIT.—During the 5-year period beginning after the date on which fees are first collected under section 313(f) of the Federal Aviation Act of 1958, the Comptroller General shall conduct an annual audit of the collection and use of such fees for the purpose of ensuring that such fees do not exceed the costs for which they are collected and submit to Congress a report on the results of such audit.

49 USC app. 1401 note.

(d) REPORT.—Not later than 180 days after the date of the enactment of this subtitle and annually thereafter during the 5-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

(1) The status of the rulemaking process, issuance of regulations, and implementation of regulations in accordance with this section.

(2) The progress being made in reducing the number of aircraft classified by the Federal Aviation Administration as being in "sale-reported status".

(3) The progress being made in expediting the filing and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

(4) The status of establishing and collecting fees under section 313(f) of the Federal Aviation Act.

49 USC app. 1401 note.

(e) DEFINITIONS.—For purposes of this subtitle—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIRCRAFT.—The term "aircraft" has the meaning such term has under section 101 of the Federal Aviation Act of 1958.

SEC. 7208. CIVIL PENALTIES.

(a) RELATING TO OWNERSHIP AND REGISTRATION.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting before the period at the end of the first sentence the following: "and for each such violation which relates to registration or recordation of an aircraft under title V".

(b) ADMINISTRATIVE ASSESSMENT.—Section 901(a) of such Act (49 U.S.C. App. 1471(a)) is amended by adding at the end thereof the following new paragraph:

"(3) ADMINISTRATIVE ASSESSMENT OF CERTAIN REGISTRATION AND RECORDATION VIOLATIONS.—

"(A) GENERAL AUTHORITY.—The Administrator, or his delegate, may assess a civil penalty for a violation of title V, or a rule, regulation, or order issued thereunder, which relates to registration or recordation of an aircraft upon written notice and finding of violation by the Administrator.

"(B) NO REEXAMINATION OF LIABILITY OR AMOUNT.—In the case of a civil penalty assessed by the Administrator under this paragraph, the issue of liability or amount of civil penalty shall not be reexamined in any subsequent suit for collection of such civil penalty.

"(C) CONTINUING JURISDICTION OF DISTRICT COURTS.—Notwithstanding subparagraph (A), the United States district courts shall have exclusive jurisdiction of any civil penalty action initiated by the Administrator—

"(i) which involves an amount in controversy in excess of $50,000;

"(ii) which is an in rem action or in which an in rem action based on the same violation has been brought;

"(iii) regarding which an aircraft subject to lien has been seized by the United States; and

"(iv) in which a suit for injunctive relief based on the violation giving rise to the civil penalty has also been brought.

"(D) LIMITATIONS.—

"(i) HEARING.—A civil penalty may be assessed by the Administrator under this paragraph only after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

"(ii) VIOLATIONS.—This paragraph only applies to civil penalties initiated by the Administrator after the date of the enactment of this paragraph.

"(iii) MAXIMUM AMOUNT.—The maximum amount of a civil penalty which may be assessed by the Administrator under this paragraph in any case may not exceed $50,000.".

SEC. 7209. CRIMINAL PENALTIES.

(a) IN GENERAL.—Subsection (b) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472) is amended by redesignating paragraph (3) as paragraph (5) and by striking out the subsection

heading and paragraphs (1) and (2) and inserting in lieu thereof the following:

"(b) FORGERY OF CERTIFICATES, FALSE MARKING OF AIRCRAFT, AND OTHER AIRCRAFT REGISTRATION VIOLATIONS.—

"(1) DESCRIPTION OF VIOLATIONS.—It shall be unlawful for any person—

"(A) to knowingly and willfully forge, counterfeit, alter, or falsely make any certificate authorized to be issued under this Act, or to knowingly sell, use, attempt to use, or possess with the intent to use any such fraudulent certificate;

"(B) to obtain any certificate authorized to be issued under this Act by knowingly and willfully falsifying, concealing, or covering up a material fact, or making a false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing the writing or document to contain any false, fictitious, or fraudulent statement or entry;

"(C) who is the owner of an aircraft eligible for registration under section 501, to knowingly and willfully operate, attempt to operate, or permit any other person to operate such aircraft if such aircraft is not registered under section 501 or the certificate of registration of such aircraft is suspended or revoked, or if such owner knows or has reason to know that such person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

"(D) to knowingly and willfully operate or attempt to operate an aircraft eligible for registration under section 501 knowing that such aircraft is not registered under section 501, that the certificate of registration of such aircraft is suspended or revoked, or that such person does not have proper authorization to operate or navigate such aircraft without registration for a period of time after transfer of ownership;

"(E) to knowingly and willfully serve, or attempt to serve, in any capacity as an airman without a valid airman certificate authorizing such person to serve in such capacity;

"(F) to knowingly and willfully employ for service or utilize any airman who does not possess a valid airman certificate authorizing such person to serve in such capacity;

"(G) to operate an aircraft with a fuel tank or fuel system which has been installed or modified on the aircraft knowing that such tank or system or the installation or modification of such tank or system is not in accordance with all applicable rules, regulations, and requirements of the Administrator; or

"(H) to knowingly and willfully display or cause to be displayed on any aircraft any marks which are false or misleading as to the nationality or registration of the aircraft.

"(2) PENALTIES.—Any person who commits a violation of paragraph (1) shall be, upon conviction, subject to—

"(A) a fine of not more than $15,000 or imprisonment for a term of not more than 3 years, or both; or

"(B) a fine of not more than $25,000 or imprisonment for a term of not more than 5 years, or both, if such violation was in connection with the act of transportation by aircraft of a controlled substance or of the aiding or facilitating of a controlled substance offense where such act is punishable by death or imprisonment for a term exceeding 1 year under a State or Federal law or is provided in connection with any act which is punishable by death or imprisonment for a term exceeding 1 year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance).

Any term of imprisonment imposed under subparagraph (B) shall be in addition to, and shall not be served concurrently with, any other term of imprisonment imposed on such person.

"(3) SEIZURE OF AIRCRAFT.—

"(A) BY DEA OR CUSTOMS.—An aircraft used in connection with, or in aiding or facilitating, a violation of paragraph (1) whether or not a person is charged in connection with such violation, may be seized and forfeited by the Drug Enforcement Administration of the Department of Justice or the United States Customs Service in accordance with the customs laws.

"(B) PRESUMPTIONS.—For purposes of subparagraph (A), an aircraft shall be presumed to have been used in connection with, or to aid or facilitate a violation of—

"(i) paragraph (1)(B) if the aircraft is registered to a fictitious or false person;

"(ii) paragraph (1)(B) if the application form used to obtain the aircraft registration certificate contains a material false statement;

"(iii) paragraph (1)(A) if the registration for the aircraft has been forged, counterfeited, altered, or falsely made;

"(iv) paragraph (1)(C) if the aircraft has been operated while it is not registered under section 501;

"(v) paragraph (1)(H) if there is an external display of false or misleading registration numbers or false or misleading country of registration;

"(vi) paragraph (1)(G) if there is on the aircraft a fuel tank or fuel system which has not been installed or modified in accordance with all applicable rules, regulations, and requirements of the Administrator; and

"(vii) paragraph (1)(G) if, in the case of an aircraft on which a fuel tank or fuel system has been installed or modified, a certificate required to be issued by the Administrator for such installation or modification is not carried aboard the aircraft.

"(C) MEMORANDUM OF UNDERSTANDING.—The Federal Aviation Administration, the Drug Enforcement Administration, and the United States Customs Service shall enter into a memorandum of understanding for the purpose of establishing procedures for carrying out the objectives of this paragraph.

"(4) CONTROLLED SUBSTANCE DEFINED.—For purposes of this section, the term 'controlled substance' has the meaning that such term has under section 102 of the Controlled Substances Act (21 U.S.C. 802).".

49 USC app. 1472.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 902(b)(5).—Paragraph (5) of section 902(b) of such Act, as redesignated by subsection (a) of this section, is amended by inserting "EFFECT ON STATE LAW.—" before "Nothing" and by aligning such paragraph with paragraph (2) of such subsection, as inserted by subsection (a) of this section.

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 902 is amended by striking out

"(b) Forgery of certificates and false marking of aircraft."

and by inserting in lieu thereof

"(b) Forgery of certificates, false marking of aircraft, and other aircraft registration violations.".

(c) LIGHTING VIOLATIONS.—

(1) IN GENERAL.—Subsection (q) of section 902 of such Act (49 U.S.C. App. 1472) is amended—

(A) by striking out the section heading and paragraph (1) and inserting in lieu thereof the following:

"(q) LIGHTING VIOLATIONS IN CONNECTION WITH TRANSPORTATION OF CONTROLLED SUBSTANCES.—

"(1) DESCRIPTION OF VIOLATION.—It shall be unlawful, in connection with an act described in paragraph (2) and with knowledge of such act, for any person to knowingly and willfully operate an aircraft in violation of any rule, regulation, or requirement issued by the Administrator with respect to the display of navigation or anticollision lights."; and

(B) by striking out paragraphs (4), (5), and (6).

(2) CONFORMING AMENDMENTS.—

(A) SECTION 902(q).—Section 902(q) of such Act is amended—

(i) in paragraph (2) by inserting "RELATIONSHIP TO CONTROLLED SUBSTANCE OFFENSES.—" before "The act";

(ii) in paragraph (3) by inserting "PENALTY.—" before "A person"; and

(iii) by aligning such paragraphs with paragraph (1) of such section, as amended by paragraph (1) of this subsection.

(B) TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 902 is amended by striking out

"(q) Violations in connection with transportation of controlled substances."

and by inserting in lieu thereof

"(q) Lighting violations in connection with transportation of controlled substances.".

49 USC app. 1401 note. Reports.

SEC. 7210. INFORMATION COORDINATION.

Not later than 180 days after the date of the enactment of this subtitle and annually thereafter during the 3-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

(1) The progress made in establishing a process for provision of informational assistance by such Administration to officials of Federal, State, and local law enforcement agencies.

(2) The progress made in establishing a process for effectively pursuing suspensions and revocations of certificates of registration and airman certificates in accordance with the amend-

ments made to the Federal Aviation Act of 1958 by the Aviation Drug-Trafficking Control Act, section 3401 of the Anti-Drug Abuse Act of 1986, and this subtitle.

(3) The efforts of such Administration in assessing and defining the appropriate relationship of such Administration's informational assistance resources (including the El Paso Intelligence Center and the Law Enforcement Assistance Unit of the Aeronautical Center of such Administration).

(4) The progress made in issuing guidelines on (A) the reporting of aviation sensitive drug-related information, and (B) the development, in coordination with the Drug Enforcement Administration of the Department of Justice and the United States Customs Service, of training and educational policies to assist employees of such Administration to better understand (i) the trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act), and (ii) the role of such Administration with respect to such trafficking.

(5) The progress made in improving and expanding such Administration's role in the El Paso Intelligence Center.

SEC. 7211. FUNDING AND OTHER RESOURCES.

49 USC app. 1401 note.

(a) 5-YEAR COST REPORT.—No later than 30 days after the date on which the final regulations referred to in section 7207(a) of this subtitle are issued, the Administrator shall prepare and transmit to Congress a report on the resources (including funding and positions) which will be necessary on an annual basis during the 5-year period beginning after such 30th day to implement the objectives of this subtitle (including the amendments made by this subtitle).

(b) APPLICABILITY OF PAPERWORK REDUCTION ACT.—No information collection requests necessary to carry out the objectives of this subtitle (including the amendments made by this subtitle) shall be subject to or affect, directly or indirectly, the annual information collection budget goals established for the Federal Aviation Administration and the Department of Transportation under chapter 35 of title 44, United States Code.

(c) REVIEW OF CERTAIN GRADE-LEVEL CLASSIFICATIONS.—

(1) APPLICABILITY.—This subsection applies with respect to—

(A) positions within the Airmen and Aircraft Registry of the Federal Aviation Administration; and

(B) positions within the Law Enforcement Assistance Unit of the Aeronautical Center of the Federal Aviation Administration.

(2) REVIEW; REMEDY; REPORT.—Not later than 120 days after the date of the enactment of this subtitle, the Office of Personnel Management shall—

(A) in accordance with section 5110(a) of title 5, United States Code, review a sufficient number of positions under paragraphs (1)(A) and (1)(B), respectively, to determine whether positions under those respective paragraphs are being placed in appropriate classes and grades;

(B) if the Office finds that positions have not been placed in appropriate classes and grades, and after consulting with appropriate officials of the Federal Aviation Administration, exercise any authority under section 5110(b) of title 5, United States Code, which may be necessary to ensure that those positions are placed in their appropriate classes and grades; and

Reports.

(C) transmit to Congress a report on the results of such review and any actions taken in accordance with subparagraph (B).

SEC. 7212. USE OF TRANSPONDERS ON AIRCRAFT ENTERING THE UNITED STATES.

(a) STUDY.—The Secretary of Transportation shall study the feasibility, costs, and benefits with respect to drug interdiction of requiring each aircraft entering the continental United States—

(1) to have installed an operating transponder;

(2) to have a flight plan filed with the Federal Aviation Administration before such entry;

(3) to have the signal from such transponder identify, in the most efficient manner, such aircraft; and

(4) to have the signal from such transponder which identifies such aircraft provide information which ensures that such aircraft is following its filed flight plan.

(b) REPORT.—Not later than 180 days after the date of the enactment of this subtitle, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 7213. ESTABLISHMENT OF FLIGHT CORRIDORS.

(a) STUDY.—The Secretary of Transportation, in consultation with the Attorney General and the Secretary of the Treasury, shall study—

(1) the feasibility of establishing flight corridors across the borders of the continental United States and intercepting any aircraft which deviate from such corridors; and

(2) the impact of the establishment of such corridors on the safe and efficient movement of aircraft and on drug interdiction.

(b) REPORT.—Not later than 180 days after the date of the enactment of this subtitle, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section.

49 USC app. 1303 note.

SEC. 7214. LIMITATION ON APPLICABILITY.

This subtitle (including any amendments made by this subtitle) shall only apply to aircraft which are not used to provide air transportation (as defined in section 101 of the Federal Aviation Act of 1958).

Juvenile Justice and Delinquency Prevention Amendments of 1988.

Subtitle F—Juvenile Justice and Delinquency Prevention

42 USC 5601 note.

SEC. 7250. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1988".

(b) TABLE OF CONTENTS.—

Sec. 7250. Short title; table of contents.

CHAPTER 1—AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 7251. Definitions.
Sec. 7252. Establishment of Office of Juvenile Justice and Delinquency Prevention.

Sec. 7253. Concentration of Federal efforts.
Sec. 7254. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 7255. Annual reports.
Sec. 7256. Authority to make grants.
Sec. 7257. Allocation.
Sec. 7258. State plans.
Sec. 7259. National Institute for Juvenile Justice and Delinquency Prevention.
Sec. 7260. Information function.
Sec. 7261. Research, demonstration, and evaluation functions.
Sec. 7262. Technical assistance and training functions.
Sec. 7263. Technical and conforming amendments to parts B and C of title II.
Sec. 7264. Special studies and reports.
Sec. 7265. Authorization of appropriations.
Sec. 7266. Technical amendments to part D of title II.
Sec. 7267. Prevention and treatment programs relating to juvenile gangs.

CHAPTER 2—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 7271. Grants for runaway and homeless youth centers.
Sec. 7272. Additional technical amendments.
Sec. 7273. Authorization of transitional living projects.
Sec. 7274. Reports.
Sec. 7275. National communication system.
Sec. 7276. Grants for technical assistance and training.
Sec. 7277. Grants for research, demonstration, and service projects.
Sec. 7278. Annual program priorities.
Sec. 7279. Coordination with activities of certain Federal health agencies.
Sec. 7280. Authorization of appropriations.

CHAPTER 3—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 7285. Duties and functions of Administrator.
Sec. 7286. Advisory board.
Sec. 7287. Grants.
Sec. 7288. Competition amendment.
Sec. 7289. Authorization of appropriations.
Sec. 7290. Additional technical and conforming amendments.
Sec. 7291. Special study and report.

CHAPTER 4—MISCELLANEOUS

Sec. 7295. Investigation and report by the Comptroller General.
Sec. 7296. Effective date; application of amendments.

CHAPTER 1—AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 7251. DEFINITIONS.

(a) DEFINITION.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (15) by striking "and" at the end,

(2) in paragraph (16) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

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

"(18) the term 'Indian tribe' means—

"(A) a federally recognized Indian tribe; or

"(B) an Alaskan Native organization.".

(b) CONFORMING AMENDMENT.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "(hereinafter referred to as the 'Council')".

SEC. 7252. ESTABLISHMENT OF OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) DEPUTY ADMINISTRATOR.—Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(1) in the first sentence by striking "and whose" and all that follows through "Act", and

(2) in the last sentence by striking "also".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking "section 201(c)" and inserting "section 201(b)".

(2) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention,".

(3) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Administrator, Office of Juvenile Justice and Delinquency Prevention.".

(4) Section 5316 of title 5, United States Code, is amended by striking the item relating to the Associate Administrator, Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration.

SEC. 7253. CONCENTRATION OF FEDERAL EFFORTS.

(a) TECHNICAL AMENDMENT.—Section 204(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)) is amended by striking "and the National Advisory Committee for Juvenile Justice and Delinquency Prevention".

42 USC 5614.

(b) PUBLICATION OF ANNUAL PROGRAM PLAN.—Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 3614(b)) is amended—

(1) by amending paragraph (5) to read as follows:

Federal Register, publication.

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

"(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; and",

(2) by striking paragraph (6), and

(3) by redesignating paragraph (7) as paragraph (6).

(c) REPORTS.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) by striking subsections (c), (d), and (e),

(2) in subsection (l)—

(A) in paragraph (1)—

(i) by striking "which meets any criterion developed by the Administrator under subsection (d)(1)", and

(ii) by striking "subsection (f)" and inserting "subsection (c)", and

(B) in paragraph (2)—

(i) by striking "shall be submitted" and all that follows through "subsection (e) and", and

(ii) by striking "under subsection (e)",

(3) by redesignating subsections (f) through (l) as subsections (c) through (i), respectively, and

(4) by striking subsection (m).

SEC. 7254. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) FUNCTIONS.—Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) in the first sentence by striking ", in consultation with the Advisory Board on Missing Children,", and

(2) in the third sentence—

(A) by striking "is authorized to" and inserting "shall", and

(B) by striking "section 223(a)(12)(A) and (13)" and inserting "paragraphs (12)(A), (13), and (14) of section 223(a)", and

(3) by adding at the end the following: "The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.".

(b) CONFORMING AMENDMENT.—Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking "and" and all that follows through "title".

(c) ALLOCATION.—Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended to read as follows:

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

SEC. 7255. ANNUAL REPORTS.

Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611-5616) is amended by adding at the end the following:

"ANNUAL REPORT

"SEC. 207. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year: 42 USC 5617.

"(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(A) the types of offenses with which the juveniles are charged;

"(B) the race and gender of the juveniles;

"(C) the ages of the juveniles;

"(D) the types of facilities used to hold the juveniles in custody, including secure detention facilities, secure correctional facilities, jails, and lockups; and

"(E) the number of juveniles who died while in custody and the circumstances under which they died.

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

"(3) A description, based on the most recent data available, of the extent to which each State complies with section 223 and with the plan submitted under such section by the State for such fiscal year.

"(4) A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replicating such program or activity in other locations.

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

SEC. 7256. AUTHORITY TO MAKE GRANTS.

Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) by amending the heading to read as follows:

"AUTHORITY TO MAKE GRANTS AND CONTRACTS",

(2) by inserting "(a)" after "SEC. 221.", and

(3) by adding at the end the following:

State and local governments.

"(b)(1) With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance with section 223 and implementation of the State plan approved under section 223(c).

"(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance. In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 291(c)(1).".

SEC. 7257. ALLOCATION.

(a) MINIMUM ALLOCATION.—Section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended—

(1) by striking "In" and inserting "(1) Subject to paragraph (2) and in",

(2) by striking the last sentence, and

(3) by adding at the end the following:

"(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) is less than $75,000,000, then the amount allotted to each State for such fiscal year shall be not less than $325,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 each.

State and local governments. Territories, U.S.

"(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) equals or exceeds $75,000,000, then the amount allotted to each State for such fiscal year shall be not less than $400,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $100,000 each.

"(3) If, as a result of paragraph (2), the amount allotted to a State for a fiscal year would be less than the amount allotted to such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot to such State for the fiscal year the amount allotted to such State for fiscal year 1988.".

(b) TECHNICAL AMENDMENTS.—Section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended—

(1) in the first sentence by striking "Except for funds appropriated for fiscal year 1975, if" and inserting "If", and

(2) by striking the second sentence.

SEC. 7258. STATE PLANS.

(a) INDIAN TRIBES.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (5)—

(A) in the matter preceding subparagraph (A) by striking "through",

(B) in subparagraph (A)—

(i) by inserting "through" after "(A)", and

(ii) by striking "and" at the end,

(C) in subparagraph (B)—

(i) by inserting "through" after "(B)", and

(ii) by inserting "and" after the semicolon,

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

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

(2) in paragraph (8)(A)—

(A) by inserting "(including any geographical area in which an Indian tribe performs law enforcement functions)" after "relevant jurisdiction", and

(B) by inserting "(including the joining of gangs that commit crimes)" after "juvenile crime problems" each place it appears.

(b) DETENTION IN JAILS AND LOCKUPS FOR ADULTS.—Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14)) is amended—

(1) by striking "1989" and inserting "1993",

(2) in subparagraph (iii) by striking the period and inserting a semicolon, and

(3) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(c) OVERREPRESENTATION OF JUVENILES OF MINORITY GROUPS.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (22) by striking "and" at the end,

(2) by redesignating paragraph (23) as paragraph (24), and

(3) by inserting after paragraph (22) the following:

"(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population; and".

