

106TH CONGRESS
1ST SESSION

S. 5

To reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. DEWINE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. GRASSLEY, Mr. HATCH, Mr. LOTT, Mr. COVERDELL, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—INTERNATIONAL SUPPLY REDUCTION

★(Star Print)

Subtitle A—International Crime

CHAPTER 1—INTERNATIONAL CRIME CONTROL

- Sec. 1001. Short title.
- Sec. 1002. Felony punishment for violence committed along the United States border.

CHAPTER 2—STRENGTHENING MARITIME LAW ENFORCEMENT ALONG UNITED STATES BORDERS

- Sec. 1003. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.
- Sec. 1004. Civil penalties to support maritime law enforcement.
- Sec. 1005. Customs orders.

CHAPTER 3—SMUGGLING OF CONTRABAND AND OTHER ILLEGAL PRODUCTS

- Sec. 1006. Smuggling contraband and other goods from the United States.
- Sec. 1007. Customs duties.
- Sec. 1008. False certifications relating to exports.

CHAPTER 4—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

- Sec. 1009. Extradition for offenses not covered by a list treaty.
- Sec. 1010. Extradition absent a treaty.
- Sec. 1011. Technical and conforming amendments.
- Sec. 1012. Temporary transfer of persons in custody for prosecution.
- Sec. 1013. Prohibiting fugitives from benefiting from fugitive status.
- Sec. 1014. Transfer of foreign prisoners to serve sentences in country of origin.
- Sec. 1015. Transit of fugitives for prosecution in foreign countries.

CHAPTER 5—SEIZING AND FORFEITING ASSETS OF INTERNATIONAL CRIMINALS

- Sec. 1016. Criminal penalties for violations of anti-money laundering orders.
- Sec. 1017. Cracking down on illegal money transmitting businesses.
- Sec. 1018. Expanding civil money laundering laws to reach foreign persons.
- Sec. 1019. Punishment of money laundering through foreign banks.
- Sec. 1021. Authority to order convicted criminals to return property located abroad.
- Sec. 1022. Administrative summons authority under the Bank Secrecy Act.
- Sec. 1023. Exempting financial enforcement data from unnecessary disclosure.
- Sec. 1024. Criminal and civil penalties under the International Emergency Economic Powers Act.
- Sec. 1025. Attempted violations of the Trading With the Enemy Act.
- Sec. 1026. Jurisdiction over certain financial crimes committed abroad.

CHAPTER 6—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

- Sec. 1027. Streamlined procedures for execution of MLAT requests.
- Sec. 1028. Temporary transfer of incarcerated witnesses.
- Sec. 1029. Training of foreign law enforcement agencies.
- Sec. 1030. Discretionary authority to use forfeiture proceeds.

Subtitle B—International Drug Control

- Sec. 1201. Annual country plans for drug-transit and drug producing countries.
- Sec. 1202. Prohibition on use of funds for counternarcotics activities and assistance.
- Sec. 1203. Sense of Congress regarding Colombia.
- Sec. 1204. Sense of Congress regarding Mexico.
- Sec. 1205. Sense of Congress regarding Iran.
- Sec. 1206. Sense of Congress regarding Syria.
- Sec. 1207. Brazil.
- Sec. 1208. Jamaica.
- Sec. 1209. Sense of Congress regarding North Korea.

Subtitle C—Foreign Military Counter-Drug Support

- Sec. 1301. Report.

Subtitle D—Money Laundering Deterrence

- Sec. 1401. Short title.
- Sec. 1402. Findings and purposes.
- Sec. 1403. Reporting of suspicious activities.
- Sec. 1404. Expansion of scope of summons power.
- Sec. 1405. Penalties for violations of geographic targeting orders and certain recordkeeping requirements.
- Sec. 1406. Repeal of certain reporting requirements.
- Sec. 1407. Limited exemption from Paperwork Reduction Act.
- Sec. 1408. Sense of Congress.