(d) COMPLIANCE REQUIREMENT FOR ELIGIBILITY.—Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking "subpart" and inserting "part",

(2) by inserting "(1)" after "(c)",

(3) by striking the last sentence, and

(4) by adding at the end the following:

"(2) Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator—

"(A) determines, in the discretion of the Administrator, that such State has—

"(i)(I) removed not less than 75 percent of juveniles from jails and lockups for adults; or

"(II) achieved substantial compliance with such subsection; and

"(ii) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years; or

"(B) waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

"(3) Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) after December 8, 1985, shall terminate any State's eligibility for funding under this part unless the Administrator waives the termination of the State's eligibility on the condition that the State agrees to expend all of the

funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

"(4) For purposes of paragraph (2)(A)(i)(II), a State may demonstrate that it is in substantial compliance with such paragraph by showing that it has—

"(A) removed all juvenile status offenders and nonoffenders from jails and lockups for adults;

"(B) made meaningful progress in removing other juveniles from jails and lockups for adults;

"(C) diligently carried out the State's plan to comply with subsection (a)(14); and

"(D) historically expended, and continues to expend, to comply with subsection (a)(14) an appropriate and significant share of the funds received by the State under this part.".

SEC. 7259. NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) SUPERVISION.—Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking ", and shall" and all that follows through "section 201(c)".

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

(1) in paragraph (1) by striking "section 224" and inserting "section 261",

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (B), (C), (D), and (E), respectively,

(3) by inserting "(1)" after "(f)", and

(4) by striking "provide," and all that follows through "purpose of—", and inserting the following:

"provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).

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

"(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;".

(c) TECHNICAL AMENDMENT.—Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651) is amended by striking subsection (h).

SEC. 7260. INFORMATION FUNCTION.

Section 242 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652) is amended—

(1) by inserting "Administrator, acting through the" after "The",

(2) by striking "Prevention is authorized to" and inserting "Prevention, shall",

(3) in paragraph (1) by inserting "and" after the semicolon,

(4) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and

(5) by inserting before paragraph (2), as so redesignated, the following:

"(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;".

SEC. 7261. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

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

(1) by striking "National Institute for Juvenile Justice and Delinquency Prevention" and inserting "Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention,",

(2) in paragraph (4) by striking ", upon the request of the Deputy Administrator",

(3) in paragraph (5)—

(A) in the matter preceding subparagraph (A) by striking "and related matters" and inserting "and the improvement of the juvenile justice system",

(B) in subparagraph (A) by striking "and" at the end,

(C) in subparagraph (B) by striking "possible ameliorating roles of familial relationships" and inserting "effectiveness of family-centered treatment programs", and

(D) in subparagraph (D) by striking the period at the end and inserting a semicolon,

(4) in paragraph (6) by striking "and" at the end,

(5) in paragraph (7) by striking the period and inserting a semicolon, and

(6) by adding at the end the following:

State and local governments.

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

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

SEC. 7262. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

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

(1) by amending the heading to read as follows:

"TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS",

(2) by striking "National Institute for Juvenile Justice and Delinquency Prevention" and inserting "Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention",

(3) by striking paragraph (3),

(4) in paragraph (2) by adding "and" at the end,

(5) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and

(6) by inserting before paragraph (2), as so redesignated, the following:

State and local governments. Courts, U.S.

"(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning,

establishment, funding, operation, and evaluation of juvenile delinquency programs;".

SEC. 7263. TECHNICAL AND CONFORMING AMENDMENTS TO PARTS B AND C OF TITLE II.

(a) TECHNICAL AMENDMENTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) in part B—

(A) by striking the heading for subpart I, and

(B) by striking subpart II, and

42 USC 5634-5639.

(2) in part C—

(A) by striking the heading for such part and inserting the following:

"PART C—NATIONAL PROGRAMS",

(B) by inserting after the heading for part C the following:

"Subpart I—National Institute for Juvenile Justice and Delinquency Prevention",

(C) by striking sections 245 and 246,

42 USC 5656, 5657.

(D) in section 249—

(i) in subsection (a) by striking "section 248" and inserting "section 245",

(ii) in subsection (b) by striking "section 248(b)" and inserting "section 245(b)", and

(iii) in subsection (c) by striking "section 246" and inserting "section 245",

(E) by redesignating sections 247, 248, and 249 as sections 245, 246, and 247, respectively, and

42 USC 5659-5661.

(F) by adding at the end the following:

"Subpart II—Special Emphasis Prevention and Treatment Programs

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 261. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

42 USC 5665.

"(1) Establishing or maintaining community-based alternatives to traditional forms of institutionalization of juvenile offenders.

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

"(3) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system, which improve the quality of legal

representation of such juveniles, and which provide for the appointment of special advocates by courts for such juveniles.

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

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

Education.

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

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

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

"(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles.

Minorities.

"(7) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

"(b) The Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

"(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

Education.

"(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

Employment and unemployment.

"(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles;

State and local governments.

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

Handicapped persons.

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

"(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

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

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

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

"(7) develop and implement model programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

"(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

"(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

Discrimination, prohibition.

"(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Territories, U.S.

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

Grants.
Contracts.
State and local governments.
42 USC 5665a.

"SEC. 262. (a) Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

"(1) set forth a program for carrying out one or more of the purposes set forth in this part and specifically identify each such purpose such program is designed to carry out;

"(2) provide that such program shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program;

"(4) provide for regular evaluation of such program;

"(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

"(6) attach a copy of the responses of such State planning agency and local agency to such request;

"(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

Reports.

"(8) 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 title.

"(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

"(1) the relative cost and effectiveness of the proposed program in carrying out this part;

"(2) the extent to which such program will incorporate new or innovative techniques;

"(3) if a State plan has been approved by the Administrator under section 223(c), the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

"(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

"(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

Urban areas.

"(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

Federal Register, publication.

"(d)(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

"(i) the availability of funds for such assistance;

"(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

"(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that—

"(i)(I) the proposed program is not within the scope of any announcement issued, or expected to be issued, by the Administrator regarding the availability of funds to carry out programs under this part, but can be supported by a grant or contract in accordance with this part; and

"(II) such program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

"(ii) the applicant is uniquely qualified to provide proposed training services as provided in section 244 and other qualified sources are not capable of providing such services, and includes in such determination the factual and other bases thereof.

"(C) If a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determina-

tion made under such subparagraph and the peer review determination required by paragraph (2).

"(2)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

"(B) Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established. Reports.

"(3) The Administrator, in establishing the processes required under paragraphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

"(e) A city shall not be denied assistance under this part solely on the basis of its population.

"(f) Notification of grants and contracts made under this part (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.".

(b) CONFORMING AMENDMENTS.—(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended by striking "section 261(c)(1)" and inserting "section 291(c)(1)".

(2) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660), as so redesignated by section (a)(2)(E), is amended by striking "section 248" and inserting "section 245".

SEC. 7264. SPECIAL STUDIES AND REPORTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended by inserting after section 247, as so redesignated by section 7263(a)(2)(E), the following:

"SPECIAL STUDIES AND REPORTS

"SEC. 248. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system— 42 USC 5662.

"(1) to review—

"(A) conditions in detention and correctional facilities for juveniles; and

"(B) the extent to which such facilities meet recognized national professional standards; and

"(2) to make recommendations to improve conditions in such facilities.

Indians.

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

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

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

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

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

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

Reports.

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

SEC. 7265. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDS AUTHORIZED FOR FISCAL YEARS.—Section 261(a) of part D of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by inserting "(1)" after "(a)",

(2) by inserting "(other than part D)" after "this title",

(3) by striking "1985, 1986, 1987, and 1988",

(4) by inserting "1989, 1990, 1991, and 1992", and

(5) by adding at the end the following:

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

"(B) No funds may be appropriated to carry out part D of this title for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D) for such fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D) for the preceding fiscal year.".

(b) ALLOCATIONS.—Section 261(b) of part D of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(b)) is amended—

(1) by inserting "(other than part D)" after "this title"

(2) in paragraph (1) by striking "7.5 percent" and inserting "5 percent",

(3) in paragraph (2) by striking "81.5 percent" and inserting "70 percent", and

(4) in paragraph (3) by striking "11 percent" and inserting "25 percent".

SEC. 7266. TECHNICAL AMENDMENTS TO PART D OF TITLE II.

Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671-5672 note) is amended—

(1) by amending the heading of such part to read as follows:

"PART E—GENERAL AND ADMINISTRATIVE PROVISIONS",

(2) by striking section 263,

(3) by redesignating sections 261 and 262 as sections 291 and 292, respectively, and

(4) by adding at the end the following:

42 USC 5601 note.

42 USC 5671, 5672.

"WITHHOLDING

"SEC. 293. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

42 USC 5673.

"(1) the program or activity for which the grant or contract involved was made has been so changed that it no longer complies with this title; or

"(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title;

the Administrator shall initiate such proceedings as are appropriate.

"USE OF FUNDS

"SEC. 294. (a) Funds paid pursuant to this title to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for—

42 USC 5674.

"(1) planning, developing, or operating the program designed to carry out this title; and

"(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this title.

"(b) Except as provided in subsection (a), no funds paid to any public or private agency, or institution or to any individual under this title (either directly or through a State agency or local agency) may be used for construction.

"(c)(1) Funds paid pursuant to section 223(a)(10)(D) and section 261(a)(3) to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except

that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

"(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 261(a)(3) are used either directly or indirectly in any manner prohibited in this paragraph.

"PAYMENTS

42 USC 5675.

"SEC. 295. (a) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Administrator may determine.

"(b) Except as provided in the second sentence of section 222(c), financial assistance extended under this title shall be 100 per centum of the approved costs of the program or activity involved.

Indians.

"(c)(1) In the case of a grant under this title to an Indian tribe, if the Administrator determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

"(2) If a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator may waive State liability attributable to the liability of such tribes and may pursue such legal remedies as are necessary.

"(d) If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C for such fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 802 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 223(a), under section 261(b)(6).

"CONFIDENTIALITY OF PROGRAM RECORDS

42 USC 5676.

"SEC. 296. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this title. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.".

SEC. 7267. PREVENTION AND TREATMENT PROGRAMS RELATING TO JUVENILE GANGS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671-5672 note) is amended by inserting after part C, as amended by this subtitle, the following:

"PART D—PREVENTION AND TREATMENT PROGRAMS RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 281. The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes: 42 USC 5667.

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in elementary and secondary schools.

"(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(3) To reduce juvenile involvement in gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(4) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(5) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(6) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is provided under this part.

"(7) To facilitate Federal and State cooperation with local school officials to assist juveniles who are likely to participate in the activities of gangs that commit crimes and to establish and support programs that facilitate coordination and cooperation among local education, juvenile justice, employment, and social service agencies, for the purpose of preventing or reducing the participation of juveniles in activities of gangs that commit crimes. Schools and colleges. State and local governments.

"(8) To provide personnel, personnel training, equipment, and supplies in conjunction with programs and activities designed to prevent or reduce the participation of juveniles in unlawful gang activities or unlawful drug activities, to assist in improving the adjudicative and correctional components of the juvenile justice system.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system.

"(10) To provide drug abuse education, prevention and treatment involving police and juvenile justice officials in demand reduction programs.

"APPROVAL OF APPLICATIONS

"SEC. 282. (a) Any agency, institution, or individual desiring to receive a grant, or to enter into a contract, under this part shall submit an application at such time, in such manner, and containing Grants. Contracts. 42 USC 5667a.

or accompanied by such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose, such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

"(6) attach a copy of the responses of such State planning agency and local agency to such request;

Reports.

"(7) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency and local agency; and

"(8) 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 title.

"(c) In reviewing applications for grants and contracts under this part, the Administrator shall give priority to applications—

"(1) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles or the incidence of juvenile drug abuse and drug trafficking, in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(2) for assistance for programs and activities that have the broad support of organizations operating in such geographical areas, as demonstrated by the applicants.".

CHAPTER 2—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 7271. GRANTS FOR RUNAWAY AND HOMELESS YOUTH CENTERS.

(a) TECHNICAL AMENDMENT.—The heading for section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended to read as follows:

"AUTHORITY TO MAKE GRANTS".

(b) GRANT PROGRAM.—Subsections (a) and (b) of section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) are amended to read as follows:

"(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway

or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and the juvenile justice system.

"(b)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this title, funds for grants under subsection (a) shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

"(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than $75,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $30,000 each. Territories, U.S.

"(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988.

"(4) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.".

(c) CONFORMING AMENDMENTS.—(1) Sections 312 and 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712, 5713) are each amended by striking "this part" each place it appears and inserting "section 311(a)".

(2) Section 312(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(a)) is amended by inserting "and homeless youth" after "proposed runaway".

(3) Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(A) in the matter preceding paragraph (1) by striking "meeting" and all that follows through "center—", and inserting "including assurances that the applicant—",

(B) in paragraph (1)—

(i) by striking "shall be" and inserting "shall operate a runaway and homeless youth center", and

(ii) by inserting "and homeless" after "by runaway",

(C) in paragraphs (3) and (5) by striking "runaway center" each place it appears and inserting "runaway and homeless youth center",

(D) in paragraphs (4) and (6) by striking "runaway youths" each place it appears and inserting "runaway and homeless youth", and

(E) in paragraphs (5) and (6) by striking "runaway youth" each place it appears and inserting "runaway and homeless youth".

(4) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended by striking "runaway center" and inserting "runaway and homeless youth center".

(5) Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended—

(A) by striking "runaway centers" and inserting "runaway and homeless youth centers", and

(B) by striking "runaway youth" and inserting "runaway and homeless youth".

(6) Section 318(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5716(a)) is amended by striking "acquisition and".

SEC. 7272. ADDITIONAL TECHNICAL AMENDMENTS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended—

(1) by amending the heading for part A to read as follows:

"PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM",

(2) by striking the headings for parts B and C, and

(3) by inserting before the heading for section 317 the following:

"PART D—ADMINISTRATIVE PROVISIONS".

SEC. 7273. AUTHORIZATION OF TRANSITIONAL LIVING PROJECTS.

(a) ASSISTANCE TO POTENTIAL GRANTEES.—Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended—

(1) by inserting "and transitional living youth projects" after "homeless youth centers",

(2) in paragraph (1) by inserting "or transitional living youth project" after "homeless youth center",

(3) by inserting "or such project" after "such center" each place it appears, and

(4) in paragraph (3) by inserting "and homeless" after "runaway".

(b) LEASE OF SURPLUS FEDERAL FACILITIES.—Section 316 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b) is amended—

(1) in the heading of such section by inserting "OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES" after "HOMELESS YOUTH CENTERS", and

(2) in subsection (a)—

(A) by inserting "or as transitional living youth shelter facilities" after "homeless youth centers", and

(B) in paragraph (1) by inserting "or transitional living youth project, as the case may be, under this title" after "homeless youth center".

(c) REPORTS.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended—

(1) by inserting "(a)" after "SEC. 317.",

(2) by striking "this part" and inserting "part A", and

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

"(b) The Secretary shall annually report to the Congress on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

"(1) the number and characteristics of homeless youth served by such projects;

"(2) describing the types of activities carried out under such projects;

"(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

"(4) the effectiveness of such projects in preparing homeless youth for self sufficiency;

"(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; and

"(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following:

"(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

"(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.".

(e) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended—

(1) by inserting before the heading for section 315 the following:

"PART C—GENERAL PROVISIONS", and

(2) by redesignating sections 315, 316, 317, 318, 321, and 331 as sections 341, 342, 361, 362, 363, and 366, respectively.

(f) GRANTS FOR TRANSITIONAL LIVING YOUTH PROJECTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 314 the following: 42 USC 5714a, 5714b, 5715, 5716, 5731, 5751.

"PART B—TRANSITIONAL LIVING GRANT PROGRAM

"PURPOSE AND AUTHORITY FOR PROGRAM

"SEC. 321. (a) The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth. 42 USC 5714-1.

"(b) For purposes of this part—

"(1) the term 'homeless youth' means any individual—

"(A) who is not less than 16 years of age and not more than 21 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement; and

"(2) the term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"ELIGIBILITY

42 USC 5714-2.

"SEC. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

"(1) to provide, directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills, interpersonal skill building, educational advancement, job attainment skills, and mental and physical health care) to homeless youth;

"(2) to provide such shelter and such services to individual homeless youth throughout a continuous period not to exceed 540 days;

"(3) to provide, directly or indirectly, on-site supervision at each shelter facility that is not a family home;

"(4) that such shelter facility used to carry out such project shall have the capacity to accommodate not more than 20 individuals (excluding staff);

"(5) to provide a number of staff sufficient to ensure that all homeless youth participating in such project receive adequate supervision and services;

"(6) to provide a written transitional living plan to each youth based on an assessment of such youth's needs, designed to help the transition from supervised participation in such project to independent living or another appropriate living arrangement;

"(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational, vocational, training, welfare, legal service, and health care programs and to help integrate and coordinate such services for youths;

"(8) to provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the project;

Reports.

"(9) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under this part, the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the homeless youth who participate in such project in the year for which the report is submitted;

"(10) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(11) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

"(12) to keep adequate statistical records profiling homeless youth which it serves and not to disclose the identity of individual homeless youth in reports or other documents based on such statistical records;

Classified information.

"(13) not to disclose records maintained on individual homeless youth without the consent of the individual youth and parent or legal guardian to anyone other than an agency compiling statistical records or a government agency involved in the disposition of criminal charges against youth; and

"(14) to provide to the Secretary such other information as the Secretary may reasonably require.

"(b) In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing to homeless youth shelter and services of the types described in subsection (a)(1).".

SEC. 7274. REPORTS.

Section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5715), as so redesignated by section 7273(e)(2), is amended by striking "The Secretary shall annually" and inserting "Not later than 180 days after the end of each fiscal year, the Secretary shall".

SEC. 7275. NATIONAL COMMUNICATION SYSTEM.

(a) TECHNICAL AMENDMENTS.—Sections 313 and 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5713-5714) are redesignated as sections 316 and 317, respectively.

(b) AUTHORITY TO MAKE GRANTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 312 the following:

"GRANTS FOR A NATIONAL COMMUNICATION SYSTEM

"SEC. 313. (a) With funds reserved under subsection (b), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. 42 USC 5712a.

"(b) From funds appropriated to carry out this part and after making the allocation required by section 366(a)(2), the Secretary shall reserve—

"(1) for fiscal year 1989 not less than $500,000;

"(2) for fiscal year 1990 not less than $600,000; and

"(3) for each of the fiscal years 1991 and 1992 not less than $750,000;

to carry out subsection (a).".

SEC. 7276. GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 313, as added by section 7275, the following:

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 314. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under section 311(a), for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.". 42 USC 5712b.

SEC. 7277. GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 314, as added by section 7276, the following:

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

42 USC 5712c.

"SEC. 315. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) juveniles who repeatedly leave and remain away from their homes;

"(2) outreach to runaway and homeless youth;

"(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

"(4) the special needs of runaway and homeless youth programs in rural areas;

"(5) the special needs of foster care home programs for runaway and homeless youth;

"(6) transitional living programs for runaway and homeless youth; and

"(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth.".

SEC. 7278. ANNUAL PROGRAM PRIORITIES.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 363, as so redesignated by section 7273(e)(2), the following:

"ANNUAL PROGRAM PRIORITIES

Federal Register, publication.
42 USC 5732.

"SEC. 364. (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

"(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a).".

SEC. 7279. COORDINATION WITH ACTIVITIES OF CERTAIN FEDERAL HEALTH AGENCIES.

The Runaway and Homeless Youth Act (42 U.S.C. 5701-5751) is amended by inserting after section 364, as added by section 7278, the following:

"COORDINATION WITH ACTIVITIES

42 USC 5733.

"SEC. 365. With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the

activities of the entities that are eligible to receive grants under this title.".

SEC. 7280. AUTHORIZATION OF APPROPRIATIONS.

Section 366(a) of the Runaway and Homeless Youth Act of 1974 (42 U.S.C. 5751(a)), as so redesignated by section 7273(d)(2), is amended—

(1) by striking "1985, 1986, 1987, and 1988",

(2) by inserting "1989, 1990, 1991, and 1992",

(3) by inserting "(1)" after "(a)", and

(4) by adding at the end the following:

"(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.".

CHAPTER 3—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

SEC. 7285. DUTIES AND FUNCTIONS OF ADMINISTRATOR.

(a) ANNUAL REPORT.—Section 404(a) of the Missing Children's Assistance Act (42 U.S.C. 5773(a)) is amended—

(1) in paragraph (3) by striking "law enforcement",

(2) in paragraph (4) by inserting "and" at the end,

(3) by amending paragraph (5) to read as follows:

"(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

"(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

"(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

"(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction,

"(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

"(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section 313;

"(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2);

"(G) describing all the programs for which assistance was provided under section 405 in the preceding fiscal year;

"(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this title; and

"(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 405(a)(9) in the preceding fiscal year;

"(ii) describing the activities carried out by such clearinghouse in such fiscal year;

"(iii) specifying the types and amounts of assistance (other than assistance under section 405(a)(9)) received by such clearinghouse in such fiscal year; and

"(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such cases.", and

(4) by striking paragraph (6).

(b) Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)",

(B) by inserting "24-hour" after "national",

(C) by adding "and" after the semicolon, and

(D) by adding at the end the following:

"(B) coordinating the operation of such telephone line with the operation of the national communications system established under section 313;",

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(A) provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families;", and

(B) in subparagraph (D)—

(i) by inserting "and training" after "assistance", and

(ii) by striking the semicolon and inserting the following: "and in locating and recovering missing children;",

(3) in paragraph (3) by striking the period at the end and inserting "; and", and

(4) by adding at the end the following:

State and local governments.

"(4) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

SEC. 7286. ADVISORY BOARD.

Section 405 of the Missing Children's Assistance Act (42 U.S.C. 5774) is repealed.

SEC. 7287. GRANTS.

Section 406(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended—

(1) in paragraph (5) by striking "and" at the end,

(2) in paragraph (6) by striking the period and inserting a semicolon, and

(3) by adding at the end the following:

"(7) to address the needs of missing children (as defined in section 403(1)(A)) and their families following the recovery of such children;

"(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

"(9) to establish or operate statewide clearinghouse to assist in locating and recovering missing children.".

SEC. 7288. COMPETITION AMENDMENT.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5776) is amended to read as follows:

"CRITERIA FOR GRANTS

"SEC. 407. (a) In carrying out the programs authorized by this title, the Administrator shall establish— Contracts. 42 USC 5776.

"(1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 405; and

"(2) criteria based on merit for making such grants and contracts.

Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria. Federal Register, publication.

"(b) No grant or contract exceeding $50,000 shall be made under this title unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

"(c) Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors.".

SEC. 7289. AUTHORIZATION OF APPROPRIATIONS.

Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking "$10,000,000 for fiscal year 1985, and",

(2) by striking "1986, 1987, and 1988", and

(3) by inserting "1989, 1990, 1991, and 1992".

SEC. 7290. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENT.—Sections 406, 407, and 408 are redesignated as sections 405, 406, and 407, respectively. 42 USC 5775-5777.

(b) CONFORMING AMENDMENT.—Section 406 of the Missing Children's Assistance Act, as so redesignated by subsection (a), is amended by striking "section 406" and inserting "section 405". 42 USC 5776.

SEC. 7291. SPECIAL STUDY AND REPORT.

The Missing Children's Assistance Act (42 U.S.C. 5771-5777) is amended by adding at the end the following:

"SPECIAL STUDY AND REPORT

"SEC. 408. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine 42 USC 5778.

the obstacles that prevent or impede individuals who have legal custody of children from recovering such children from parents who have removed such children from such individuals in violation of law.

"(b) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Secretary shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).".

CHAPTER 4—MISCELLANEOUS

42 USC 5617 note.

SEC. 7295. INVESTIGATION AND REPORT BY THE COMPTROLLER GENERAL.

(a) INVESTIGATION.—Not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Comptroller General of the United States shall begin to conduct an investigation of the extent to which—

(1) valid court orders, and

(2) court orders other than valid court orders,

are used in the 5-year period ending on December 31, 1988, to place juveniles in secure detention facilities, in secure correctional facilities, and in jails and lockups for adults.

(b) REPORT.—(1) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Comptroller General shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results of the investigation conducted under subsection (a).

(2) In such report, the Comptroller shall specify separately with respect to secure detention facilities, secure correctional facilities, and jails and lockups for adults—

(A) the frequency with which juveniles were confined,

(B) the length of confinement of juveniles, and

(C) the types of conduct of juveniles for which confinement was imposed,

as a result of the enforcement of court orders of the 2 types described in paragraphs (1) and (2) of subsection (a).

(c) DEFINITIONS.—For purposes of this section—

(1) the term "juvenile" means an individual who is less than 18 years of age,

(2) the term "secure correctional facility" has the meaning given it in section 103(13) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(13)),

(3) the term "secure detention facility" has the meaning given it in section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)), and

(4) the term "valid court order" has the meaning given it in section 103(16) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(16)).

SEC. 7296. EFFECTIVE DATE; APPLICATION OF AMENDMENTS. 42 USC 5601 note.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle and the amendments made by this Act shall take effect on October 1, 1988.

(b) APPLICATION OF AMENDMENTS.—(1) The amendments made by section 7258(a) shall not apply to a State with respect to a fiscal year beginning before the date of the enactment of this Act if the State plan is approved before such date by the Administrator for such fiscal year.

(2) The amendments made by section 7274(b)(1) and section 7278 shall not apply with respect to fiscal year 1989.

(3) Notwithstanding the 180-day period provided in section 7277 of the Juvenile Justice and Delinquency Prevention Act of 1974, as added by section 7255, the report required by such section to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.

Subtitle G—Provisions Relating to Prisons, Probation, Parole, and Supervised Release

SEC. 7301. PAYMENT OF COSTS OF INCARCERATION BY FEDERAL PRISONERS. 18 USC 4007 note.

Not later than 1 year after the date of enactment of this section, the United States Sentencing Commission shall study the feasibility of requiring prisoners incarcerated in Federal correctional institutions to pay some or all of the costs incident to the prisoner's confinement, including, but not limited to, the costs of food, housing, and shelter. The study shall review measures which would allow prisoners unable to pay such costs to work at paid employment within the community, during incarceration or after release, in order to pay the costs incident to the prisoner's confinement.

SEC. 7302. ADMINISTRATION OF CONFINEMENT FACILITIES LOCATED ON MILITARY INSTALLATIONS BY THE BUREAU OF PRISONS. 18 USC 4042 note.

In conjunction with the Department of Defense and the Commission on Alternative Utilization of Military Facilities as established in the National Defense Authorization Act of Fiscal Year 1989, the Bureau of Prisons shall be responsible for—

(1) administering Bureau of Prisons confinement facilities for civilian nonviolent prisoners located on military installations in cooperation with the Secretary of Defense, with an emphasis on placing women inmates in such facilities, or in similar minimum security confinement facilities not located on military installations, so that the percentage of eligible women equals the percentage of eligible men housed in such or similar minimum security confinement facilities (i.e., prison camps); Women.

(2) establishing and regulating drug treatment programs for inmates held in such facilities in coordination and cooperation with the National Institute on Drug Abuse; and

(3) establishing and managing work programs in accordance with guidelines under the Bureau of Prisons for persons held in such facilities and in cooperation with the installation commander.

SEC. 7303. REVOCATION OF PROBATION, PAROLE, AND SUPERVISED RELEASE FOR POSSESSION OF A CONTROLLED SUBSTANCE.

(a) PROBATION.—(1) Section 3563(a) of title 18, United States Code, is amended by—

(A) striking "and" after the semicolon in paragraph (1);

(B) striking the period at the end of paragraph (2) and inserting "; and"; and

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

"(3) for a felony, a misdemeanor, or an infraction, that the defendant not possess illegal controlled substances.".

(2) Section 3565(a) of title 18, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, if a defendant is found by the court to be in possession of a controlled substance, thereby violating the condition imposed by section 3563(a)(3), the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence.".

(b) SUPERVISED RELEASE.—(1) Section 3583(d) of title 18, United States Code, is amended in the first sentence by striking the period and inserting "and that the defendant not possess illegal controlled substances.".

(2) Section 3583 of title 18, United States Code, is amended by adding at the end thereof the following:

"(g) POSSESSION OF CONTROLLED SUBSTANCES.—If the defendant is found by the court to be in the possession of a controlled substance, the court shall terminate the term of supervised release and require the defendant to serve in prison not less than one-third of the term of supervised release.".

(c) PAROLE.—(1) Section 4209(a) of title 18, United States Code, is amended in the first sentence by inserting after "local crime" the following: ", that the parolee not possess illegal controlled substances.".

(2) Subsection (c) of section 4209 of title 18, United States Code, is amended by—

(A) striking the dash and "(1)";

(B) striking the semicolon at the end of paragraph (1) and all of paragraph (2) and inserting a period; and

(C) striking "subparagraph (1) or (2) of".

(3) Section 4214 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) Notwithstanding any other provision of this section, a parolee who is found by the Commission to be in possession of a controlled substance shall have his parole revoked.".

18 USC 3563 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to persons whose probation, supervised release, or parole begins after December 31, 1988.

SEC. 7304. DEMONSTRATION PROGRAM FOR DRUG TESTING OF ARRESTED PERSONS AND DEFENDANTS ON PROBATION OR SUPERVISED RELEASE.

18 USC 3150 note.

(a) ESTABLISHMENT.—The Director of the Administrative Office of the United States Courts shall establish a demonstration program of mandatory testing of criminal defendants.

(b) LENGTH OF PROGRAM.—The demonstration program shall begin not later than January 1, 1989, and shall last two years.

(c) SELECTION OF DISTRICTS.—The Judicial Conference of the United States shall select 8 Federal judicial districts in which to

carry out the demonstration program, so that the group selected represents a mix of districts on the basis of criminal caseload and the types of cases in that caseload.

(d) INCLUSION IN PRETRIAL SERVICES.—In each of the districts in which the demonstration program takes place, pretrial services under chapter 207 of title 18, United States Code, shall arrange for the drug testing of defendants in criminal cases. To the extent feasible, such testing shall be completed before the defendant makes the defendant's initial appearance in the case before a judicial officer. The results of such testing shall be included in the report to the judicial officer under section 3154 of title 18, United States Code.

(e) MANDATORY CONDITION OF PROBATION AND SUPERVISED RELEASE.—In each of the judicial districts in which the demonstration program is in effect, it shall be an additional, mandatory condition of probation, and an additional mandatory condition of supervised release for offenses occurring or completed on or after January 1, 1989, for any defendant convicted of a felony, that such defendant refrain from any illegal use of any controlled substance (as defined in section 102 of the Controlled Substances Act) and submit to periodic drug tests for use of controlled substances at least once every 60 days. The requirement that drug tests be administered at least once every 60 days may be suspended upon motion of the Director of the Administrative Office, or the Director's designee, if, after at least one year of probation or supervised release, the defendant has passed all drug tests administered pursuant to this section. No action may be taken against a defendant pursuant to a drug test administered in accordance with this subsection unless the drug test confirmation is a urine drug test confirmed using gas chromatography techniques or such test as the Secretary of Health and Human Services may determine to be of equivalent accuracy.

(f) REPORT TO CONGRESS.—Not later than 90 days after the first year of the demonstration program and not later than 90 days after the end of the demonstration program, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the demonstration program and include in such report recommendations as to whether mandatory drug testing of defendants should be made more general and permanent.

SEC. 7305. HOUSE PROBATION AS A CONDITION FOR PROBATION, PAROLE, OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3563(b) of title 18, United States Code, is amended by—

(1) striking "or" after the semicolon in paragraph (19);

(2) redesignating paragraph (20) as paragraph (21); and

(3) inserting after paragraph (19) the following new paragraph:

"(20) remain at his place of residence during nonworking hours and, if the court finds it appropriate, that compliance with this condition be monitored by telephonic or electronic signaling devices, except that a condition under this paragraph may be imposed only as an alternative to incarceration; or".

(b) SUPERVISED RELEASE.—(1) Section 3583(d) of title 18, United States Code, is amended in the matter following paragraph (3) by striking "(b)(19)" and inserting "(b)(20)".

(2) Section 3583(e) is amended by—

(A) striking "or" at the end of paragraph (3);

(B) striking the period at the end of paragraph (4) and inserting "; or"; and

(C) inserting at the end the following new paragraph:

"(5) order the person to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.".

(c) PAROLE.—Section 4209(c) of title 18, United States Code, is amended to read as follows:

"(c) Release on parole or release as if on parole (or probation, or supervised release where applicable) may as a condition of such release require—

"(1) a parolee to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of such parole; or

"(2) a parolee to remain at his place of residence during nonworking hours and, if the Commission so directs, to have compliance with this condition monitored by telephone or electronic signaling devices, except that a condition under this paragraph may be imposed only as an alternative to incarceration.

A parolee residing in a residential community treatment center pursuant to paragraph (1) of this subsection may be required to pay such costs incident to such residence as the Commission deems appropriate.".

Subtitle H—Provisions Relating to Courts

SEC. 7321. STATE JUSTICE INSTITUTE REAUTHORIZATION.

(a) AUTHORIZATION.—Section 215 of the State Justice Institute Act of 1984 (Public Law 98-620; 42 U.S.C. 10713) is amended to read as follows:

"SEC. 215. There are authorized to be appropriated to carry out the purposes of this title $15,000,000 for fiscal year 1989, $15,000,000 for fiscal year 1990, $15,000,000 for fiscal year 1991, and $15,000,000 for fiscal year 1992.".

42 USC 10702.

(b) TECHNICAL AMENDMENTS.—(1) Section 203(f) of the State Justice Institute Act of 1984 is amended—

(A) by striking out ", at least thirty days prior to their effective date,"; and

(B) by adding to the end thereof the following: "The publication of a substantive rule shall not be made less than thirty days before the effective date of such rule, except as otherwise provided by the Institute for good cause found and published with the rule.".

42 USC 10704.

(2) Section 205(d)(2) of the State Justice Institute Act of 1984 is amended by striking out "chapter 83" and inserting in lieu thereof "chapters 83 and 84".

42 USC 10705.

(3) Section 206(c) of the State Justice Institute Act of 1984 is amended by—

(A) inserting "judicial and" before "nonjudicial" in paragraph (3);

(B) striking out paragraph (4); and

(C) redesignating paragraphs (5) through (15) as paragraphs (4) through (14), respectively.

(4) Section 206(d) of the State Justice Institute Act of 1984 is amended by striking out "judicial system" and inserting in lieu thereof "court (or other unit of State or local government)". 42 USC 10705.

SEC. 7322. SENTENCING JURISDICTION.

Section 636(a) of title 28, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and"; and

(3) adding at the end thereof the following paragraph:

"(4) the power to enter a sentence for a misdemeanor or infraction with the consent of the parties.".

SEC. 7323. CONSIDERATION OF HABEAS CORPUS REFORM LEGISLATION.

(a) INTRODUCTION OF LEGISLATION BY THE CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY OF THE SENATE.—Beginning on the date the Chief Justice of the United States forwards to the Committees on the Judiciary of the Senate and the House of Representatives the report and recommendation of the Special Committee on Habeas Corpus Review of Capital Sentences, appointed by the Chief Justice of the United States and chaired by Justice Lewis Powell (hereafter in this section referred to as the "Special Committee"), the chairman of the Committee on the Judiciary of the Senate shall have 15 days of session thereafter to introduce a bill to modify Federal habeas corpus procedure after having faithfully considered the report and recommendations of the Special Committee. If no such bill is introduced by the chairman within the 15-day period, such bill may be introduced by the ranking minority Member of the committee within an additional 10 days of session.

(b) REPORTING OF LEGISLATION BY THE COMMITTEE ON THE JUDICIARY OF THE SENATE.—(1) The bill introduced pursuant to subsection (a) shall be reported with or without recommendation by the Committee on the Judiciary of the Senate by the end of the 60th day of session after the submission of the report by the Chief Justice or the bill shall be discharged automatically from such committee and such bill shall be placed on the appropriate calendar of the Senate.

(2) It is in order at any time after the 30th day of session after the bill has been placed on the calendar pursuant to paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, for any Member of the Senate to move to proceed to the consideration of the bill. The motion is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. Only one motion in the Senate shall be in order pursuant to this paragraph and such motion shall be decided by a roll call vote.

(3) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a bill described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(c) REPORT OF THE SPECIAL COMMITTEE.—The Special Committee is urged to expedite the filing of its report and to include options for legislative action among its findings. The House of Representatives shall give fair, appropriate, and expeditious consideration to the report of the Special Committee.

Subtitle I—Provisions Relating to the Federal Bureau of Investigation

SEC. 7331. AUTHORITY FOR THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE, UPON REQUEST, FELONIOUS KILLINGS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.

(a) AUTHORITY.—Chapter 33 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 540. Investigation of felonious killings of State or local law enforcement officers

"The Attorney General and the Federal Bureau of Investigation may investigate felonious killings of officials and employees of a State or political subdivision thereof while engaged in or on account of the performance of official duties relating to the prevention, detection, investigation, or prosecution of an offense against the criminal laws of a State or political subdivision, when such investigation is requested by the head of the agency employing the official or employee killed, and under such guidelines as the Attorney General or his designee may establish.".

(b) CONFORMING AMENDMENTS.—The table of sections of such chapter is amended by adding at the end thereof the following item:

"540. Investigation of felonious killings of State or local law enforcement officers.".

Uniform Federal Crime Reporting Act of 1988.
28 USC 534 note.

SEC. 7332. UNIFORM FEDERAL CRIME REPORTING ACT OF 1988.

(a) SHORT TITLE.—This section may be cited as the "Uniform Federal Crime Reporting Act of 1988".

(b) DEFINITIONS.—For purposes of this section, the term "Uniform Crime Reports" means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation which compiles nationwide criminal statistics for use in law enforcement administration, operation, and management and to assess the nature and type of crime in the United States.

(c) ESTABLISHMENT OF SYSTEM.—

(1) IN GENERAL.—The Attorney General shall acquire, collect, classify, and preserve national data on Federal criminal offenses as part of the Uniform Crime Reports.

(2) REPORTING BY FEDERAL AGENCIES.—All departments and agencies within the Federal government (including the Department of Defense) which routinely investigate complaints of criminal activity, shall report details about crime within their respective jurisdiction to the Attorney General in a uniform manner and on a form prescribed by the Attorney General. The reporting required by this subsection shall be limited to the reporting of those crimes comprising the Uniform Crime Reports.

(3) DISTRIBUTION OF DATA.—The Attorney General shall distribute data received pursuant to paragraph (2), in the form

of annual Uniform Crime Reports for the United States, to the President, Members of the Congress, State governments, and officials of localities and penal and other institutions participating in the Uniform Crime Reports program.

(d) ROLE OF FEDERAL BUREAU OF INVESTIGATION.—The Attorney General may designate the Federal Bureau of Investigation as the lead agency for purposes of performing the functions authorized by this section and may appoint or establish such advisory and oversight boards as may be necessary to assist the Bureau in ensuring uniformity, quality, and maximum use of the data collected.

(e) INCLUSION OF OFFENSES INVOLVING ILLEGAL DRUGS.—The Director of the Federal Bureau of Investigation is authorized to classify offenses involving illegal drugs and drug trafficking as a part I crime in the Uniform Crime Reports.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $350,000 for fiscal year 1989 and such sums as may be necessary to carry out the provisions of this section after fiscal year 1989.

(g) EFFECTIVE DATE.—The provisions of this section shall be effective on January 1, 1989.

SEC. 7333. COLLEGE AND RAILROAD POLICE INFORMATION.

Section 534 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the term 'other institutions' includes—

"(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

"(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.".

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.

Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end thereof the following new paragraph:

"(43) The term 'aggravated felony' means murder, any drug trafficking crime as defined in section 924(c)(2) of title 18, United States Code, or any illicit trafficking in any firearms or

destructive devices as defined in section 921 of such title, or any attempt or conspiracy to commit any such act, committed within the United States.".

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:

"(2) The Attorney General shall take into custody any alien convicted of an aggravated felony upon completion of the alien's sentence for such conviction. Notwithstanding subsection (a), the Attorney General shall not release such felon from custody.

"(3)(A) The Attorney General shall devise and implement a system—

"(i) to make available, daily (on a 24-hour basis), to Federal, State, and local authorities the investigative resources of the Service to determine whether individuals arrested by such authorities for aggravated felonies are aliens;

"(ii) to designate and train officers and employees of the Service within each district to serve as a liaison to Federal, State, and local law enforcement and correctional agencies and courts with respect to the arrest, conviction, and release of any alien charged with an aggravated felony; and

"(iii) which uses computer resources to maintain a current record of aliens who have been convicted of an aggravated felony and who have been deported; such record shall be made available to inspectors at ports of entry and to border patrol agents at sector headquarters for purposes of immediate identification of any such previously deported alien seeking to reenter the United States.

Reports.

"(B) The Attorney General shall submit reports to the Committees on the Judiciary of the House of Representatives and of the Senate at the end of the 6-month period and at the end of the 18-month period beginning on the effective date of this paragraph which describe in detail specific efforts made by the Attorney General to implement this paragraph.".

(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:

"(2) The authority contained in paragraph (1) shall not apply to any alien who is deportable because of a conviction for an aggravated felony.".

8 USC 1252 note.

(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—

(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. 8 USC 1251 note.

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:

"(b) Notwithstanding subsection (a), in the case of any alien described in such subsection—

"(1) whose deportation was subsequent to a conviction for commission of a felony (other than an aggravated felony), such alien shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both; or

"(2) whose deportation was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under such title, imprisoned not more than 15 years, or both.".

(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. 8 USC 1326 note.

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. 8 USC 1327 note.

(c) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out "SUBVERSIVE ALIEN" and inserting in lieu thereof "CERTAIN ALIENS".

(2) The table of contents of such Act is amended by amending the item relating to section 277 to read as follows:

"Sec. 277. Aiding or assisting certain aliens to enter the United States.".

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

(a) EXPEDITED PROCEEDINGS.—The Act is further amended by inserting after section 242 the following new section:

"EXPEDITED PROCEDURES FOR DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES

"SEC. 242A. (a) IN GENERAL.—The Attorney General shall provide for the availability of special deportation proceedings at certain Federal, State, and local correctional facilities for aliens convicted of aggravated felonies (as defined in section 101(a)(43). Such proceedings shall be conducted in conformity with section 242 (except as otherwise provided in this section), and in a manner which eliminates the need for additional detention at any processing center of the Service and in a manner which assures expeditious deportation, 8 USC 1252a.

where warranted, following the end of the alien's incarceration for the underlying sentence.

"(b) IMPLEMENTATION.—With respect to an alien convicted of an aggravated felony who is taken into custody by the Attorney General pursuant to section 242(a)(2), the Attorney General shall, to the maximum extent practicable, detain any such felon at a facility at which other such aliens are detained. In the selection of such facility, the Attorney General shall make reasonable efforts to ensure that the alien's access to counsel and right to counsel under section 292 are not impaired.

"(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.

"(d) EXPEDITED PROCEEDINGS.—(1) Notwithstanding any other provision of law, the Attorney General shall provide for the initiation and, to the extent possible, the completion of deportation proceedings, and any administrative appeals thereof, in the case of any alien convicted of an aggravated felony before the alien's release from incarceration for the underlying aggravated felony."

"(2) Nothing in this section shall be construed as requiring the Attorney General to effect the deportation of any alien sentenced to actual incarceration, before release from the penitentiary or correctional institution where such alien is confined, unless the chief prosecutor or the judge in whose jurisdiction conviction occurred submits a written request to the Attorney General that such alien be so deported.

Reports.

"(e) REVIEW.—(1) The Attorney General shall review and evaluate deportation proceedings conducted under this section. Within 12 months after the effective date of this section, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate concerning the effectiveness of such deportation proceedings in facilitating the deportation of aliens convicted of aggravated felonies.

Reports.

"(2) The Comptroller General shall monitor, review, and evaluate deportation proceedings conducted under this section. Within 18 months after the effective date of this section, the Comptroller General shall submit a report to such Committees concerning the extent to which deportation proceedings conducted under this section may adversely affect the ability of such aliens to contest deportation effectively.".

(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;".

8 USC 1252a note.

(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.—The table of contents of such Act is further amended by inserting after the item relating to section 242 the following new item:

"Sec. 242A. Expedited Procedures for deportation of aliens convicted of committing aggravated felonies.".

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. 8 USC 1251 note.

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. 8 USC 1182 note.

SEC. 7350. IMMIGRATION AND NATURALIZATION SERVICE PERSONNEL ENHANCEMENT.

(a) PILOT PROGRAM REGARDING THE IDENTIFICATION OF CERTAIN ALIENS.— 8 USC 1103 note.