Subtitle E—Additional Funding For Source and Interdiction Zone Countries

- Sec. 1501. Source zone countries.
- Sec. 1502. Central America.

TITLE II—DOMESTIC LAW ENFORCEMENT

Subtitle A—Criminal Offenders

- Sec. 2001. Apprehension and procedural treatment of armed violent criminals.
- Sec. 2002. Criminal attempt.
- Sec. 2003. Drug offenses committed in the presence of children.
- Sec. 2004. Sense of Congress on border defense.
- Sec. 2005. Clone pagers.

Subtitle B—Methamphetamine Sentencing Enhancement and Laboratory Cleanup

- Sec. 2101. Expanding Criminal Penalties.
- Sec. 2102. Sense of Congress regarding methamphetamine laboratory cleanup.

Subtitle C—Powder Cocaine Mandatory Minimum Sentencing

- Sec. 2201. Sentencing for violations involving cocaine powder.

Subtitle D—Drug-Free Borders

- Sec. 2301. Increased penalty for false statement offense.
- Sec. 2302. Increased number of border patrol agents.
- Sec. 2303. Enhanced border patrol pursuit policy.

TITLE III—DOMESTIC DEMAND REDUCTION

Subtitle A—Education, Prevention, and Treatment

- Sec. 3001. Sense of Congress on reauthorization of Safe and Drug-Free Schools and Communities Act of 1994.
- Sec. 3002. Sense of Congress regarding reauthorization of prevention and treatment programs.
- Sec. 3003. Report on drug-testing technologies.
- Sec. 3004. Use of National Institutes of Health substance abuse research.
- Sec. 3005. Needle exchange.
- Sec. 3006. Drug-free teen drivers incentive.
- Sec. 3007. Drug-free schools.
- Sec. 3008. Victim and witness assistance programs for teachers and students.
- Sec. 3009. Innovative programs to protect teachers and students.

Subtitle B—Drug-Free Families

- Sec. 3101. Short title.
- Sec. 3102. Findings.
- Sec. 3103. Purposes.
- Sec. 3104. Definitions.
- Sec. 3105. Establishment of drug-free families support program.
- Sec. 3106. Authorization of appropriations.

TITLE IV—FUNDING FOR UNITED STATES COUNTER-DRUG ENFORCEMENT AGENCIES

- Sec. 4001. Authorization of appropriations.
- Sec. 4002. Cargo inspection and narcotics detection equipment.
- Sec. 4003. Peak hours and investigative resource enhancement.
- Sec. 4004. Air and marine operation and maintenance funding.
- Sec. 4005. Compliance with performance plan requirements.
- Sec. 4006. Commissioner of Customs salary.
- Sec. 4007. Passenger preclearance services.

Subtitle B—United States Coast Guard

- Sec. 4101. Additional funding for operation and maintenance.

Subtitle C—Drug Enforcement Administration

- Sec. 4201. Additional funding for counternarcotics and information support operations.

Subtitle D—Department of the Treasury

- Sec. 4301. Additional funding for counter-drug information support.

Subtitle E—Department of Defense

- Sec. 4401. Additional funding for expansion of counternarcotics activities.
- Sec. 4402. Forward military base for counternarcotics matters.
- Sec. 4403. Expansion of radar coverage and operation in source and transit countries.
- Sec. 4404. Sense of Congress regarding funding under Western Hemisphere Drug Elimination Act.
- Sec. 4405. Sense of Congress regarding the priority of the drug interdiction and counterdrug activities of the Department of Defense.