(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. Reports.

(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.

Subtitle K—United States Customs Service

SEC. 7361. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended to read as follows:

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for fiscal year 1989 not to exceed $440,504,000 for the salaries and expenses of the United States Customs Service that are incurred in noncommercial operations, of which at least $26,240,000 shall be used to increase the number of customs inspectors for contraband enforcement teams and other drug interdiction personnel of the United States Customs Service to a number which exceeds the total number of such inspectors and personnel employed by the United States Customs Service on September 30, 1988, by the equivalent of at least 435 full-time employees, and for related equipment.".

(2) Subsection (b) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 is amended—

(A) by striking out "1988" in paragraphs (2) and (3) and inserting in lieu thereof "1989",

(B) by striking out "$615,000,000" in paragraph (2) and inserting in lieu thereof "$615,247,000",

(C) by striking out "$118,309,000" in paragraph (3) and inserting in lieu thereof "$142,262,000", and

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

"(4) CUSTOMS COOPERATION COUNCIL.—There are authorized to be appropriated to the Secretary of the Treasury for fiscal year 1989, $1,600,000 for payment to the Customs Cooperation Council.".

(b) INCREASE IN NUMBER OF EMPLOYEES.—Subsection (g) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(g)) is amended by adding at the end thereof the following new paragraph:

"(3) The total number of employees of the United States Customs Service shall be equivalent to at least 17,174 full-time employees.".

19 USC 1514 note. Regulations.

(c) INCONSISTENT DECISIONS OF CUSTOMS OFFICERS.—

(1) The Secretary of the Treasury shall prescribe regulations that—

(A) effect uniformity in—

(i) decisions described in section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) that are made by customs officers with respect to the same, or substantially similar, merchandise, and

(ii) decisions to conduct intensified inspections or examinations of merchandise at ports of entry, and

(B) establish procedures that allow individuals described in section 514(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1514(c)(1)), any port authority, and any other interested party (within the meaning of section 516(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516(a)(2))) to petition the Secretary

to obtain such uniformity in an expedited and timely fashion.

(2) The Secretary of the Treasury shall publish in the Federal Register and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the proposed and final form of the regulations prescribed under paragraph (1) and shall receive and consider comments from the public regarding the proposed form of such regulations during the 60-day period beginning on the date the proposed form of such regulations are published in the Federal Register.

Federal Register, publication.

(3) The regulations prescribed under paragraph (1) shall take effect by no later than April 1, 1989.

Effective date.

(4) By no later than September 1, 1989, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the effectiveness of the regulations prescribed under paragraph (1) and recommendations for permanent legislation addressing uniformity.

Reports.

SEC. 7362. UNITED STATES CUSTOMS SERVICE DRUG INTERDICTION ASSET ENHANCEMENT.

In addition to any other amounts authorized to be appropriated for fiscal year 1989, there are authorized to be appropriated for Operation and Maintenance, Air Interdiction Program for fiscal year 1989, $57,400,000: *Provided,* That such additional appropriation shall be available for the procurement of helicopters; tracking, and interceptor aircraft; and operation and maintenance expenses for these and other assets of the United States Customs Service's air interdiction program.

Appropriation authorization.

SEC. 7363. TRANSFER OF AIRCRAFT.

The Secretary of the Treasury shall transfer to the office of the sheriff of Marion County, Indiana, for use by that office for drug enforcement and prisoner transportation purposes, a light twin engine or high-performance single engine aircraft having a capacity of not less than 4 passengers that—

Indiana.

(1) was forfeited to the United States under the customs laws;

(2) is not transferred to any Federal agency or State or local law enforcement agency under section 616 of the Tariff Act of 1930; and

(3) would, but for this section, be sold at public auction under section 609 of the Tariff Act of 1930.

Section 616(d) of the Tariff Act of 1930 applies to the aircraft transferred under this section.

SEC. 7364. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended to read as follows:

"SEC. 613A. CUSTOMS FORFEITURE FUND.

Gifts and property.

"(a) IN GENERAL.—

"(1) There is established in the Treasury of the United States a fund to be known as the 'Customs Forfeiture Fund' (hereafter in this section referred to as the 'Fund'), which shall be available to the United States Customs Service, subject to appropriation, with respect to seizures and forfeitures by the United

States Customs Service and the United States Coast Guard under any law enforced or administered by those agencies for payment, or for reimbursement to the appropriation from which payment was made, for—

"(A) all proper expenses of the seizure (including investigative costs incurred by the United States Customs Service leading to seizures) or the proceedings of forfeiture and sale, including, but not limited to, the expenses of inventory, security, and maintenance of custody of the property, advertisement and sale of the property, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court;

"(B) awards of compensation to informers under section 619;

"(C) satisfaction of—

"(i) liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate customs officer according to law, and

"(ii) other liens against forfeited property;

"(D) amounts authorized by law with respect to remission and mitigation; and

Claims.

"(E) claims of parties in interest to property disposed of under section 612(b), in the amounts applicable to such claims at the time of seizure.

"(2) Any payment made under subparagraph (C) or (D) of paragraph (1) with respect to a seizure or a forfeiture of property shall not exceed the value of the property at the time of the seizure.

"(3) In addition to the purposes described in paragraph (1), the Fund shall be available for—

"(A) purchases by the United States Customs Service of evidence of—

"(i) smuggling of controlled substances, and

"(ii) violations of the currency and foreign transaction reporting requirements of chapter 51 of title 31, United States Code, if there is a substantial probability that the violations of these requirements are related to the smuggling of controlled substances;

"(B) equipment for any vessel, vehicle, or aircraft available for official use by the United States Customs Service to enable the vessel, vehicle, or aircraft to assist in law enforcement functions;

"(C) the reimbursement, at the discretion of the Secretary, of private persons for expenses incurred by such persons in cooperating with the United States Customs Service in investigations and undercover law enforcement operations;

"(D) publication of the availability of awards under section 619;

"(E) equipment for any vessel, vehicle, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist in law enforcement functions if the conveyance will be used in joint law enforcement operations with the United States Customs Service; and

"(F) payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law

enforcement officers that are incurred in joint law enforcement operations with the United States Customs Service.

"(b) UNITED STATES COAST GUARD.—The Commissioner of Customs shall make available to the United States Coast Guard, from funds appropriated under subsection (f)(2) in excess of $10,000,000 for a fiscal year, proceeds in the Fund derived from seizures by the Coast Guard. Funds made available under this subsection may be used for—

"(1) equipment for any vessel, vehicle, or aircraft available for official use by the United States Coast Guard to enable the vessel, vehicle, or aircraft to assist in law enforcement functions;

"(2) equipment for any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist in law enforcement functions if the conveyance will be used in joint law enforcement operations with the United States Coast Guard;

"(3) payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint law enforcement operations with the United States Coast Guard; and

"(4) expenses incurred in bringing vessels into compliance with applicable environmental laws prior to disposal by sinking.

"(c) DEPOSITS.—There shall be deposited into the Fund all proceeds from forfeiture under any law enforced or administered by the United States Customs Service or the United States Coast Guard and all income from investments made under subsection (d).

"(d) INVESTMENT.—Amounts in the Fund which are not currently needed for the purposes of this section shall be invested in obligations of, or guaranteed by, the United States.

"(e) ANNUAL REPORTS; AUDITS.—

"(1) The Commissioner of Customs shall transmit to the Congress, by no later than February 1 of each fiscal year the following detailed reports:

"(A) a report on—

"(i) the estimated total value of property forfeited under any law enforced or administered by the United States Customs Service or the United States Coast Guard with respect to which funds were not deposited in the Fund during the previous fiscal year, and

"(ii) the estimated total value of all such property transferred to any State or local law enforcement agency; and

"(B) a report on—

"(i) the balance of the Fund at the beginning of the preceding fiscal year;

"(ii) sources of receipts (seized cash, conveyances, and others) of the Fund during the previous fiscal year;

"(iii) liens and mortgages paid and amount of money shared with State and local law enforcement agencies during the previous fiscal year;

"(iv) the net amount realized from the operations of the Fund during the previous fiscal year, the amount of seized cash being held as evidence, and the amount of money that has been carried over to the current fiscal year;

"(v) any defendant's equity in property valued at $1,000,000 or more; and

"(vi) the balance of the Fund at the end of the previous fiscal year.

"(2) The Fund shall be subject to annual financial audits conducted by the Comptroller General of the United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are hereby appropriated from the Fund such sums as may be necessary to carry out the purposes set forth in subsection (a)(1).

"(2) There are authorized to be appropriated from the Fund not to exceed $20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(3) At the end of each fiscal year, any unobligated amount in excess of $15,000,000 remaining in the Fund shall be deposited into the general fund of the Treasury of the United States.".

SEC. 7365. WARRANTS.

Section 603 of the Tariff Act of 1930 (19 U.S.C. 1603) is amended—

(1) by amending the section heading to read as follows:

"SEC. 603. SEIZURE; WARRANTS AND REPORTS.";

and

(2) by striking out "Whenever a seizure of merchandise" and inserting in lieu thereof the following:

"(a) Any property which is subject to forfeiture to the United States for violation of the customs laws and which is not subject to search and seizure in accordance with the provisions of section 595 of this Act, may be seized by the appropriate officer or person upon process issued in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure. This authority is in addition to any seizure authority otherwise provided by law.

"(b) Whenever a seizure of merchandise".

SEC. 7366. DISPOSITION OF FORFEITED PROPERTY.

(a) AMENDMENT.—Section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) is amended to read as follows:

"(c)(1) The Secretary of the Treasury may apply property forfeited under this Act in accordance with subparagraph (A) or (B), or both:

"(A) Retain any of the property for official use.

"(B) Transfer any of the property to any—

"(i) other Federal agency; or

"(ii) State or local law enforcement agency that participated directly or indirectly in the seizure or forfeiture of the property.

"(2) The Secretary may transfer any forfeited personal property or the proceeds of the sale of any forfeited personal or real property to any foreign country which participated directly or indirectly in the seizure or forfeiture of the property, if such a transfer—

"(A) has been agreed to by the Secretary of State;

"(B) is authorized in an international agreement between the United States and the foreign country; and

"(C) is made to a country which, if applicable, has been certified under section 481(h) of the Foreign Assistance Act of 1961.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to property forfeited under the Tariff Act of 1930 on or after the date of the enactment of this Act.

19 USC 1616a note.

SEC. 7367. AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) PENALTY FOR FAILURE TO DECLARE.—Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497), is amended by striking out "200 percent" and inserting in lieu thereof "1,000 percent".

(b) EFFECT OF A DECLARATION OF FORFEITURE.—Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended to read as follows.

"SEC. 609. SEIZURE; SUMMARY FORFEITURE AND SALE.

"(a) IN GENERAL.—If no such claim is filed or bond given within the twenty days hereinbefore specified, the appropriate customs officer shall declare the vessel, vehicle, aircraft, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold or otherwise dispose of the same according to law, and shall deposit the proceeds of sale, after deducting the expenses described in section 613, into the Customs Forfeiture Fund.

"(b) EFFECT.—A declaration of forfeiture under this section shall have the same force and effect as a final decree and order of forfeiture in a judicial forfeiture proceeding in a district court of the United States. Title shall be deemed to vest in the United States free and clear of any liens or encumbrances (except for first preferred ship mortgages pursuant to subsection O of section 30 of the Ship Mortgage Act, 1920 (46 U.S.C. App. 961) or any corresponding revision, consolidation, and enactment of such subsection in title 46, United States Code) from the date of the act for which the forfeiture was incurred. Officials of the various States, insular possessions, territories, and commonwealths of the United States shall, upon application of the appropriate customs officer accompanied by a certified copy of the declaration of forfeiture, remove any recorded liens or encumbrances which apply to such property and issue or reissue the necessary certificates of title, registration certificates, or similar documents to the United States or to any transferee of the United States.".

(c) TECHNICAL CORRECTIONS.—

(1) Section 431(c)(1)(G) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)(G)) is amended by striking out "or" and inserting in lieu thereof "of".

(2) Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended to read as follows:

"SEC. 608. SEIZURE; CLAIMS; JUDICIAL CONDEMNATION.

"Any person claiming such vessel, vehicle, aircraft, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the appropriate customs officer a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of $5,000 or 10 percent of the value of the claimed property, whichever is lower, but not less than $250, with sureties to be approved by such customs officer, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, such customs officer shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United

States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.".

(3) Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended to read as follows:

"SEC. 610. SEIZURE; JUDICIAL FORFEITURE PROCEEDINGS.

"If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to section 607, the appropriate customs officer shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property.".

(4) Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended to read as follows:

"SEC. 612. SEIZURE; SUMMARY SALE.

"(a) Whenever it appears to the appropriate customs officer that any vessel, vehicle, aircraft, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is disproportionate to the value thereof, and such vessel, vehicle, aircraft, merchandise, or baggage is subject to section 607, and such vessel, vehicle, aircraft, merchandise, or baggage has not been delivered under bond, such officer shall proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury. If such vessel, vehicle, aircraft, merchandise, or baggage is not subject to section 607, such officer shall forthwith transmit the appraiser's return and his report of the seizure to the United States attorney, who shall petition the court to order an immediate sale of such vessel, vehicle, aircraft, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the customs officer or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, aircraft, merchandise, or baggage so sold would have been subject to such claim.

"(b) If the expense of keeping the vessel, vehicle, aircraft, merchandise, or baggage is disproportionate to the value thereof, and such value is less than $1,000, such officer may proceed forthwith to order destruction or other appropriate disposition of such property, under regulations prescribed by the Secretary of the Treasury.".

(5) Section 589 of the Tariff Act of 1930 (19 U.S.C. 1589), as added by section 320 of the Comprehensive Forfeiture Act of 1984 (Public Law 98-473; 98 Stat. 2056), is hereby repealed.

(6) Section 627 of the Tariff Act of 1930 (19 U.S.C. 1627), as added by section 302 of the Motor Vehicle Theft Law Enforcement Act of 1984 (98 Stat. 2771), is hereby repealed.

SEC. 7368. CARGO CONTAINER DRUG DETECTION RESEARCH AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for fiscal year 1989, there are authorized to be appropriated to the United States Customs Service for the fiscal year 1989, $4,100,000: *Provided*, That such

additional appropriation shall be used only for accelerating the development and availability of X-ray detection, nitrate detection, or other technologies to be utilized for the detection, of illegal narcotics in cargo containers entering the United States at seaports, airports, and land borders. Up to $10,900,000 of funds appropriated under section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 may be used for the purpose set forth in this subsection.

(b) COORDINATION.—The Commissioner of Customs shall coordinate and share the findings of the research and development authorized in subsection (a) with other Federal departments and agencies with possible mission requirements for such technology, including the Federal Aviation Administration and United States Coast Guard in the Department of Transportation; the Drug Enforcement Administration in the Department of Justice; and the appropriate State and local law enforcement agencies, including airport authorities, port authorities, and other interested parties.

(c) REPORT.—The Commissioner of Customs shall report his findings in either classified, or unclassified form, to the appropriate Committees of Congress in conjunction with the President's submission of his fiscal year 1990 Budget of the United States.

SEC. 7369. STANDARDS OF CARE IN DISCOVERING CONTRABAND.

Regulations. 19 USC 1584 note.

(a) IN GENERAL.—By no later than the date that is 120 days after the date of enactment of this Act and after an opportunity for public comment, the Secretary of the Treasury shall prescribe regulations which set forth criteria for use by the owner, master, pilot, operator, or officer of, or other employee in charge of, any common carrier in meeting the standards under sections 584(a)(2) and 594(c) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(2) and 1594(c)) for the exercise of the highest degree of care and diligence to know whether controlled substances imported into the United States are on board the common carrier.

(b) AIR CARRIER SMUGGLING PREVENTION PROGRAM.—

(1) The Secretary of the Treasury, in consultation with the Secretary of Transportation, shall issue controlled substances regulations for a 2-year demonstration program within 6 months after the date of the enactment of this Act. The regulations shall apply to at least three United States International Airports classified as high-risk by the United States Customs Service and based upon the volume of cargo and number of aircraft arriving from high-risk points of departure. Such regulations shall establish procedures for air carrier development and Customs Service approval of foreign and domestic security and inspection practices. The regulations shall permit air carriers to request the Secretary of the Treasury to permit air carriers, the Customs Service, or an approved agent of the Customs Service to inspect at United States airports of entry, and aircraft arriving from foreign locations. The Secretary of the Treasury shall approve such request if the applicant meets the requirements of the regulations. Taking into account all considerations of security, law enforcement, and commercial needs, inspections of aircraft and cargo shall be conducted and completed within a reasonable period of time.

(2) Air carriers which have applied to the Secretary of the Treasury and which the Secretary determines to be in compliance with the regulations and inspection requirements promul-

gated under paragraph (1) shall be considered participating air carriers. The Secretary of the Treasury shall establish by regulation a procedure for finding a carrier to be a participating carrier and procedures for subsequent removal of that status. The Secretary shall not remove an air carrier from the status of participating air carrier unless the Secretary has first provided to the air carrier a written notice that the air carrier is not in compliance with the regulations or inspection requirements promulgated under paragraph (1), which notice shall include the reasons for that determination, and has provided to the air carrier a reasonable opportunity to correct such noncompliance.

(3) Participating air carriers shall be considered to have met the test of the highest degree of care and diligence required under law, and shall not be subject to the penalty or seizure provisions of the Tariff Act of 1930, if a controlled substance is discovered aboard an aircraft that they may own or operate or in the cargo they carried, if the participating air carrier establishes at an oral presentation that the air carrier was not grossly negligent nor engaged in willful misconduct, and complied with the applicable procedures established in the regulations promulgated under paragraph (1).

(4) For the purpose of this subsection, the term "air carrier" means an air carrier or foreign air carrier as those terms are defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(5) No provision of this section shall have any effect on air transportation security requirements prescribed pursuant to the Federal Aviation Act of 1958.

SEC. 7370. COMMENDATION OF UNITED STATES CUSTOMS SERVICE.

(a) FINDINGS.—The Congress finds that—

(1) on October 11, 1988, the United States Customs Service announced the results of Operation C-Chase, a 2-year investigation of the Bank of Credit and Commerce International and its top managers;

(2) this investigation culminated in simultaneous arrest, search and seizure warrants in the United States, France, and the United Kingdom;

(3) Operation C-Chase is the first indictment of an international financial institution for laundering illegal narcotics proceeds; and

(4) Operation C-Chase ended in 39 arrests, including of Amjad Awan--General Manuel Antonio Noriega's personal banker—and other alleged international drug and money laundering kingpins known as Gonzalo Mora, Jr., Roberto Alcaino, and Don Chepe, some of whom are intimately tied to the Medellin Cartel.

(b) COMMENDATION BY THE CONGRESS.—The Congress—

William von Raab.

(1) commends Commissioner William von Raab, for his outstanding leadership and dedication over the last 7 years as Commissioner of the United States Customs Service, and specifically for his direction of Operation C-Chase;

(2) commends and expresses its gratitude to the undercover agents involved in Operation C-Chase, who risked their lives and well-being for the sake of combatting the international drug trade; and

Bonni Tischler.

(3) expresses its appreciation for the efforts of Special Agent in Charge Bonni Tischler of the Customs Service, and all other

United States Customs officials who participated in Operation C-Chase.

(c) TRANSMITTAL.—The Secretary of the Senate is directed to transmit copies of this section to President Reagan, Commissioner von Raab, and Special Agent Tischler.

Subtitle L—Coast Guard Drug Law Enforcement

SEC. 7401. AUTHORITY AND PROTECTION OF COMMANDING OFFICERS ON NAVAL VESSELS TO WHICH COAST GUARD PERSONNEL ARE ASSIGNED.

(a) IN GENERAL.—Section 637 of title 14, United States Code, is amended to read as follows:

"§ 637. Stopping vessels; immunity for firing at or into vessel

"(a) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal, fire at or into the vessel which does not stop.

"(b) The person in command of an authorized vessel or authorized aircraft and all persons acting under that person's direction shall be indemnified from any penalties or actions for damages for firing at or into a vessel pursuant to subsection (a). If any person is killed or wounded by the firing, and the person in command of the authorized vessel or authorized aircraft or any person acting pursuant to their orders is prosecuted or arrested therefor, they shall be forthwith admitted to bail.

"(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

"(1) it is a Coast Guard vessel or aircraft; or

"(2) it is a surface naval vessel on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10.".

(b) CONFORMING AMENDMENT.—The item relating to section 637 in the table of sections at the beginning of chapter 17 of title 14, United States Code, is amended to read as follows:

"637. Stopping vessels; immunity for firing at or into vessel."

SEC. 7402. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) SECTION 3(a) AMENDMENT.—Section 3(a) of the Act entitled "An Act to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes", approved September 15, 1980 (46 U.S.C. App. 1903(a)), is amended by inserting after "jurisdiction of the United States," the following: "or who is a citizen of the United States or a resident alien of the United States on board any vessel,".

(b) SECTION 3(b) AMENDMENT.—Section 3(b)(2) of such Act (46 U.S.C. App. 1903(b)(2)) is amended by inserting after "High Seas" the following: "and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the

enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of United States law".

SEC. 7403. COAST GUARD LAW ENFORCEMENT DUTIES.

Section 2 of title 14, United States Code, is amended by striking "United States;" the first place it appears and inserting in lieu thereof "United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;".

21 USC 801 note.

SEC. 7404. GREAT LAKES DRUG INTERDICTION.

(a) INTERAGENCY AGREEMENT.—The Secretary of Transportation and the Secretary of the Treasury shall enter into an agreement for the purpose of increasing the effectiveness of maritime drug interdiction activities of the Coast Guard and the Customs Service in the Great Lakes area.

(b) NEGOTIATIONS WITH CANADA ON DRUG ENFORCEMENT COOPERATION.—The Secretary of State is encouraged to enter into negotiations with appropriate officials of the Government of Canada for the purpose of establishing an agreement between the United States and Canada which provides for increased cooperation and sharing of information between United States and Canadian law enforcement officials with respect to law enforcement efforts conducted on the Great Lakes between the United States and Canada.

SEC. 7405. AUTHORIZATION OF APPROPRIATIONS.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD.—

(1) ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS.—Subject to subsection (c), there are authorized to be appropriated for acquisition, construction, and improvements of the Coast Guard $200,000,000 for fiscal year 1989, to remain available until expended.

(2) OPERATING EXPENSES.—Subject to subsection (c), there are authorized to be appropriated for operating expenses of the Coast Guard $80,000,000 for fiscal year 1989 and $20,000,000 for each of fiscal years 1990, 1991, and 1992, to remain available until expended. Amounts appropriated pursuant to this paragraph shall be used to increase by 500 the full-time equivalent strength level for the Coast Guard for active duty personnel for fiscal years 1989, 1990, 1991, and 1992, and to procure, enhance, relocate, operate, and maintain vessels, aircraft, radar, equipment, and structures by the Coast Guard for drug interdiction purposes.

(b) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—Amounts and personnel authorized by this section are in addition to any other amounts or personnel strengths authorized for the Coast Guard for any fiscal year.

(c) AUTHORIZATION ENHANCEMENT.—Nothing in this Act shall authorize the Coast Guard to recruit, compensate, train, purchase, or deploy any personnel or equipment except to the extent that—

(1) additional appropriations are made available in appropriations Acts for that purpose; or

(2) funds are transferred to the Secretary of Transportation for that purpose pursuant to this Act.

Subtitle M—INTERPOL Provisions

SEC. 7451. AUTHORIZATION TO ACCEPT MONEY, GOODS, AND SERVICES FOR THE INTERPOL CONFERENCE AND FOR A COMMEMORATIVE GIFT TO THE INTERPOL GENERAL SECRETARIAT.

(a) INTERPOL CONFERENCE.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Attorney General is hereby authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States in May and June of 1989.

(b) COMMEMORATIVE GIFT.—The Attorney General is authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property and services, for the purpose of making a commemorative gift, the value of which shall not exceed $10,000 without the prior concurrence of the Secretary of State, to the INTERPOL General Secretariat on the opening of its headquarters in Lyon, France.

(c) USE OF MONEYS RECEIVED.—All moneys received for the purposes provided in this section shall be credited to the appropriation "Salaries and Expenses, general legal activities" for fiscal year 1989. The Attorney General shall use such amounts as he deems necessary to pay expenses of such commemorative gift and hosting such conference, including (but not limited to) reception and representation expenses. The authority of the Attorney General under this section shall continue through September 30, 1989.

Subtitle N—Child Pornography and Obscenity

Child Protection and Obscenity Enforcement Act of 1988. 18 USC 2251 note.

SEC. 7501. SHORT TITLE.

This subtitle may be cited as the "Child Protection and Obscenity Enforcement Act of 1988".

CHAPTER 1—CHILD PORNOGRAPHY

SEC. 7511. AMENDMENTS TO EXISTING OFFENSES.

(a) SEXUAL EXPLOITATION OF CHILDREN.—Paragraph (2) of subsection 2251(c) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate or foreign commerce" both places it appears.

(b) MATERIAL INVOLVING SEXUAL EXPLOITATION OF CHILDREN.—Subsection 2252(a) of title 18, United States Code, is amended by inserting "by any means including by computer" after "interstate or foreign commerce" each place it appears.

(c) DEFINITION.—Section 2256 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof: "; and"; and

(3) by adding at the end the following:

"(6) 'computer' has the meaning given that term in section 1030 of this title.".

SEC. 7512. SELLING OR BUYING OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2251 the following:

"§ 2251A. Selling or buying of children

"(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor either—

"(1) with knowledge that, as a consequence of the sale or transfer, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(b) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

"(1) with knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

"(2) with intent to promote either—

"(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

"(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

"(c) The circumstances referred to in subsections (a) and (b) are that—

"(1) in the course of the conduct described in such subsections the minor or the actor traveled in or was transported in interstate or foreign commerce;

"(2) any offer described in such subsections was communicated or transported in interstate or foreign commerce by any means including by computer or mail; or

"(3) the conduct described in such subsections took place in any territory or possession of the United States.".

(b) DEFINITION.—Section 2256 of title 18, United States Code, as amended by section 201 of this Act, is further amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following:

"(7) 'custody or control' includes temporary supervision over or responsibility for a minor whether legally or illegally obtained.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2251 the following:

"2251A. Selling or buying of children.".

SEC. 7513. RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2257. Record keeping requirements

"(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

"(1) contains one or more visual depictions made after February 6, 1978 of actual sexually explicit conduct; and

"(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

"(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of actual sexually explicit conduct—

"(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

"(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

"(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) of this subsection and such other identifying information as may be prescribed by regulation.

"(c) Any person to whom subsection (a) applies shall maintain the records required by this section at his business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times. Regulations.

"(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in paragraphs (2) and (3), be used, directly or indirectly, as evidence against any person with respect to any violation of law.

"(2) Paragraph (1) of this subsection shall not preclude the use of such information or evidence in a prosecution or other action for a violation of any applicable provision of law with respect to the furnishing of false information.

"(3) In a prosecution of any person to whom subsection (a) applies for an offense in violation of subsection 2251(a) of this title which has as an element the production of a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct and in which that element is sought to be established by showing that a performer within the meaning of this section is a minor—

"(A) proof that the person failed to comply with the provisions of subsection (a) or (b) of this section concerning the creation and maintenance of records, or a regulation issued pursuant thereto, shall raise a rebuttable presumption that such performer was a minor; and

"(B) proof that the person failed to comply with the provisions of subsection (e) of this section concerning the statement required by that subsection shall raise the rebuttable presumption that every performer in the matter was a minor.

"(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in paragraph (1) of subsection (a) of this section, in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located.

"(2) If the person to whom subsection (a) of this section applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

"(3) In any prosecution of a person for an offense in violation of section 2252 of this title which has as an element the transporting, mailing, or distribution of a visual depiction involving the use of a minor engaging in sexually explicit conduct, and in which that element is sought to be established by a showing that a performer within the meaning of this section is a minor, proof that the matter in which the visual depiction is contained did not contain the statement required by this section shall raise a rebuttable presumption that such performer was a minor.

Regulations.

"(f) The Attorney General shall issue appropriate regulations to carry out this section.

"(g) As used in this section—

"(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in subparagraphs (A) through (E) of paragraph (2) of section 2256 of this title;

"(2) 'identification document' has the meaning given that term in subsection 1028(d) of this title;

"(3) the term 'produces' means to produce, manufacture, or publish and includes the duplication, reproduction, or reissuing of any material; and

"(4) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, actual sexually explicit conduct.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding after the item relating to section 2256 the following:

"2257. Record keeping requirements.".

18 USC 2257 note.

(c) EFFECTIVE DATE.—Section 2257 of title 18, United States Code, as added by this section shall take effect 180 days after the date of the enactment of this Act except—

(1) the Attorney General shall prepare the initial set of regulations required or authorized by section 2257 within 90 days of the date of the enactment of this Act; and

(2) subsection (e) of section 2257 of such title and of any regulation issued pursuant thereto shall take effect 270 days after the date of the enactment of this Act.

SEC. 7514. R.I.C.O. AMENDMENT.

Subsection 1961(1)(B) of title 18, United States Code, is amended by inserting after "section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)" the following: "sections 2251 through 2252 (relating to sexual exploitation of children),".

CHAPTER 2—OBSCENITY

SEC. 7521. ENGAGING IN THE BUSINESS OF SELLING OR TRANSFERRING OBSCENE MATTER.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1465 the following:

"§ 1466. Engaging in the business of selling or transferring obscene matter

"(a) Whoever is engaged in the business of selling or transferring obscene matter, who knowingly receives or possesses with intent to distribute any obscene book, magazine, picture, paper, film, videotape, or phonograph or other audio recording, which has been shipped or transported in interstate or foreign commerce, shall be punished by imprisonment for not more than 5 years or by a fine under this title, or both.

"(b) As used in this subsection, the term 'engaged in the business' means that the person who sells or transfers or offers to sell or transfer obscene matter devotes time, attention, or labor to such activities, as a regular course of trade or business, with the objective of earning a profit, although it is not necessary that the person make a profit or that the selling or transferring or offering to sell or transfer such material be the person's sole or principal business or source of income. The offering for sale of or to transfer, at one time, two or more copies of any obscene publication, or two or more of any obscene article, or a combined total of five or more such publications and articles, shall create a rebuttable presumption that the person so offering them is 'engaged in the business' as defined in subsection (b).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1465 the following:

"1466. Engaging in the business of selling or transferring obscene matter.
"1467. Criminal forfeiture.".

(c) TRAVEL IN COMMERCE.—The first paragraph of section 1465 of title 18, United States Code, is amended by inserting after the word distribution: ", or knowingly travels in interstate commerce, or uses a facility or means of interstate commerce for the purpose of transporting obscene material in interstate or foreign commerce,".

(d) PRESUMPTIONS.—Chapter 71 of title 18, United States Code, as amended by subsection (a) of this section and by section 302, is further amended by adding at the end the following:

"§ 1469. Presumptions

"(a) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in interstate commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured in one State and is subsequently located in another State shall raise a

rebuttable presumption that such matter was transported, shipped, or carried in interstate commerce.

"(b) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in foreign commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured outside of the United States and is subsequently located in the United States shall raise a rebuttable presumption that such matter was transported, shipped, or carried in foreign commerce.".

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding after the item relating to section 1468 the following:

"1469. Presumptions.".

SEC. 7522. FORFEITURE IN OBSCENITY CASES.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1467. Criminal forfeiture

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense involving obscene material under this chapter shall forfeit to the United States such person's interest in—

"(1) any obscene material produced, transported, mailed, shipped, or received in violation of this chapter;

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(b) THIRD PARTY TRANSFERS.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) PROTECTIVE ORDERS.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered under subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) WARRANT OF SEIZURE.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) ORDER OF FORFEITURE.—The court shall order forfeiture of property referred to in subsection (a) if—

"(1) the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture; and

"(2) with respect to property referred to in subsection (a)(3), if the court exercises the court's discretion under that subsection.

"(f) EXECUTION.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required

by law, or which are necessary to protect the interests of the United States or third parties.

"(g) DISPOSITION OF PROPERTY.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and shall direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) AUTHORITY OF ATTORNEY GENERAL.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) comprise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) BAR ON INTERVENTION.—Except as provided in subsection (l) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

Courts, U.S.

"(j) JURISDICTION TO ENTER ORDERS.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(k) DEPOSITIONS.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the

entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(l) THIRD PARTY INTERESTS.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(m) CONSTRUCTION.—This section shall be liberally construed to effectuate its remedial purposes.

"(n) SUBSTITUTE ASSETS.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).".

(b) REPEAL.—The last paragraph of section 1465 of title 18, United States Code, is repealed.

(c) SEXUAL ABUSE OF CHILDREN.—Sections 2253 through 2254 of title 18, United States Code, are amended to read as follows:

"§ 2253. Criminal forfeiture

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter shall forfeit to the United States such person's interest in—

"(1) any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

"(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) THIRD PARTY TRANSFERS.—All right, title, and interest in property described in subsection (a) of this section vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) of this section that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) PROTECTIVE ORDERS.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) of this section for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this chapter for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered;

except that an order entered pursuant to subparagraph (B) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) WARRANT OF SEIZURE.—The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) ORDER OF FORFEITURE.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) EXECUTION.—Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United

States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) DISPOSITION OF PROPERTY.—Following the seizure of property ordered forfeited under this section, the Attorney General shall destroy or retain for official use any article described in paragraph (1) of subsection (a), and shall retain for official use or direct the disposition of any property described in paragraph (2) or (3) of subsection (a) by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) AUTHORITY OF ATTORNEY GENERAL.—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 1616, title 19, United States Code, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) APPLICABILITY OF CIVIL FORFEITURE PROVISIONS.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 2254(d) of this title (18 U.S.C. 2254(d)) shall apply to a criminal forfeiture under this section.

"(j) BAR ON INTERVENTION.—Except as provided in subsection (m) of this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the

property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) JURISDICTION TO ENTER ORDERS.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) DEPOSITIONS.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.

"(m) THIRD PARTY INTERESTS.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of

forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) CONSTRUCTION.—This section shall be liberally construed to effectuate its remedial purposes.

"(o) SUBSTITUTE ASSETS.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"§ 2254. Civil forfeiture

"(a) PROPERTY SUBJECT TO CIVIL FORFEITURE.—The following property shall be subject to forfeiture by the United States:

"(1) Any visual depiction described in sections 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter.

"(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving a visual depiction described in sections 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) SEIZURE PURSUANT TO SUPPLEMENTAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General, the Secretary of the Treasury, or the United States Postal Service upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant or incident to an arrest. The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) CUSTODY OF FEDERAL OFFICIAL.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, Secretary of the Treasury, or the United States Postal Service subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General, Secretary of the Treasury, or the United States Postal Service may—

"(1) place the property under seal;

"(2) remove the property to a place designated by the official or agency; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) OTHER LAWS AND PROCEEDINGS APPLICABLE.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, the Secretary of the Treasury, or the Postal Service, except to the extent that such duties arise from seizures and forfeitures affected by any customs officer.

"(e) Sections 1606, 1613, 1614, 1617, and 1618 of title 19, United States Code, shall not apply with respect to any visual depiction or any matter containing a visual depiction subject to forfeiture under subsection (a)(1) of this section.

"(f) DISPOSITION OF FORFEITED PROPERTY.—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and, with respect to property described in paragraph (2) or (3) of subsection (a), may—

"(1) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency pursuant to section 1616 of title 19;

"(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law. The Attorney General, Secretary of the Treasury, or the United States Postal Service shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by an official or agency pursuant to paragraph (1) shall not be subject to judicial review. With respect to a forfeiture conducted by the Attorney General, the Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter. With respect to a forfeiture conducted by the Postal Service, the proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter shall be deposited in the Postal Service Fund as required by section 2003(b)(7) of title 39.

"(g) TITLE TO PROPERTY.—All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(h) STAY OF PROCEEDINGS.—The filing of an indictment or information alleging a violation of this chapter which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(i) VENUE.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(e) TARIFF ACT AMENDMENT.—Section 305 of the Tariff Act of 1930 (19 U.S.C. 1305) is amended by adding at the end the following:

"(b) COORDINATION OF FORFEITURE PROCEEDINGS WITH CRIMINAL PROCEEDINGS.—(1) Notwithstanding subsection (a), whenever the Customs Service is of the opinion that criminal prosecution would be appropriate or that further criminal investigation is warranted in connection with allegedly obscene material seized at the time of entry, the appropriate customs officer shall immediately transmit information concerning such seizure to the United States Attorney of the district of the addressee's residence. No notice to the addressee or consignee concerning the seizure is required at the time of such transmittal.

"(2) Upon receipt of such information, such United States attorney shall promptly determine whether in such attorney's opinion the referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to such seizure.

"(3) If the United States attorney is of the opinion that no prejudice to such investigation will result from such referral, such attorney shall immediately so notify the Customs Service in writing. The appropriate customs officer shall immediately notify in writing the addressee or consignee of the seizure and shall transmit information concerning such seizure to the United States Attorney

of the district in which is situated the office at which such seizure has taken place. The actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 14 days of the seizure unless the United States Attorney of the district of the addressee's residence certifies in writing and includes specific, articulable facts demonstrating that the determination required in paragraph (2) of this subsection could not be made in sufficient time to comply with this deadline. In such cases, the actions described in paragraphs (1) through (3) of this subsection shall take place within sufficient time to allow for the filing of a forfeiture complaint within 21 days of seizure.

"(4) If the United States attorney for the district of the addressee's residence concludes that material prejudice to such investigation will result from such referral, such United States attorney shall place on file, within 14 days of the date of seizure, a dated certification stating that it is the United States attorney's judgment that referral of the matter for forfeiture under this section would materially affect the Government's ability to conduct a criminal investigation with respect to the seizure. The certification shall set forth specific, articulable facts demonstrating that withholding referral for forfeiture is necessary.

"(5)(A) As soon as the circumstances change so that withholding of referral for forfeiture is no longer necessary for purposes of the criminal investigation, the United States attorney shall immediately so notify the Customs Service in writing and shall furnish a copy of the certification described in paragraph (4) above to the Customs Service.

"(B) In any matter referred to a United States attorney for possible criminal prosecution wherein subparagraph (5)(A) does not apply, the United States attorney shall immediately notify the Customs Service in writing concerning the disposition of the matter, whether by institution of a prosecution or a letter of declination, and shall also furnish a copy of the certification described in paragraph (4) of this subsection to the Customs Service.

"(C) Upon receipt of the notification described in subparagraph (A) or (B) of this paragraph, the appropriate customs officer shall immediately notify the addressee or consignee of the seizure and shall transmit information concerning the seizure, including a copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph, to the United States attorney of the district in which is situated the office at which such seizure has taken place, who shall institute forfeiture proceedings in accordance with subsection (a) hereof within 14 days of the date of the notification described in subparagraph (A) or (B) above. A copy of the certification described in paragraph (4) above and a copy of the notification described in subparagraph (A) or (B) of this paragraph shall be affixed to the complaint for forfeiture.

"(c) STAY ON MOTION.—Upon motion of the United States, a court, for good cause shown, shall stay civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter whether in the same or in a different district.".

SEC. 7523. CABLE TELEVISION OBSCENITY.

(a) NEW OFFENSE.—Chapter 71 of title 18, United States Code, is amended by inserting at the end, the following new section:

"§ 1468. Distributing obscene material by cable or subscription television

"(a) Whoever knowingly utters any obscene language or distributes any obscene matter by means of cable television or subscription services on television, shall be punished by imprisonment for not more than 2 years or by a fine in accordance with this title, or both.

"(b) As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, or to produce or provide material for such distribution.

"(c) Nothing in this chapter, or the Cable Communications Policy Act of 1984, or any other provision of Federal law, is intended to interfere with or preempt the power of the States, including political subdivisions thereof, to regulate the uttering of language that is obscene or otherwise unprotected by the Constitution or the distribution of matter that is obscene or otherwise unprotected by the Constitution, of any sort, by means of cable television or subscription services on television.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"1468. Distributing obscene material by cable or subscription television.".

SEC. 7524. COMMUNICATIONS ACT AMENDMENT.

Section 223(b) of the Communications Act of 1934 (47 U.S.C. 223(b)) is amended to read as follows:

"(b)(1) Whoever knowingly—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by clause (i);

shall be fined in accordance with title 18 of the United States Code, or imprisoned not more than two years, or both.

"(2) Whoever knowingly—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by clause (i),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.".

SEC. 7525. ELECTRONIC SURVEILLANCE.

Subsection (1) of section 2516 of title 18, United States Code, is amended by redesignating paragraphs (i), (j), (k), and (l) as paragraphs (j), (k), (l), and (m), respectively, and by adding a new paragraph (i) as follows:

"(i) any felony violation of chapter 71 (relating to obscenity) of this title;".

SEC. 7526. POSSESSION WITH INTENT TO SELL AND SALE OF OBSCENE MATTERS IN FEDERAL JURISDICTION OR ON FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting before section 1461 the following:

"§ 1460. Possession with intent to sell, and sale, of obscene matter on Federal property

"(a) Whoever, either—

"(1) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States; or

"(2) in the Indian country as defined in section 1151 of this title, Indians.

knowingly sells or possesses with intent to sell an obscene visual depiction or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct, shall be punished by a fine in accordance with the provisions of this title or imprisoned for not more than 2 years, or both.

"(b) For the purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape but does not include mere words; and

"(2) the terms 'minor' and 'sexually explicit conduct' have the meaning given those terms in chapter 110 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding before the item relating to section 1461 the following:

"1460. Possession with intent to sell, and sale, of obscene matter on Federal property.".

Subtitle O—Miscellaneous

SEC. 7601. DISCLOSURE OF INFORMATION ON CASH TRANSACTIONS; UNDERCOVER ACTIVITIES OF INTERNAL REVENUE SERVICE.

(a) DISCLOSURE PROVISION.—

(1) DISCLOSURE OF REPORTS UNDER SECTION 6050I.—Section 6050I of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(f) ACTIONS BY PAYORS.—

"(1) IN GENERAL.—No person shall for the purpose of evading the return requirements of this section—

"(A) cause or attempt to cause a trade or business to fail to file a return required under this section,

"(B) cause or attempt to cause a trade or business to file a return required under this section that contains a material omission or misstatement of fact, or

"(C) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more trades or businesses.

"(2) PENALTIES.—A person violating paragraph (1) of this subsection shall be subject to the same civil and criminal sanctions applicable to a person which fails to file or completes a false or incorrect return under this section.".

(2) PENALTY.—

(A) Section 6721(b)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting "(or, if greater, in the case of a return filed under section 6050I, 10 percent of the taxable income derived from the transaction)" after "reported".

(B) Section 7203 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following sentence: "In the case of a willful violation of any provision of section 6050I, the first sentence of this section shall be applied by substituting '5 years' for '1 year'."

26 USC 6050I note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions after the date of the enactment of this Act.

26 USC 6050I note.

(4) NO INFERENCE.—No inference shall be drawn from the amendment made by paragraph (1) on the application of the Internal Revenue Code of 1986 without regard to such amendment.

(b) DISCLOSURE OF RETURNS ON CASH TRANSACTIONS.—

(1) IN GENERAL.—Subsection (i) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(8) DISCLOSURE OF RETURNS FILED UNDER SECTION 6050I.—The Secretary may, upon written request, disclose returns filed under section 6050I to officers and employees of any Federal agency whose official duties require such disclosure for the administration of Federal criminal statutes not related to tax administration."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 6103(p)(3) of the Internal Revenue Code of 1986 is amended by striking out "or (7)(A)(ii)" and inserting in lieu thereof ", (7)(A)(ii), or (8)".

(B) The material preceding subparagraph (A) of section 6103(p)(4) of the Internal Revenue Code of 1986 is amended—

(i) by striking out "or (5)" and inserting in lieu thereof "(5), or (8)", and

(ii) by striking out "(i)(3)(B)(i)," and inserting in lieu thereof "(i)(3)(B)(i) or (8)".

(C) Clause (ii) of section 6103(p)(4)(F) of the Internal Revenue Code of 1986 is amended by striking out "or (5)" and inserting in lieu thereof "(5), or (8)".