1 **TITLE I—INTERNATIONAL**
 2 **SUPPLY REDUCTION**
 3 **Subtitle A—International Crime**
 4 **CHAPTER 1—INTERNATIONAL CRIME**
 5 **CONTROL**

6 **SEC. 1001. SHORT TITLE.**

7 This chapter may be cited as the “International
 8 Crime Control Act of 1999”.

9 **SEC. 1002. FELONY PUNISHMENT FOR VIOLENCE COMMIT-**
 10 **TED ALONG THE UNITED STATES BORDER.**

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

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

17 “(a) IN GENERAL.—Whoever attempts to commit or
 18 commits a crime of violence or recklessly operates any con-
 19 veyance during and in relation to—

20 “(1)(A) attempting to elude or eluding immi-
 21 gration, customs, or agriculture inspection; or

22 “(B) failing to stop at the command of an offi-
 23 cer or employee of the United States charged with
 24 enforcing the immigration, customs, or other laws of

1 the United States along any border of the United
2 States; or

3 “(2) an intentional violation of arrival, report-
4 ing, entry, or clearance requirements, as set forth in
5 section 107 of the Federal Plant Pest Act (7 U.S.C.
6 150ff), section 10 of the Act of August 20, 1912
7 (commonly known as the ‘Plant Quarantine Act’ (7
8 U.S.C. 164a)), section 7 of the Federal Noxious
9 Weed Act of 1974 (7 U.S.C. 2807), section 431,
10 433, 434, or 459 of the Tariff Act of 1930 (19
11 U.S.C. 1431, 1433, 1434, and 1459), section 10 of
12 the Act of August 30, 1890 (26 Stat. 417; chapter
13 839 (21 U.S.C. 105), section 2 of the Act of Feb-
14 ruary 2, 1903 (32 Stat. 792; chapter 349; 21 U.S.C.
15 111), section 4197 of the Revised Statutes (46
16 U.S.C. App. 91), or sections 231, 232, and 234
17 through 238 of the Immigration and Nationality Act
18 (8 U.S.C. 1221, 1222, and 1224 through 1228)
19 shall be—

20 “(A) fined under this title, imprisoned not
21 more than 5 years, or both;

22 “(B) if bodily injury (as defined in section
23 1365(g)) results, fined under this title, impris-
24 oned not more than 10 years, or both; or

1 “(C) if death results, fined under this title,
 2 imprisoned for any term of years or for life, or
 3 both, and may be sentenced to death.

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

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 10 The analysis for chapter 27 of title 18, United States
 11 Code, is amended by adding at the end the following:

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

12 (c) RECKLESS ENDANGERMENT.—Section 111 of
 13 title 18, United States Code, is amended—

14 (1) by redesignating subsection (b) as sub-
 15 section (c); and

16 (2) by inserting after subsection (a) the follow-
 17 ing:

18 “(b) RECKLESS ENDANGERMENT.—Whoever—

19 “(1) knowingly disregards or disobeys the law-
 20 ful authority or command of any officer or employee
 21 of the United States charged with enforcing the im-
 22 migration, customs, or other laws of the United
 23 States along any border of the United States while

1 engaged in, or on account of, the performance of of-
 2 ficial duties of that officer or employee; and

3 “(2) as a result of disregarding or disobeying
 4 an authority or command referred to in paragraph
 5 (1), endangers the safety of any person or property,
 6 shall be fined under this title, imprisoned not more than
 7 6 months, or both.”.

8 **CHAPTER 2—STRENGTHENING MARITIME**
 9 **LAW ENFORCEMENT ALONG UNITED**
 10 **STATES BORDERS**

11 **SEC. 1003. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**
 12 **STRUCTING A LAWFUL BOARDING, AND PRO-**
 13 **VIDING FALSE INFORMATION.**

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

17 **“§ 2237. Sanctions for failure to heave to; sanctions**
 18 **for obstruction of boarding or providing**
 19 **false information**

20 “(a) DEFINITIONS.—In this section:

21 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
 22 The term ‘Federal law enforcement officer’ has the
 23 meaning given that term in section 115(c).

24 “(2) HEAVE TO.—The term ‘heave to’ means,
 25 with respect to a vessel, to cause that vessel to slow

1 or come to a stop to facilitate a law enforcement
2 boarding by adjusting the course and speed of the
3 vessel to account for the weather conditions and the
4 sea state.