26 USC 6103 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to requests made on or after the date of the enactment of this Act, but disclosures may be made pursuant to such amendments only during the 2-year period beginning on such date.

(c) ENHANCEMENT OF UNDERCOVER CAPABILITIES OF THE INTERNAL REVENUE SERVICE.—

(1) IN GENERAL.—Section 7608(b)(1) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "or" before "any other" and inserting a comma, and

(B) by inserting ", or any other law for which the Secretary has delegated investigatory authority to the Internal Revenue Service," after "responsible".

(2) UNDERCOVER OPERATIONS.—Section 7608 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(c) RULES RELATING TO UNDERCOVER OPERATIONS.—

"(1) CERTIFICATION REQUIRED FOR EXEMPTION OF UNDERCOVER OPERATIONS FROM CERTAIN LAWS.—With respect to any undercover investigative operation of the Internal Revenue Service (hereinafter in this subsection referred to as the 'Service') which is necessary for the detection and prosecution of offenses under the internal revenue laws, any other criminal provisions of law relating to internal revenue, or any other law for which the Secretary has delegated investigatory authority to the Internal Revenue Service— Gifts and property.

"(A) sums authorized to be appropriated for the Service may be used—

"(i) to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States without regard to—

"(I) sections 1341 and 3324 of title 31, United States Code,

"(II) sections 11(a) and 22 of title 41, United States Code,

"(III) section 255 of title 41, United States Code,

"(IV) section 34 of title 40, United States Code, and

"(V) section 254 (a) and (c) of title 41, United States Code, and

"(ii) to establish or to acquire proprietary corporations or business entities as part of the undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;

"(B) sums authorized to be appropriated for the Service and the proceeds from the undercover operations, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code, and

"(C) the proceeds from the undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3302 of title 31, United States Code.

This paragraph shall apply only upon the written certification of the Commissioner of Internal Revenue (or, if designated by the Commissioner, the Deputy Commissioner or an Assistant Commissioner of Internal Revenue) that any action authorized by subparagraph (A), (B), or (C) is necessary for the conduct of such undercover operation.

"(2) LIQUIDATION OF CORPORATIONS AND BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value over $50,000 is to be liquidated, sold, or otherwise disposed of, the Service, as much in advance as the Commissioner or his delegate determines is practicable, shall report the circumstances to the Secretary and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(3) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (B) and (C) of paragraph (1) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(4) AUDITS.—

"(A) The Service shall conduct a detailed financial audit of each undercover investigative operation which is closed in each fiscal year; and

"(i) submit the results of the audit in writing to the Secretary; and

Reports.

"(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

Reports.

"(B) The Service shall also submit a report annually to the Congress specifying as to its undercover investigative operations—

"(i) the number, by programs, of undercover investigative operations pending as of the end of the 1-year period for which such report is submitted;

"(ii) the number, by programs, of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted; and

"(iii) the number, by programs, of undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect thereto.

"(5) DEFINITIONS.—For purposes of paragraph (4)—

"(A) CLOSED.—The term 'closed' means the date on which the later of the following occurs;

"(i) all criminal proceedings (other than appeals) are concluded, or

"(ii) covert activities are concluded, whichever occurs later.

"(B) EMPLOYEES.—The term 'employees' has the meaning given such term by section 2105 of title 5, United States Code.

"(C) UNDERCOVER INVESTIGATIVE OPERATION.—The terms 'undercover investigative operation' and 'undercover operation' mean any undercover investigative operation of the Service—

"(i) in which—

"(I) the gross receipts (excluding interested earned) exceed $50,000; or

"(II) expenditures, both recoverable and nonrecoverable (other than expenditures for salaries of employees), exceed $150,000; and

"(ii) which is exempt from section 3302 or 9102 of title 3, United States Code.

Clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of paragraph (4).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1989; and all amounts expended pursuant to such amendments shall be recovered to the extent possible, and deposited in the Treasury of the United States as miscellaneous receipts, before January 1, 1990.

26 USC 7608 note.

SEC. 7602. RECOVERY OF COSTS INCURRED BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Subchapter B of chapter 78 of the Internal Revenue Code of 1986 (relating to general powers and duties) is amended by adding at the end thereof the following new section:

"SEC. 7624. REIMBURSEMENT TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Taxes.

"(a) AUTHORIZATION OF REIMBURSEMENT.—Whenever a State or local law enforcement agency provides information to the Internal Revenue Service that substantially contributes to the recovery of Federal taxes imposed with respect to illegal drug-related activities (or money laundering in connection with such activities), such agency may be reimbursed by the Internal Revenue Service for costs incurred in the investigation (including but not limited to reasonable expenses, per diem, salary, and overtime) not to exceed 10 percent of the sum recovered.

"(b) RECORDS; 10 PERCENT LIMITATION.—The Internal Revenue Service shall maintain records of the receipt of information from a contributing agency and shall notify the agency when monies have been recovered as the result of such information. Following such notification, the agency shall submit a statement detailing the investigative costs it incurred. Where more than 1 State or local agency has given information that substantially contributes to the recovery of Federal taxes, the Internal Revenue Service shall equitably allocate investigative costs among such agencies not to exceed an aggregate amount of 10 percent of the taxes recovered.

"(c) NO REIMBURSEMENT WHERE DUPLICATIVE.—No State or local agency may receive reimbursement under this section if reimbursement has been received by such agency under a Federal or State forfeiture program or under State revenue laws.".

(b) ESTABLISHMENT OF LAW ENFORCEMENT AGENCY ACCOUNT.—Section 7809 of the Internal Revenue Code of 1986 (relating to deposit of collections) is amended by adding at the end thereof the following new subsection:

"(d) DEPOSIT OF FUNDS FOR LAW ENFORCEMENT AGENCY ACCOUNT.—

"(1) IN GENERAL.—In the case of any amounts recovered as the result of information provided to the Internal Revenue Service by State and local law enforcement agencies which substantially contributed to such recovery, an amount equal to 10 percent of such amounts shall be deposited in a separate account which shall be used to make the reimbursements required under section 7624.

"(2) DEPOSIT IN TREASURY AS INTERNAL REVENUE COLLECTIONS.—If any amounts remain in such account after payment of any qualified costs incurred under section 7624, such amounts shall be withdrawn from such account and deposited in the Treasury of the United States as internal revenue collections.".

(c) DISCLOSURE OF RETURN INFORMATION.—Section 6103(d) of the Internal Revenue Code of 1986 (relating to disclosure to State tax officials) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR REIMBURSEMENT UNDER SECTION 7624.—Nothing in this section shall be construed to prevent the Secretary from disclosing to any State or local law enforcement agency which may receive a payment under section 7624 the amount of the recovered taxes with respect to which such a payment may be made."

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter B of chapter 78 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"7624. Reimbursement to State and local law enforcement agencies.".

(2) The heading for section 6103(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) DISCLOSURE TO STATE TAX OFFICIALS AND STATE AND LOCAL LAW ENFORCEMENT AGENCIES.".

26 USC 6103 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to information first provided more than 90 days after the date of the enactment of this Act.

26 USC 7809 note.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the account referred to in section 7809(d) of the Internal Revenue Code of 1986 such sums as may be necessary to make the payments authorized by section 7624 of such Code.

26 USC 7624 note.

(g) REGULATIONS.—The Secretary of the Treasury shall, not later than 90 days after the date of enactment of this Act, prescribe such rules and regulations as shall be necessary and proper to carry out the provisions of this section, including regulations relating to the definition of information which substantially contributes to the recovery of Federal taxes and the substantiation of expenses required in order to receive a reimbursement.

SEC. 7603. DEFINITION FOR MAIL FRAUD CHAPTER OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 63 of title 18 of the United States Code is amended by adding at the end the following:

"§ 1346. Definition of 'scheme or artifice to defraud'

"For the purposes of this chapter, the term 'scheme or artifice to defraud' includes a scheme or artifice to deprive another of the intangible right of honest services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1346. Definition of 'scheme or artifice to defraud'.".

National Commission on Measured Responses to Achieve a Drug-Free America by 1995 Authorization Act.
21 USC 1502 note.
Establishment.

SEC. 7604. NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995 AUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the "National Commission on Measured Responses to Achieve a Drug-Free America by 1995 Authorization Act".

(b) COMMISSION.—(1) There is hereby established a Commission to be chaired by the Director of the Office of National Drug Control

Policy and consisting of 24 members appointed by the President within 120 days of the date of enactment of this section. Not more than one-half of the members of the Commission may be members of one political party. The members of the Commission shall include—

(A) State and local law enforcement officers;

(B) Attorneys General and District Attorneys;

(C) State and local elected officials;

(D) experts in the fields of drug abuse prevention, treatment, education, and law enforcement; and

(E) other appropriate individuals as determined by the President.

(2) The term of the Commission shall expire 6 months following the date of appointment of the members thereof.

(c) DUTIES OF THE COMMISSION.—The Commission is established to develop a proposed uniform code of State laws that represent measured responses to achieve a Drug-Free America by 1995. Among the types of measured responses that the Commission should consider are—

(1) appropriate penalties for drug offenses;

(2) participation in rehabilitation and treatment programs;

(3) appropriate use of drug testing;

(4) efforts to educate the public on the dangers of drug abuse as a means of reducing demand;

(5) forfeiture of assets of violators of State drug laws;

(6) cooperative ventures among the Federal, State, and local levels;

(7) methods to interdict illegal drugs at our borders, eradicate crops of illegal drugs, and cease the manufacture of illegal drugs; and

(8) other means of preventing drug abuse.

(d) REPORT OF COMMISSION.—Within 6 months after the date of the appointment of its members, the Commission shall submit its proposed uniform code to the Governors of the 50 States and the Mayor of the District of Columbia.

State and local governments.

(e) 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.

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

(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 chairman may procure temporary and intermittent services of experts and consultants.

Mail.

(4) 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.

(5) 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) 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.

(j) SENSE OF THE CONGRESS ON STATE CONFERENCES.—It is the sense of the Congress that the Governors of the 50 States and the Mayor of the District of Columbia should convene State conferences for a Drug-Free America by 1995. These conferences should include attorneys general, district attorneys, mayors, other elected officials, law enforcement officials, educators, drug prevention and treatment experts, and other interested parties. The State conferences should consider the proposed uniform code described in subsection (c) and make recommendations thereon.

(k) AVAILABILITY OF FUNDS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, and they shall remain available for the term of the Commission. New spending authority or authority to enter contracts as provided in this section shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

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

President of U.S.

(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):

State listing.

(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.

SEC. 7606. CIVIL AIR PATROL.

10 USC 9441 note.

(a) REGULATIONS.—Within 45 days, the Secretary of the Air Force shall issue such regulations as are necessary to ensure that the Civil

Air Patrol has an integral role in drug interdiction and eradication activities.

(b) REPORTS.—The Secretary of the Air Force shall submit to the Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives, quarterly reports which include a detailed description of the activities of the Civil Air Patrol in support of the Federal, State, and local government agencies' drug interdiction and eradication programs. The first report shall be submitted on the last day of the first quarter ending not less than 150 days after the date of the enactment.

SEC. 7607. DEFENSE DRUG INTERDICTION AMENDMENT.

Ante, p. 2270-16.

Title VII of "An Act Making Appropriations For The Department of Defense For The Fiscal Year Ending September 30, 1989" is amended under the heading "DRUG INTERDICTION, DEFENSE" by inserting at the end of the first sentence after the word "United States" the following: "and drug enforcement and interdiction activities of the Army National Guard and Air National Guard", and by inserting in the second sentence "enforcement and" after the word "drug".

SEC. 7608. UNITED STATES MARSHALS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by striking out section 561 and all that follows through section 571 and inserting in lieu thereof the following:

"§ 561. United States Marshals Service

"(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. There shall be at the head of the United States Marshals Service (hereafter in this chapter referred to as the 'Service') a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Director of the United States Marshals Service (hereafter in this chapter referred to as the 'Director') shall, in addition to the powers and duties set forth in this chapter, exercise such other functions as may be delegated by the Attorney General.

President of U.S. District of Columbia. Northern Mariana Islands.

"(c) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district of the United States and for the Superior Court of the District of Columbia, except that any marshal appointed for the Northern Mariana Islands may at the same time serve as marshal in another judicial district. Each United States marshal shall be an official of the Service and shall serve under the direction of the Director.

"(d) Each marshal shall be appointed for a term of four years. A marshal shall, unless that marshal has resigned or been removed by the President, continue to perform the duties of that office after the end of that 4-year term until a successor is appointed and qualifies.

District of Columbia. New York. Northern Mariana Islands.

"(e) The Director shall designate places within a judicial district for the official station and offices of each marshal. Each marshal shall reside within the district for which such marshal is appointed, except that—

"(1) the marshal for the District of Columbia, for the Superior Court of the District of Columbia, and for the Southern District

of New York may reside within 20 miles of the district for which the marshal is appointed; and

"(2) any marshal appointed for the Northern Mariana Islands who at the same time is serving as marshal in another district may reside in such other district.

"(f) The Director is authorized to appoint and fix the compensation of such employees as are necessary to carry out the powers and duties of the Service and may designate such employees as law enforcement officers in accordance with such policies and procedures as the Director shall establish pursuant to the applicable provisions of title 5 and regulations issued thereunder.

"(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties.

"(h) The Director may administer oaths and may take affirmations of officials and employees of the Service, but shall not demand or accept any fee or compensation therefor.

"(i) There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.

Appropriation authorization.

"§ 562. Vacancies

"(a) In the case of a vacancy in the office of a United States marshal, the Attorney General may designate a person to perform the functions of and act as marshal, except that the Attorney General may not designate to act as marshal any person who was appointed by the President to that office but with respect to such appointment the Senate has refused to give its advice and consent.

"(b) A person designated by the Attorney General under subsection (a) may serve until the earliest of the following events:

"(1) The entry into office of a United States marshal appointed by the President, pursuant to section 561(c).

"(2) The expiration of the thirtieth day following the end of the next session of the Senate.

"(3) If such designee of the Attorney General is appointed by the President pursuant to section 561(c), but the Senate refuses to give its advice and consent to the appointment, the expiration of the thirtieth day following such refusal.

"§ 563. Oath of office

"The Director and each United States marshal and law enforcement officer of the Service, before taking office, shall take an oath or affirmation to faithfully execute the duties of that office.

"§ 564. Powers as sheriff

"United States marshals, deputy marshals and such other officials of the Service as may be designated by the Director, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

"§ 565. Expenses of the Service

"The Director is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements, authorized by the Attorney General, for security guards and for the service of summons on complaints, subpoenas, and notices in lieu of services by United States marshals and deputy marshals.

"§ 566. Powers and duties

Courts, U.S.

"(a) It is the primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals and the Court of International Trade.

"(b) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in that district, and of the Court of International Trade holding sessions in that district, and may, in the discretion of the respective courts, be required to attend any session of court.

"(c) Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute its duties.

"(d) Each United States marshal, deputy marshal, and any other official of the Service as may be designated by the Director may carry firearms and make arrests without warrant for any offense against the United States committed in his or her presence, or for any felony cognizable under the laws of the United States if he or she has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(e)(1) The United States Marshals Service is authorized to—

"(A) provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding; and

"(B) investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General.

"(2) Nothing in paragraph (1)(B) shall be construed to interfere with or supersede the authority of other Federal agencies or bureaus.

"(f) In accordance with procedures established by the Director, and except for public money deposited under section 2041 of this title, each United States marshal shall deposit public moneys that the marshal collects into the Treasury, subject to disbursement by the marshal. At the end of each accounting period, the earned part of public moneys accruing to the United States shall be deposited in the Treasury to the credit of the appropriate receipt accounts.

"(g) Prior to resignation, retirement, or removal from office—

"(1) a United States marshal shall deliver to the marshal's successor all prisoners in his custody and all unserved process; and

"(2) a deputy marshal shall deliver to the marshal all process in the custody of the deputy marshal.

"(h) The United States marshals shall pay such office expenses of United States Attorneys as may be directed by the Attorney General.".

(2) ADDITIONAL AMENDMENTS.—Chapter 37 of title 28, United States Code, is amended—

(A) by striking out sections 572a, 573, and 574; and

(B) by redesignating sections 572, 575, and 576 as sections 567, 568, and 569, respectively.

(3) CONFORMING AMENDMENTS.—The chapter heading for chapter 37 of title 28, United States Code, and the table of

sections at the beginning of such chapter, are amended to read as follows:

"Chapter 37—United States Marshals Service

"Sec.
"561. United States Marshals Service.
"562. Vacancies.
"563. Oath of office.
"564. Powers as sheriff.
"565. Expenses of the Service.
"566. Powers and duties.
"567. Collection of fees; accounting.
"568. Practice of law prohibited.
"569. Reemployment rights.".

(b) OTHER AMENDMENT.—Section 755 of title 28, United States Code, is amended by striking out the third paragraph.

(c) MARSHALS' FEES.—Section 1921 of title 28, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a)(1) The United States marshals or deputy marshals shall routinely collect, and a court may tax as costs, fees for the following:

"(A) Serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceeding.

"(B) Serving a subpoena or summons for a witness or appraiser.

"(C) Forwarding any writ, order, or process to another judicial district for service.

"(D) The preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale.

"(E) The keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate, including overtime, for each deputy marshal required for special services, such as guarding, inventorying, and moving.

"(F) Copies of writs or other papers furnished at the request of any party.

"(G) Necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor. District of Columbia.

"(H) Overtime expenses incurred by deputy marshals in the course of serving or executing civil process.

"(2) The marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under paragraph (1)(E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

"(3) For purposes of paragraph (1)(G), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote

from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of the party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

"(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall, to the extent practicable, reflect the actual and reasonable cost of the service provided.

Gifts and property.

"(c)(1) The United States Marshals Service shall collect a commission of 3 percent of the first $1,000 collected and 1½ percent on the excess of any sum over $1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall be within the range set by the Attorney General. If the property is to be disposed of by marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than a marshal or deputy marshal, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to any judicially ordered sale or execution sale, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law. This subsection shall not apply to any seizure, forfeiture, sale, or other disposition of property pursuant to the applicable provisions of law amended by the Comprehensive Forfeiture Act of 1984 (98 Stat. 2040).

Regulations.

"(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

"(d) The United States marshals may require a deposit to cover the fees and expenses prescribed under this section.".

(d) SUPPORT OF UNITED STATES PRISONERS IN NON-FEDERAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4013. Support of United States prisoners in non-Federal institutions

"(a) The Attorney General, in support of United States prisoners in non-Federal institutions, is authorized to make payments from funds appropriated for the support of United States prisoners for—

"(1) necessary clothing;

"(2) medical care and necessary guard hire;

State and local governments.

"(3) the housing, care, and security of persons held in custody of a United States marshal pursuant to Federal law under agreements with State or local units of government or contracts with private entities; and

Contracts.

"(4) entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for Federal detainees within that correctional system,

in accordance with regulations which are issued by the Attorney General and are comparable to the regulations issued under section 4006 of this title, except that—

"(A) amounts made available for purposes of this paragraph shall not exceed the average per-inmate cost of constructing similar confinement facilities for the Federal prison population,

"(B) the availability of such federally assisted facility shall be assured for housing Federal prisoners, and

"(C) the per diem rate charged for housing such Federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"4013. Support of United States prisoners in non-Federal institutions.".

(e) PAY OF DIRECTOR OF SERVICE.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following: "Director, United States Marshals Service.".

SEC. 7609. DATA COLLECTION AND REPORTING. 28 USC 534 note.

(a) FAMILY VIOLENCE REPORTING.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall require, and include in uniform crime reports, data that indicate—

(1) the age of the victim; and

(2) the relationship of the victim to the offender, for crimes of murder, aggravated assault, simple assault, rape, sexual offenses, and offenses against children.

(b) NATIONAL CRIME SURVEY.—The Director of the Bureau of Justice Statistics, through the annual National Crime Survey, shall collect and publish data that more accurately measures the extent of domestic violence in America, especially the physical and sexual abuse of children and the elderly.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in fiscal years 1989, 1990, 1991, and 1992, such sums as are necessary to carry out the purposes of this section.

TITLE VIII—FEDERAL ALCOHOL ADMINISTRATION

SEC. 8001. FEDERAL ALCOHOL ADMINISTRATION.

(a) The Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) is amended—

(1) by inserting immediately after the enacting clause the following centered heading:

"TITLE I—FEDERAL ALCOHOL ADMINISTRATION";

(2) by redesignating the first section and section 2 through 17 as sections 101 through 117, respectively; and 27 USC 201-211.

(3) by adding at the end the following new title:

Alcoholic Beverage Labeling Act of 1988.
27 USC 201 note.

"TITLE II—ALCOHOLIC BEVERAGE LABELING

"SHORT TITLE

"SEC. 201. This title may be cited as the "Alcoholic Beverage Labeling Act of 1988".

"DECLARATION OF POLICY AND PURPOSE

Public information.
27 USC 213.

"SEC. 202. The Congress finds that the American public should be informed about the health hazards that may result from the consumption or abuse of alcoholic beverages, and has determined that it would be beneficial to provide a clear, nonconfusing reminder of such hazards, and that there is a need for national uniformity in such reminders in order to avoid the promulgation of incorrect or misleading information and to minimize burdens on interstate commerce. The Congress finds that requiring such reminders on all containers of alcoholic beverages is appropriate and necessary in view of the substantial role of the Federal Government in promoting the health and safety of the Nation's population. It is therefore the policy of the Congress, and the purpose of this title, to exercise the full reach of the Federal Government's constitutional powers in order to establish a comprehensive Federal program, in connection with the manufacture and sale of alcoholic beverages in or affecting interstate commerce, to deal with the provision of warning or other information with respect to any relationship between the consumption or abuse of alcoholic beverages and health, so that—

"(1) the public may be adequately reminded about any health hazards that may be associated with the consumption or abuse of alcoholic beverages through a nationally uniform, nonconfusing warning notice on each container of such beverages; and

"(2) commerce and the national economy may be—

"(A) protected to the maximum extent consistent with this declared policy,

"(B) not impeded by diverse, nonuniform, and confusing requirements for warnings or other information on alcoholic beverage containers with respect to any relationship between the consumption or abuse of alcoholic beverages and health, and

"(C) protected from the adverse effects that would result from a noncomprehensive program covering alcoholic beverage containers sold in interstate commerce, but not alcoholic beverage containers manufactured and sold within a single State.

"DEFINITIONS

27 USC 214.

"SEC. 203. As used in this title—

"(1) The term 'alcoholic beverage' includes any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.

"(2) The term 'bottle' means to fill a container with an alcoholic beverage and to seal such container.

"(3) The term 'bottler' means a person who bottles an alcoholic beverage.

"(4) The term 'commerce' means—

"(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof;

"(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

"(C) commerce wholly within the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

"(5) The term 'container' means the innermost sealed container irrespective of the material from which made, in which an alcoholic beverage is placed by the bottler and in which such beverage is offered for sale to members of the general public.

"(6) The term 'health' includes, but is not limited to, the prevention of accidents.

"(7) The term 'person' means an individual, partnership, joint stock company, business trust, association, corporation, or any other business or legal entity, including a receiver, trustee, or liquidating agent, and also includes any State, any State agency, or any officer or employee thereof.

"(8) The term 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(9) The term 'Secretary' means the Secretary of the Treasury.

"(10) The term 'State' includes any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, or Johnston Island.

"(11) The term 'State law' includes State statutes, regulations, and principles and rules having the force of law.

"(12) The term 'United States', when used in geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, Wake Island, the Midway Islands, Kingman Reef, and Johnston Island.

"LABELING REQUIREMENT; CONSPICUOUS STATEMENT

"SEC. 204. (a) On and after the expiration of the 12-month period following the date of enactment of this title, it shall be unlawful for any person to manufacture, import, or bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the following statement: 27 USC 215.

" '**GOVERNMENT WARNING:** (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.'.

"(b) The statement required by subsection (a) of this section shall be located in a conspicuous and prominent place on the container of such beverage, as determined by the Secretary, shall be in type of a size determined by the Secretary, and shall appear on a contrasting background. The Secretary shall make such determinations within 90 days after the date of enactment of this title.

"(c) Subsection (a) of this section shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States: *Provided,* That this exemption shall not apply with respect to alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States, including those located outside the United States.

"(d) The Secretary shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this title, and

Regulations.

"(B) issue regulations to carry out this title, and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this title with the Surgeon General of the United States.

"PREEMPTION

27 USC 216.

"SEC. 205. No statement relating to alcoholic beverages and health, other than the statement required by section 204 of this title, shall be required under State law to be placed on any container of an alcoholic beverage, or on any box, carton, or other package, irrespective of the material from which made, that contains such a container.

"REPORT TO CONGRESS

27 USC 217.

"SEC. 206. If, after appropriate investigation and consultation with the Surgeon General carried out after the expiration of the 24-month period following the date of enactment of this title, the Secretary finds that available scientific information would justify a change in, addition to, or deletion of the statement, or any part thereof, set forth in section 204(a) of this title, the Secretary shall promptly report such information to the Congress together with specific recommendations for such amendments to this title as the Secretary determines to be appropriate and in the public interest.

"CIVIL PENALTIES

27 USC 218.

"SEC. 207. Any person who violates the provisions of this title shall be subject to a civil penalty of not more than $10,000, and each day shall constitute a separate offense.

"INJUNCTION PROCEEDINGS; COMPROMISE OF LIABILITY

27 USC 219.

"SEC. 208. (a) The several district courts of the United States are vested with jurisdiction, for cause shown, to prevent and restrain violations of this title upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(b) The Secretary is authorized, with respect to any violation of this title, to compromise the liability arising with respect to such violation upon payment of a sum for each offense, to be collected by the Secretary and to be paid into the Treasury as miscellaneous receipts.

"SEVERABILITY

"SEC. 209. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this title and this Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

27 USC 219a.

"EFFECTIVE DATE

"SEC. 210. Except as provided in section 204(a), this title shall take effect on the date of its enactment into law.".

27 USC 213 note.

(b) The Federal Alcohol Administration Act, as amended by this Act, is further amended—

(1) by amending section 101, as redesignated under subsection (a)(2) of this Act, to read as follows:

"SHORT TITLE

"SEC. 101. This title may be cited as the 'Federal Alcohol Administration Act'.";

Federal Alcohol Administration Act.
27 USC 201.

(2) in sections 103, 104, 105, 107, 108, and 117, as so redesignated, by striking "this Act" each place it appears and inserting in lieu thereof "this title";

27 USC 203–205, 207–211.

(3) in section 104(d), as so redesignated, by striking "section 5" and inserting in lieu thereof "section 105" and by striking "section 6" and inserting in lieu thereof "section 106"; and

(4) in section 107, as so redesignated, by striking "section 3 or 5" and inserting in lieu thereof "section 103 or 105".

TITLE IX—MISCELLANEOUS

Subtitle A—Alcohol and Drug Traffic Safety

Drunk Driving Prevention Act of 1988.
23 USC 401 note.

SEC. 9001. SHORT TITLE.

This subtitle may be cited as the "Drunk Driving Prevention Act of 1988".

SEC. 9002. DRUNK DRIVING PREVENTION PROGRAMS.

(a) GENERAL RULES.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 410. Drunk driving prevention programs

Grants.
State and local governments.

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section and to the extent provided in advance in appropriation Acts, the Secretary shall make basic and supplemental grants to those States which adopt and implement drunk driving prevention programs which include measures described in this section to improve the effectiveness of the enforcement of laws the purpose of which are to discourage individuals from operating motor vehicles while

under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drunk driving prevention programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this section.

"(c) FEDERAL SHARE.—No State may receive grants under this section in more than 3 fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the drunk driving prevention program adopted by the State pursuant to subsection (a) of this section;

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c) of this section, the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) of this section shall not exceed 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

"(e) ELIGIBILITY FOR BASIC GRANTS.—For purposes of this section, a State is eligible for a basic grant if such State provides—

"(1) for an expedited driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol which requires that—

"(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense and such individual is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer serve such individual with a written notice of suspension or revocation of the driver's license of such individual and take possession of such driver's license;

"(B) the notice of suspension or revocation referred to in subparagraph (A) provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of an individual for operating a motor vehicle while under the influence of alcohol and specify any rights of the operator under such procedures;

"(C) the State provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in subparagraph (F);

"(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately report to the State entity

responsible for administering drivers' licenses all information relevant to the action taken in accordance with this paragraph;

"(E) in the case of an individual who, in any 5-year period beginning after the date of the enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering driver's licenses, upon receipt of the report of the law enforcement officer—

"(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

"(F) the suspension and revocation referred to under subparagraph (D) take effect not later than—

"(i) 15 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B); or

"(ii) 30 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B) if the Secretary determines that the requirements of clause (i) would impose a hardship upon the State; and

"(2) for a self-sustaining drunk driving prevention program under which the fines or surcharges collected from individuals convicted of operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(f) SUPPLEMENTAL GRANT PROGRAMS.—

"(1) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(2) PROGRAM FOR PREVENTION OF OPERATORS UNDER AGE 21 FROM OBTAINING ALCOHOLIC BEVERAGES.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which may

include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals 21 years of age and older.

"(3) UNLAWFUL OPEN CONTAINER AND CONSUMPTION OF ALCOHOL PROGRAMS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 25 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

"(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

"(4) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATE PROGRAM.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for the suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by an individual who—

"(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period after the date of the enactment of this section; or

"(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates, on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle.

"(5) GRANTS AS BEING IN ADDITION TO OTHER GRANTS.—A supplemental grant under this section shall be in addition to any basic grant or any other supplemental grant received by such State.

"(g) DEFINITIONS.—As used in this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(h) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1989 and $50,000,000 per fiscal year for each of fiscal years 1990 and 1991. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by adding at the end the following:

"410. Drunk driving prevention programs.".

(c) REGULATIONS.—The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 410 of title 23, United States Code, not later than 6 months after the date of the enactment of this section. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.

Federal Register, publication.
23 USC 410 note.

SEC. 9003. ALCOHOL IMPAIRMENT STANDARDS AND INFORMATION EXCHANGE.

23 USC 410 note.

(a) ALCOHOL IMPAIRMENT STANDARDS.—

(1) STUDY.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study to determine the blood alcohol concentration level at or above which any individual when operating any motor vehicle should be deemed to be driving while under the influence of alcohol.

(2) REPORT.—In entering into any arrangement with the National Academy of Sciences for conducting the study under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 15 months after the date of the enactment of this Act, to the Secretary a report on the results of such study. Upon its receipt, the Secretary shall immediately transmit the report to Congress.

(b) FEDERAL-STATE EXCHANGE OF INFORMATION.—

(1) STUDY.—The Secretary of Transportation shall conduct a study regarding the exchange of information between the Federal Government and State law enforcement officials on all arrests for drunk driving offenses in all States. In conducting such study, the Secretary shall consider the usefulness of such information to law enforcement officials as well as any legal restraints on the exchange or use of such information. One purpose of such study shall be to identify effective methods, if any, for the exchange of such information.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $300,000 for fiscal year 1989.

SEC. 9004. PILOT PROGRAM FOR DRUG RECOGNITION EXPERT TRAINING.

23 USC 403 note.

(a) ESTABLISHMENT.—The Secretary of Transportation, acting through the National Highway Traffic Safety Administration, shall

establish a 3-year pilot, regional program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances or other drugs.

(b) REPORT.—Not later than 1 year after the completion of the pilot program under this section, the Secretary of Transportation shall transmit to Congress a report on the effectiveness of such pilot program together with any recommendations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991. Such sums shall remain available until expended.

23 USC 403 note.

SEC. 9005. PILOT GRANT PROGRAM FOR RANDOM TESTING FOR ILLEGAL DRUG USE.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall design, within 9 months after the date of the enactment of this Act, and implement, within 15 months after the date of the enactment of this Act, a pilot State grant program for the purpose of testing individuals described in subsection (e)(1) to determine whether such individuals have used, without lawful authorization, a controlled substance.

(b) STATE PARTICIPATION.—The Secretary shall solicit the participation of States from those States interested in participating in such a program not more than 4 States to participate in the program.

(c) STATE SELECTION PROCESS.—The Secretary shall ensure that the selection made pursuant to this section is representative of varying geographical and population characteristics of the Nation, and takes into consideration the historical geographical incidence of motor vehicle accidents involving loss of human life. In selecting the States for participation, the Secretary shall attempt to solicit States which meet the following criteria:

(1) One of the States shall be a western State which is one of the 3 most populous States, with numerous large cities, with at least one city exceeding 7,000,000 people. The State should have a diverse demographic population with larger than average drug use according to reliable surveys.

(2) One of the remaining States should be a southern State, one a northeastern State, and one a central State.

(3) One of the remaining States should be mainly rural and among the least populous States.

(4) One of the remaining States should have less than average drug use according to reliable surveys.

(d) LENGTH OF PROGRAM.—The pilot program authorized by this section shall continue for a period of 1 year. The Secretary shall consider alternative methodologies for implementing a system of random testing of such individuals.

(e) REQUIREMENTS FOR STATE PARTICIPATION.—

(1) PERSONS TO BE TESTED.—Each State participating in the test program shall test for controlled substances in accordance with paragraph (2) individuals who—

(A) are applicants seeking the privilege to drive, and

(B) have never been issued a driver's license by any State

(2) TYPES OF TESTING.—To deter drug use and promote high way safety, all individuals described in paragraph (1) shall be subject to random testing—

(A) prior to issuance of driver's licenses, and

(B) during the first year following the date of issuance of such licenses.

(3) DENIAL OF DRIVING PRIVILEGES.—Each State participating in the test program shall deny an individual driving privileges if drug testing required by paragraph (1) indicates that such individual has used illicit drugs, with such denial lasting for a period of at least 1 year following such test or subsequent confirmatory test.

(4) REINSTITUTION OF DRIVING PRIVILEGES.—The program described in paragraph (3) may allow for reinstitution of driving privileges after a period of 3 months if such reinstitution is accompanied by a requirement that the individual be available for a period of 9 months for drug testing on a regular basis. If any such test indicates that the individual has used illicit drugs, then driving privileges must be denied for 1 year following such test or confirmatory test.

(f) REGULATIONS.—The Secretary may issue regulations to assist States in implementing the programs described in subsection (e) and to grant temporary exceptions in appropriate circumstances.

(g) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to Congress a comprehensive report setting forth the results of the pilot program conducted under this section. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for random testing of such operators of motor vehicles.

(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this test program, there is authorized to be appropriated $5,000,000 for fiscal year 1990.

(i) DEFINITIONS.—For purposes of this section—

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means any controlled substance as defined under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(3) STATE.—The term "State" has the meaning such term has when used in chapter 1 of title 23, United States Code.

Subtitle B—Truck and Bus Safety and Regulatory Reform

Truck and Bus Safety and Regulatory Reform Act of 1988.

SEC. 9101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Truck and Bus Safety and Regulatory Reform Act of 1988" 49 USC app. 2501 note.

(b) TABLE OF CONTENTS.—

Sec. 9101. Short title; table of contents.
Sec. 9102. Commercial zone exemption.
Sec. 9103. Hours of service.
Sec. 9104. Improved compliance with hours of service regulations.
Sec. 9105. Biometric identification system.
Sec. 9106. Emergency flares.
Sec. 9107. Report on improved brake systems for commercial motor vehicles.
Sec. 9108. Speed control devices.
Sec. 9109. Extension of review and preemption time periods.
Sec. 9110. Maintenance and inspection of brake systems.
Sec. 9111. Certificates of registration for certain foreign persons.

Sec. 9112. Insurance for foreign motor carriers.
Sec. 9113. Monitoring and reporting of certain cost savings.
Sec. 9114. Freight forwarder liability technical amendments.
Sec. 9115. Definitions.

SEC. 9102. COMMERCIAL ZONE EXEMPTION.

(a) GENERAL RULE.—Section 206 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 2505 App.) is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) COMMERCIAL ZONE EXEMPTION.—

"(1) GENERAL RULE.—The Secretary may not—

"(A) exempt any person or commercial motor vehicle from complying with any regulation pertaining to commercial motor vehicle safety, or

"(B) waive application of any such regulation with respect to any person or commercial motor vehicle,

solely on account that the operations of such person or vehicle are entirely in a municipality or commercial zone thereof.

"(2) GRANDFATHER CLAUSE.—

"(A) GENERAL RULE.—If any person was authorized to operate in the United States throughout the 1-year period ending on the date of the enactment of the Truck and Bus Safety and Regulatory Reform Act of 1988 a commercial motor vehicle in a municipality or commercial zone thereof and if such person is otherwise qualified to operate such a vehicle, such person may operate such a vehicle entirely in a municipality or commercial zone thereof notwithstanding paragraph (1), notwithstanding any Federal minimum age requirement for operation of such a vehicle, and notwithstanding any medical or physical condition of such person.

"(B) DEFINITION OF MEDICAL OR PHYSICAL CONDITION.—For purposes of this paragraph, the term 'medical or physical condition' means a medical or physical condition of a person—

"(i) which would prevent such person from operating a commercial motor vehicle under the commercial motor vehicle safety regulations contained in title 49 of the Code of Federal Regulations,

"(ii) which existed on July 1, 1988,

"(iii) which has not substantially worsened, and

"(iv) which does not involve alcohol or drug abuse.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as having any effect on any State commercial motor vehicle safety law pertaining to intrastate commerce.".

(b) DELAYED APPLICATION.—

(1) FOREIGN CARRIERS.—Notwithstanding section 206(h)(1) of the Motor Carrier Safety Act of 1984 or any other provision of Federal law, the Secretary shall not apply, for a period of 1 year beginning on the date of the enactment of this Act, part 393 of title 49 of the Code of Federal Regulations to any foreign motor carrier or foreign motor private carrier (as such terms are defined, or will be defined on January 1, 1990, in section 10530 of title 49, United States Code) if—

(A) such carrier is or will be required to obtain a certificate of registration under such section 10530 for operation of a commercial motor vehicle in a municipality or commer-

cial zone thereof which encompasses a border between the United States and a contiguous foreign country;

(B) the State in which such municipality or commercial zone is located has in effect a law or regulation pertaining to commercial motor vehicle safety which applies to such carrier; and

(C) such State has adopted and is enforcing the North American Commercial Vehicle Critical Safety Inspection Items and Out-of-Service Criteria established by the Commercial Vehicle Safety Alliance.

(2) REPORT.—Within 9 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the effects of the delay in application of part 393 of title 49 of the Code of Federal Regulations provided by the Secretary under paragraph (1) together with recommendations on the extent to which foreign motor carriers and foreign motor private carriers may or should be required to comply with all or any of the requirements contained in such part 393.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not be construed as having any effect on the enactment of subsection (d) of section 3102 of title 49, United States Code, which subsection (d) was added to such section by section 206(h) of the Motor Carrier Safety Act of 1984 on October 30, 1984.

49 USC 3102 note.

SEC. 9103. HOURS OF SERVICE.

49 USC app. 2505 note.

(a) STUDY.—The Secretary shall conduct a study of the hours of service regulations pertaining to operators of commercial motor vehicles as in effect under title 49 of the Code of Federal Regulations on the date of the enactment of this Act. The purpose of such study shall be to determine if there is any relationship among (1) such regulations, (2) operator fatigue, and (3) the frequency of serious accidents involving such vehicles.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with such recommendations (including legislative recommendations) for modifying the regulations referred to in subsection (a) as the Secretary determines appropriate taking into account the results of such study.

SEC. 9104. IMPROVED COMPLIANCE WITH HOURS OF SERVICE REGULATIONS.

49 USC app. 2505 note.

Safety.

(a) RULEMAKING PROCEEDING.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding on the need to adopt methods for improving safety with respect to compliance by operators of commercial motor vehicles with hours of service regulations of the Department of Transportation, including the use of onboard monitoring devices on commercial motor vehicles to record speed, driving time, and other information. Such proceeding shall be completed within 1 year after the date of the enactment of this Act.

(b) LIMITATION ON THE USE OF MONITORING DEVICES.—Any rule which the Secretary issues regarding the use of onboard monitoring devices on commercial motor vehicles shall ensure that such devices are not used for the purpose of harassment of operators of such vehicles, but such devices may be used for the purpose of monitoring the productivity of such operators.

49 USC app. 2706 note.

SEC. 9105. BIOMETRIC IDENTIFICATION SYSTEM.

(a) REGULATIONS.—Not later than December 31, 1990, the Secretary shall issue regulations establishing, for purposes of sections 12007 and 12009 of the Commercial Motor Vehicle Safety Act of 1986, minimum uniform standards for a biometric identification system to ensure identification of operators of commercial motor vehicles.

(b) PILOT DEMONSTRATION PROJECT.—To carry out a pilot project to demonstrate the use of biometric identification systems for ensuring identification of operators of commercial motor vehicles, the Secretary may use not to exceed in each of fiscal years 1989 and 1990—

(1) $500,000 from the funds made available to carry out section 402 of the Surface Transportation Assistance Act of 1982; and

(2) $1,000,000 from the funds made available to carry out section 12010 of the Commercial Motor Vehicle Safety Act of 1986.

SEC. 9106. EMERGENCY FLARES.

Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for the purposes of determining the appropriate use, as emergency warning devices for commercial motor vehicles, of fusees as an alternative or supplement to bidirectional emergency reflective triangles. The Secretary shall complete such rulemaking proceeding by October 31, 1989.

49 USC app. 2521 note.

SEC. 9107. REPORT ON IMPROVED BRAKE SYSTEMS FOR COMMERCIAL MOTOR VEHICLES.

Not later than January 30, 1991, the Secretary shall submit to Congress a report on whether or not commercial motor vehicles operating on any Federal-aid highway system should be equipped with improved brakes and brake systems in order to enhance the safe operation of such vehicles. Such report shall include an examination of available information and data on antilock systems, means of improving brake compatibility, and methods of ensuring the effectiveness of brake timing and the results of any field testing conducted by the Department of Transportation on brakes and brakes systems for commercial motor vehicles.

49 USC app. 2510 note.

SEC. 9108. SPEED CONTROL DEVICES.

(a) STUDY.—The Secretary shall conduct a study on whether or not devices which control the speed of commercial motor vehicles enhance safe operation of such vehicles.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section together with recommendations of the Secretary on whether or not to make the use of speed control devices mandatory for commercial motor vehicles.

SEC. 9109. EXTENSION OF REVIEW AND PREEMPTION TIME PERIODS.

Section 208(h) of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2507(h)) is amended by adding at the end thereof the following new sentences: "Upon request of a State which has under consideration adoption of regulations which may be in effect and enforced under this section, the Secretary—

"(1) shall extend such 60-month period with respect to the State for such additional period as the State requests but not to exceed 12 months; and

"(2) may provide an extension in addition to the extension under paragraph (1) for a period not to exceed 12 months if such additional extension is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles.

With respect to any State, the aggregate amount of extensions under this subsection with respect to such 60-month period may not exceed 24 months.".

SEC. 9110. MAINTENANCE AND INSPECTION OF BRAKE SYSTEMS.

49 USC app. 2521.

The Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2501-2520) is amended by adding at the end thereof the following new section:

"SEC. 231. MAINTENANCE AND INSPECTION OF BRAKE SYSTEMS.

"(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of adopting improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are properly maintained and inspected by appropriate employees.

"(b) REGULATIONS.—Not later than December 31, 1990, the Secretary shall issue regulations for the purpose of adopting improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are properly maintained and inspected by appropriate employees. At a minimum, such regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting such brakes and brake systems.".

SEC. 9111. CERTIFICATES OF REGISTRATION FOR CERTAIN FOREIGN PERSONS.

(a) DEFINITIONS.—

(1) ELIMINATION OF REGISTRABLE PERIOD DEFINITION.—Paragraph (1) of section 10530(a) of title 49, United States Code, is repealed.

(2) FOREIGN MOTOR CARRIER.—Paragraph (2) of such section is amended to read as follows:

"(2) 'foreign motor carrier' means a person (including a motor carrier of property but excluding a motor private carrier)—

"(A)(i) which is domiciled in a contiguous foreign country; or

"(ii) which is owned or controlled by persons of a contiguous foreign country and is not domiciled in the United States; and

"(B) in the case of a person which is not a motor carrier of property, which provides interstate transportation of property (including exempt items) by motor vehicle under an agreement or contract entered into with a motor carrier of property (other than a motor private carrier or a motor carrier of property described in subparagraph (A)).".