5 “(3) VESSEL OF THE UNITED STATES; VESSEL
6 SUBJECT TO THE JURISDICTION OF THE UNITED
7 STATES.—The terms ‘vessel of the United States’
8 and ‘vessel subject to the jurisdiction of the United
9 States’ have the meanings given those terms in sec-
10 tion 3 of the Maritime Drug Law Enforcement Act
11 (46 U.S.C. App. 1903).

12 “(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

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

19 “(2) IMPEDING BOARDING; PROVIDING FALSE
20 INFORMATION IN CONNECTION WITH A BOARDING.—
21 It shall be unlawful for any person on board a vessel
22 of the United States or a vessel subject to the juris-
23 diction of the United States knowingly or willfully
24 to—

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

4 “(B) impede or obstruct a boarding or ar-
5 rest, or other law enforcement action authorized
6 by any Federal law; or

7 “(C) provide false information to a Federal
8 law enforcement officer during a boarding of a
9 vessel regarding the destination, origin, owner-
10 ship, registration, nationality, cargo, or crew of
11 the vessel.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section may be construed to limit the authority granted
14 before the date of enactment of the International Crime
15 Control Act of 1999 to—

16 “(1) a customs officer under section 581 of the
17 Tariff Act of 1930 (19 U.S.C. 1581) or any other
18 provision of law enforced or administered by the
19 United States Customs Service; or

20 “(2) any Federal law enforcement officer under
21 any Federal law to order a vessel to heave to.

22 “(d) CONSENT OR WAIVER OF OBJECTION BY A FOR-
23 EIGN COUNTRY.—

24 “(1) IN GENERAL.—A foreign country may con-
25 sent to or waive objection to the enforcement of

1 United States law by the United States under this
2 section by international agreement or, on a case-by-
3 case basis, by radio, telephone, or similar oral or
4 electronic means.

5 “(2) PROOF OF CONSENT OR WAIVER.—The
6 Secretary of State or a designee of the Secretary of
7 State may prove a consent or waiver described in
8 paragraph (1) by certification.

9 “(e) PENALTIES.—Any person who intentionally vio-
10 lates any provision of this section shall be fined under this
11 title, imprisoned not more than 5 years, or both.

12 “(f) SEIZURE OF VESSELS.—

13 “(1) IN GENERAL.—A vessel that is used in vio-
14 lation of this section may be seized and forfeited.

15 “(2) APPLICABILITY OF LAWS.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (C), the laws described in subparagraph
18 (B) shall apply to seizures and forfeitures un-
19 dertaken, or alleged to have been undertaken,
20 under any provision of this section.

21 “(B) LAWS DESCRIBED.—The laws de-
22 scribed in this subparagraph are the laws relat-
23 ing to the seizure, summary, judicial forfeiture,
24 and condemnation of property for violation of
25 the customs laws, the disposition of the prop-

erty or the proceeds from the sale thereof, the
 remission or mitigation of the forfeitures, and
 the compromise of claims.

“(C) EXECUTION OF DUTIES BY OFFICERS
 AND AGENTS.—Any duty that is imposed upon
 a customs officer or any other person with re-
 spect to the seizure and forfeiture of property
 under the customs laws shall be performed with
 respect to a seizure or forfeiture of property
 under this section by the officer, agent, or other
 person that is authorized or designated for that
 purpose.

“(3) IN REM LIABILITY.—A vessel that is used
 in violation of this section shall, in addition to any
 other liability prescribed under this subsection, be
 liable in rem for any fine or civil penalty imposed
 under this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The analysis for chapter 109 of title 18, United States
 Code, is amended by adding at the end the following:

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

1 **SEC. 1004. CIVIL PENALTIES TO SUPPORT MARITIME LAW**
 2 **ENFORCEMENT.**

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

6 “§ 675. Civil penalty for failure to comply with a law-
 7 ful boarding, obstruction of boarding, or
 8 providing false information

9 “(a) IN GENERAL.—Any person who violates section
 10 2237(b) of title 18 shall be liable for a civil penalty of
 11 not more than \$25,000.