(3) FOREIGN MOTOR PRIVATE CARRIER.—Paragraph (3) of such section is amended to read as follows:

"(3) 'foreign motor private carrier' means a person (including a motor private carrier but excluding a motor carrier of property)—

"(A)(i) which is domiciled in a contiguous foreign country; or

"(ii) which is owned or controlled by persons of a contiguous foreign country and is not domiciled in the United States; and

"(B) in the case of a person which is not a motor private carrier, which provides interstate transportation of property (including exempt items) by motor vehicle under an agreement or contract entered into with a person (other than a motor carrier of property or a motor private carrier described in subparagraph (A))."

(b) CERTIFICATION REQUIREMENT.—

(1) FOR FOREIGN MOTOR CARRIERS.—Subsection (b) of section 10530 of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(b) CERTIFICATION REQUIREMENT.—

"(1) FOR FOREIGN MOTOR CARRIERS.—Except as provided in this section and sections 10922 and 10923, no foreign motor carrier may provide interstate transportation of property (including exempt items) by motor vehicle unless the Commission has issued to such person a certificate of registration under this section, or a certificate or permit under subchapter II of chapter 109, authorizing such person to provide such transportation."

(2) CONFORMING AMENDMENTS FOR FOREIGN MOTOR PRIVATE CARRIERS.—Such subsection is further amended—

(A) in paragraph (2)—

(i) by inserting "FOR FOREIGN MOTOR CARRIERS.—" before "Except";

(ii) by inserting "by motor vehicle" after "items)";

(iii) by striking out "in any registrable year"; and

(iv) by striking out "in such year"; and

(B) by indenting paragraph (2) and aligning such paragraph with paragraph (1), as amended by paragraph (1) of this subsection.

(c) ISSUANCE OF CERTIFICATES.—Subsection (c) of such section is amended—

(1) by striking out "exempt items in any registrable year" and inserting in lieu thereof "property (including exempt items) by motor vehicle"; and

(2) by striking out "in any registrable year, if" and inserting in lieu thereof "by motor vehicle, if"; and

(3) in paragraph (2) by striking out "ending before the first day of such registrable year".

(d) APPLICATION.—Subsection (d) of such section is amended by inserting "by motor vehicle" before the period at the end of the first sentence.

(e) FITNESS REQUIREMENT.—Subsection (e)(2) of such section is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) under section 30 of the Motor Carrier Act of 1980, and

"(B) under the laws of the States in which the carrier is operating,

to the extent applicable."

(f) IDENTIFICATION.—

(1) IN VEHICLE.—Subsection (g) of such section is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(g) IDENTIFICATION.—

"(1) IN VEHICLE.—Any motor vehicle which is used by a foreign motor carrier or by a foreign motor private carrier to provide interstate transportation of property (including exempt items) by motor vehicle under a certificate issued under this section or section 10922 or under a permit issued under section 10923 shall have a copy of such certificate or permit, as the case may be, in such motor vehicle at any time such vehicle is being used to provide such transportation.".

(2) CONFORMING AMENDMENTS.—Such subsection is further amended—

(A) in paragraph (2) by inserting "DENIAL OF ENTRY.—" before "The Commission" and by striking out "certificate of registration" and inserting in lieu thereof "certificate or permit"; and

(B) by indenting paragraph (2) and aligning such paragraph with paragraph (1), as amended by paragraph (1) of this subsection.

(g) MORATORIUM.—

(1) GENERAL PROHIBITION.—Section 10922(l)(1) of title 49, United States Code, is amended by striking out "motor carrier of property or motor private carrier" and inserting in lieu thereof "foreign motor carrier or foreign motor private carrier".

(2) GENERAL AUTHORITY TO ISSUE CERTIFICATES OF REGISTRATION.—Section 10922(l)(2)(B)(i) of such title is amended by striking out "motor carriers of property and motor private carriers" each place it appears and inserting in lieu thereof "foreign motor carriers and foreign motor private carriers".

(3) FOREIGN MOTOR CARRIERS.—Section 10922(l)(2)(B)(ii) of such title is amended—

(A) by striking out "motor carrier of property" each place it appears and inserting in lieu thereof "foreign motor carrier"; and

(B) by striking out "exempt items" and inserting in lieu thereof "property (including exempt items) by motor vehicle".

(4) FOREIGN MOTOR PRIVATE CARRIERS.—Section 10922(l)(2)(B)(iii) of such title is amended—

(A) by inserting "foreign" before "motor private" each place it appears; and

(B) by inserting "by motor vehicle" after "items)".

(5) HYBRID FOREIGN MOTOR CARRIERS.—Section 10922(l)(2)(B)(iv) is amended—

(A) by striking out "motor carrier of property" and inserting in lieu thereof "foreign motor carrier"; and

(B) by striking out "exempt items" and inserting in lieu thereof "property (including exempt items) by motor vehicle".

(6) HYBRID FOREIGN MOTOR PRIVATE CARRIERS.—Section 10922(l)(2)(B)(v) is amended—

(A) by inserting "foreign" before "motor private"; and

(B) by inserting "by motor vehicle" after "items)".

49 USC 10922.

(7) DEFINITIONS.—Section 10922(l)(2)(B)(vi) of such title is amended by inserting ", 'foreign motor carrier', 'foreign motor private carrier'," before "and".

(h) SECURITY.—

(1) GENERAL RULE.—Section 10927(a)(1) of such title is amended by striking out the first sentence and inserting in lieu thereof the following new sentence: "The Commission may issue a certificate under section 10922 or 10530 or a permit under 10923 only if the carrier (including a motor private carrier and a foreign motor private carrier) applying for such certificate files with the Commission a bond, insurance policy, or other type of security approved by the Commission, in an amount not less than such amount as the Secretary of Transportation prescribes pursuant to, or as is required by, section 30 of the Motor Carrier Act of 1980, section 18 of the Bus Regulatory Reform Act of 1982, and the laws of the State or States in which the carrier is operating, to the extent applicable.".

(2) FOREIGN TRANSPORTATION.—Section 10927(a)(2) of such title is amended by striking out "(as such term is defined under section 10530(a)(3) of this title)" and inserting in lieu thereof "and foreign motor carrier (as defined under section 10530(a))".

(i) GENERAL ENFORCEMENT AUTHORITY.—Section 11701 of such title is amended—

(1) in subsection (a) by inserting "foreign motor carrier or foreign" before "motor private carrier"; and

(2) in subsection (b) by striking out "motor carrier or motor private carrier" and inserting in lieu thereof "foreign motor carrier or foreign motor private carrier".

(j) CIVIL ACTIONS.—Section 11702 of such title is amended—

(1) in subsection (a)(4) by striking out "motor carrier or motor private carrier" and inserting in lieu thereof "foreign motor carrier or foreign motor private carrier"; and

(2) in subsection (b)(1) by striking out "or broker" and inserting in lieu thereof ", foreign motor carrier (as defined under section 10530(a)), foreign motor private carrier (as defined under section 10530(a)), or broker".

49 USC 10050 note.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1990.

SEC. 9112. INSURANCE FOR FOREIGN MOTOR CARRIERS.

49 USC 10927 note.

Section 30 of the Motor Carrier Act of 1980 is amended by redesignating subsection (g) (and any reference thereto) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g) INSURANCE FOR FOREIGN MOTOR CARRIERS.—The Secretary of Transportation may issue regulations which permit foreign motor carriers and foreign motor private carriers (as such terms are defined under section 10530 of title 49, United States Code) providing transportation of property under a certificate of registration issued under such section to meet the minimum levels of financial responsibility established by or under this section only during periods in which such carriers are providing transportation of property in the United States.".

SEC. 9113. MONITORING AND REPORTING OF CERTAIN COST SAVINGS.

Section 10732(b) of title 49, United States Code, relating to food and grocery transportation, is amended by striking out the second and third sentences.

SEC. 9114. FREIGHT FORWARDER LIABILITY TECHNICAL AMENDMENTS.

(a) EXEMPTION FROM LIABILITY.—Section 11707(c)(1) of title 49, United States Code, is amended by inserting "and freight forwarder" after "common carrier".

(b) STATUTE OF LIMITATIONS.—Section 11707(e) of such title is amended—

(1) by inserting "or freight forwarder" after "carrier" each place it appears; and

(2) in paragraph (2) by inserting "or freight forwarder's" after "carrier's".

SEC. 9115. DEFINITIONS.

49 USC app. 2505 note.

For purposes of this subtitle—

(1) COMMERCIAL MOTOR VEHICLE, EMPLOYEE, AND REGULATION.—The terms "commercial motor vehicle", "employee", and "regulation" have the meaning such terms have under section 204 of the Motor Carrier Safety Act of 1984.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

Subtitle C—Comptroller General Study

SEC. 9201. COMPTROLLER GENERAL STUDY.

28 USC 509 note.

(a) STUDY.—The Comptroller General of the United States shall conduct a study—

(1) to determine the impact of additional resources to certain components of the Federal criminal justice system on other components of the system and of enhanced or new Federal criminal penalties or laws on the agencies and offices of the Department of Justice, the Federal courts, and other components of the Federal criminal justice system; and

(2) use the data derived from the impact analysis to develop a model that can be applied by Congress and Federal agencies and departments to help determine appropriate staff and budget responses in order to maintain balance in the Federal criminal justice system and effectively implement changes in resources, laws, or penalties.

(b) REPORT TO CONGRESS.—The Comptroller General shall report the results and recommendations derived from the study required by subsection (a) no later than 1 year after the date of enactment of this Act.

Subtitle D—Insular Areas

Insular Areas Drug Abuse Amendments of 1988.

SEC. 9301. SHORT TITLE; TABLE OF CONTENTS.

48 USC 1494 note.

(a) SHORT TITLE.—This subtitle may be cited as the "Insular Areas Drug Abuse Amendments of 1988".

(b) TABLE OF CONTENTS.—

Sec. 9301. Short title.
Sec. 9302. American Samoa.

Sec. 9303. Guam.
Sec. 9304. Northern Mariana Islands.
Sec. 9305. Puerto Rico.
Sec. 9306. Virgin Islands.
Sec. 9307. Palau.
Sec. 9308. Purposes.
Sec. 9309. Annual reports.
Sec. 9310. Drug Enforcement Agency personnel assignments.

SEC. 9302. AMERICAN SAMOA.

Section 5004(a) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(a)) is amended—

(1) in paragraph (2) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting ", as appropriate," after "States";

(C) inserting "and, upon request of the Government of American Samoa, shall" after "are authorized to";

(D) inserting "and other personnel" after "officers"; and

(E) inserting "or other substance" after "drug";

Grants.

(2) in paragraph (3) by—

(A) striking "$700,000" and inserting in lieu thereof "$350,000 for fiscal year 1989 and annually thereafter for grants to the Government of American Samoa to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services"; and

(B) striking "subsection" and inserting in lieu thereof "Act"; and

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

"(4) The Secretary of the Treasury in consultation with the Secretary of the Interior shall provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws. There are authorized to be appropriated $500,000 for this purpose.".

Appropriation authorization.

SEC. 9303. GUAM.

Section 5004(b) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(b)) is amended—

(1) in paragraph (1) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of Guam, shall provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug";

(2) in paragraph (2) by striking "$1,000,000" and all that follows through "shall" and inserting in lieu thereof "$500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Guam to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to carry out the purposes of this Act, to"; and

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

Appropriation authorization.

"(3) There are authorized to be appropriated to the Government of Guam $500,000 for grants to be expended in accordance with a plan

approved by the Secretary of the Interior in consultation with the Attorney General for drug abuse law enforcement equipment.".

SEC. 9304. NORTHERN MARIANA ISLANDS.

Section 5004(c) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(c)) is amended—

(1) in paragraph (2) by—

(A) moving "of the United States" to after "Services";

(B) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(C) inserting "and, upon request of the Government of the Northern Mariana Islands, shall" after "are authorized to";

(D) inserting "and other personnel" after "officers"; and

(E) inserting "or other substance" after "drug"; and

(2) in paragraph (3) by—

(A) striking "$250,000" and inserting in lieu thereof "$125,000 for fiscal year 1989 and annually thereafter for grants to the Government of the Northern Mariana Islands to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services"; and

(B) striking "subsection" and inserting in lieu thereof "Act".

SEC. 9305. PUERTO RICO.

Section 5004(d) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(d)) is amended—

(1) in paragraph (1) by striking all after "Rico" and inserting in lieu thereof "$7,000,000 for fiscal year 1989 and $2,000,000 annually thereafter for grants to the Government of Puerto Rico to carry out the purposes of this Act to be expended in accordance with a plan approved by the Executive Director of the White House Task Force on Puerto Rico in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended."; and

(2) in paragraph (4) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of Puerto Rico, shall provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug".

SEC. 9306. VIRGIN ISLANDS.

(a) INSULAR CRIME VICTIMS.—Section 1404(d)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(1)) is amended by striking ", except for the purposes of paragraphs (3)(A) and (4) of subsection (a) of this section,".

(b) VIRGIN ISLANDS.—Section 5004(e) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(e)) is amended—

(1) in paragraph (1) by striking all after "Islands" and inserting in lieu thereof a comma and "$2,000,000 for fiscal year 1990 and annually thereafter to carry out the purposes of this Act to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General

and the Secretaries of Education and Health and Human Services, to remain available until expended.";

(2) in paragraph (2) by striking "should" and inserting in lieu thereof "shall";

(3) in paragraph (3) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of the Virgin Islands, shall provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug"; and

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

"(4) To assist in the prosecution of the violation of the narcotics laws of the United States, the Attorney General of the United States shall assign the necessary personnel to serve in the office of the United States Attorney for the Virgin Islands appointed pursuant to section 27 of the Revised Organic Act of the Virgin Islands, as amended (48 U.S.C. 1617).

Appropriation authorization.

"(5) Effective fiscal year 1989, there are authorized to be appropriated for a grant to the Government of the Virgin Islands $2,500,000 to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services for a substance abuse facility.".

SEC. 9307. PALAU.

Section 5004 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b) is amended by adding at the end thereof the following:

"(f) PALAU.—(1) The Attorney General and the Secretaries of Education and Health and Human Services are authorized to and, upon request of the Government of Palau, shall provide appropriate training, technical assistance, and equipment to carry out the purposes of this Act and any other applicable Federal or insular drug or other substance abuse laws.

Appropriation authorization.

"(2) There are authorized to be appropriated $500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Palau to be expended in accordance with a plan to be approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education, State, and Health and Human Services to carry out the purposes of this Act.

"(3) To the extent not prohibited under the Constitution of Palau, upon written request of the President of Palau, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Secret Service, the Immigration and Naturalization Service, and the Customs Service are authorized to investigate any United States criminal laws which are applicable in Palau in cooperation with law enforcement agencies of Palau.".

SEC. 9308. PURPOSES.

Section 5002 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494) is amended by—

(1) inserting "and the Trust Territory of the Pacific Islands (or successor governments)" after "States" where it first appears;

(2) inserting "and other substance" before "prevention"; and

(3) inserting "associated" before "insular areas.".

SEC. 9309. ANNUAL REPORTS.

Section 5003 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494a) is amended by—

(1) inserting "(a) IN GENERAL.—" before "The President";

(2) in such subsection (a) inserting ", the Trust Territory of the Pacific Islands," before "and states" in paragraph (1) and after "territories" each place in which it appears in paragraph (2); and

(3) adding at the end thereof the following new subsection:

"(b) TRANSMISSION DATE.—The annual reports required by subsection (a) shall be transmitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate not later than the first day of October each year.".

SEC. 9310. DRUG ENFORCEMENT AGENCY PERSONNEL ASSIGNMENTS.

Title V of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494 et seq.) is amended by adding at the end of Subtitle A the following new section:

"SEC. 5005. DRUG ENFORCEMENT AGENCY PERSONNEL ASSIGNMENTS.

Virgin Islands. Guam. 48 USC 1494c.

"To assist in the enforcement of the controlled substances laws of the United States in coordination with law enforcement officers in insular areas in the eastern Caribbean and in the central and western Pacific, the Administrator of the Drug Enforcement Administration shall assign appropriate personnel and other resources to the Virgin Islands and Guam.".

TITLE X—SUPPLEMENTAL APPROPRIATIONS

Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1989, and for other purposes, namely:

In view of the urgent necessity to provide additional funding for treatment and rehabilitation for drug users and for law enforcement, there is hereby appropriated an additional sum of $961,400,000 to implement the agreement on H.R. 5210, the Anti-Drug Abuse Act of 1988. Such sums are in addition to the $4,271,000,000 heretofore appropriated and made available October 1, 1988.

CHAPTER I

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $1,800,000, notwithstanding any designations contained in other titles of this Act: *Provided,* That of the amount appropriated, $800,000 shall be made available to INTERPOL-United States National Central Bureau and $1,000,000 shall be made available for Organized Crime Drug Enforcement and for

asset forfeiture and civil enforcement actions leading to the forfeiture of seized assets.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and expenses, United States attorneys", $39,000,000, notwithstanding any designations contained in other titles of this Act: *Provided,* That of the amount appropriated, $22,000,000 shall be for asset forfeiture and civil enforcement actions leading to the forfeiture of seized assets.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service", $16,400,000, notwithstanding any designations contained in other titles of this Act.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $16,400,000, to remain available until expended, notwithstanding any designations contained in other titles of this Act: *Provided,* That of the amount appropriated, not to exceed $4,100,000 shall be for the Cooperative Agreement Program.

ASSETS FORFEITURE FUND

For expenses necessary to carry out the programs authorized in the Omnibus Drug Initiative Act of 1988, $30,000,000, to be derived from receipts collected pursuant to 28 U.S.C. 524, as amended, shall be transferred to "Legal Activities, Salaries and Expenses, United States Attorneys".

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $15,000,000, notwithstanding any designations contained in other titles of this Act.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $30,000,000, notwithstanding any designations contained in other titles of this Act.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $26,200,000, notwithstanding any designations contained in other titles of this Act.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $95,600,000, to remain available until expended, notwithstanding any designations contained in other titles of this Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" for the Drug Control and System Improvement Grant program and the Public Safety Officers Benefits program as authorized by the Anti-Drug Abuse Act of 1988", and salaries and expenses for administration of such programs, $90,000,000, to remain available until expended, notwithstanding any designations contained in other titles of this Act.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,000,000, to remain available until expended, for expenses authorized by the Anti-Drug Abuse Act of 1988 for development, procurement and implementation of a machine-readable travel and identity document border security program.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended, the funds made available under this heading in Public Law 99-88 for the purposes stated therein, shall also be available for rewards for information concerning narcotics-related offenses as described in section 36(b)(1) and authorized by section 36(g) of the State Department Basic Authorities Act of 1956, as amended, and such funds shall remain available until expended.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $35,000,000.

DEFENDER SERVICES

For an additional amount as authorized by law for "Defender services", $15,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $1,000,000, to remain available until expended.

CHAPTER II

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $283,000,000.

FAMILY SUPPORT ADMINISTRATION

COMMUNITY SERVICES BLOCK GRANT

NATIONAL YOUTH SPORTS PROGRAM

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $3,000,000.

HUMAN DEVELOPMENT SERVICE

For an additional amount for substance abuse prevention and treatment activities as authorized by the Anti-Drug Abuse Act of 1988, $30,000,000 of which $15,000,000 is for drug education and prevention relating to youth gangs, and $15,000,000 is for runaway and homeless youth.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount to carry out the Drug-Free Schools and Communities Act of 1986, as amended, $108,000,000, of which $7,000,000 is provided to carry out part C, $100,500,000 is provided to carry out programs in accordance with the funding requirements of section 5112, and $500,000 shall be transferred to the Program Administration account, Department of Education, for the salaries and related expenses of carrying out said Act: *Provided,* That $83,214,000 for part B shall become available on July 1, 1989, and shall remain available until September 30, 1990.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities as authorized by the Domestic Volunteer Service Act of 1973, $2,000,000, of which up to $200,000 may be used for administrative expenses.

CHAPTER III

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For fiscal year 1989, not to exceed $10,000,000 of the funds appropriated pursuant to section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) may be used for purposes of preparing and distributing drug abuse education materials and to carry out the study described in section 17(g)(4) of the Child Nutrition Act of 1966, as authorized by the Anti-Drug Abuse Act of 1988.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the Food and Drug Administration, $5,000,000.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $16,000,000 to be available only to increase drug interdiction patrols and other special drug interdiction operations above the level otherwise programmed to be performed in fiscal year 1989 with funds made available by the Department of Transportation and Related Agencies Appropriations Act, 1989, and the Department of Defense Appropriations Act, 1989: *Provided,* That such funds shall be available only for fuel, maintenance, spare parts, supplies and materials, and related logistics expenses: *Provided further,* That the Secretary of Transportation shall submit a confidential report to Congress no later than 30 days after enactment describing the Coast Guard's planned fiscal year 1989 drug interdiction level of effort using funds made available in regular appropriations Acts compared to the level

Reports. Classified information.

of effort to be achieved with the additional funds made available by this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Notwithstanding any other provision of law or this Act, for an additional amount for "Acquisition, construction, and improvements", $100,000,000, to remain available until expended, of which $52,000,000 shall be available to accelerate phase IV of the ongoing program for the acquisition of 32 HH-60 medium range recovery helicopters, $31,000,000 shall be available for the cutter fleet renovation and modernization program, and $17,000,000 shall be available for the installation of an APS-125 or APS-138 radar system on an existing Coast Guard long range surveillance aircraft.

CHAPTER V

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,500,000.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for "Operations and maintenance, Air Interdiction Program", $7,000,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy, $3,500,000.

CHAPTER VI—GENERAL PROVISION

No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This title may be cited as the "Urgent Supplemental Appropriations Act of 1989 to Meet the Dire Emergency Created by the Crisis of Drug Abuse".

Approved November 18, 1988.

LEGISLATIVE HISTORY—H.R. 5210:

CONGRESSIONAL RECORD, Vol. 134 (1988):
Sept. 7, 8, 14-16, 22, considered and passed House.
Oct. 13, 14, considered and passed Senate, amended.
Oct. 21, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):
Nov. 18, Presidential remarks.

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