12 “(b) IN REM LIABILITY.—In addition to being sub-
 13 ject to the liability under subsection (a), a vessel used to
 14 violate an order relating to the boarding of a vessel issued
 15 under the authority of section 2237 of title 18 shall be
 16 liable in rem and may be seized, forfeited, and sold in ac-
 17 cordance with section 594 of the Tariff Act of 1930 (19
 18 U.S.C. 1594).”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The analysis for chapter 17 of title 14, United States
 21 Code, is amended by adding at the end the following:

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

22 **SEC. 1005. CUSTOMS ORDERS.**

23 Section 581 of the Tariff Act of 1930 (19 U.S.C.
 24 1581) is amended by adding at the end the following:

1 “(i) AUTHORIZED PLACE DEFINED.—In this section,
 2 the term ‘authorized place’ includes, with respect to a ves-
 3 sel or vehicle, a location in a foreign country at which
 4 United States customs officers are permitted to conduct
 5 inspections, examinations, or searches.”.

6 **CHAPTER 3—SMUGGLING OF CONTRA-**
 7 **BAND AND OTHER ILLEGAL PROD-**
 8 **UCTS**

9 **SEC. 1006. SMUGGLING CONTRABAND AND OTHER GOODS**
 10 **FROM THE UNITED STATES.**

11 (a) IN GENERAL.—

12 (1) SMUGGLING GOODS FROM THE UNITED
 13 STATES.—Chapter 27 of title 18, United States
 14 Code, as amended by section 1002(a) of this title, is
 15 amended by adding at the end the following:

16 **“§ 555. Smuggling goods from the United States**

17 “(a) UNITED STATES DEFINED.—In this section, the
 18 term ‘United States’ has the meaning given that term in
 19 section 545.

20 “(b) PENALTIES.—Whoever—

21 “(1) fraudulently or knowingly exports or sends
 22 from the United States, or attempts to export or
 23 send from the United States, any merchandise, arti-
 24 cle, or object contrary to any law of the United

1 States (including any regulation of the United
2 States); or

3 “(2) receives, conceals, buys, sells, or in any
4 manner facilitates the transportation, concealment,
5 or sale of that merchandise, article, or object, prior
6 to exportation, knowing that merchandise, article, or
7 object to be intended for exportation contrary to any
8 law of the United States,
9 shall be fined under this title, imprisoned not more than
10 5 years, or both.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The analysis for chapter 27 of title 18,
13 United States Code, is amended by adding at the
14 end the following:

“555. Smuggling goods from the United States.”.

15 (b) LAUNDERING OF MONETARY INSTRUMENTS.—
16 Section 1956(c)(7)(D) of title 18, United States Code, is
17 amended by inserting “section 555 (relating to smuggling
18 goods from the United States),” before “section 641 (re-
19 lating to public money, property, or records),”.

20 (c) MERCHANDISE EXPORTED FROM UNITED
21 STATES.—Section 596 of the Tariff Act of 1930 (19
22 U.S.C. 1595a) is amended by adding at the end the follow-
23 ing:

24 “(d) MERCHANDISE EXPORTED FROM THE UNITED
25 STATES.—Merchandise exported or sent from the United

1 States or attempted to be exported or sent from the
 2 United States contrary to law, or the value thereof, and
 3 property used to facilitate the receipt, purchase, transpor-
 4 tation, concealment, or sale of that merchandise prior to
 5 exportation shall be forfeited to the United States.”.

6 **SEC. 1007. CUSTOMS DUTIES.**

7 (a) IN GENERAL.—Section 542 of title 18, United
 8 States Code, is amended—

9 (1) in the section heading, by adding “**theft,**
 10 **embezzlement, or misapplication of du-**
 11 **ties**” at the end;

12 (2) by redesignating the fourth and fifth undes-
 13 ignated paragraphs as subsections (b) and (c), re-
 14 spectively;

15 (3) in the third undesignated paragraph—

16 (A) by striking “Shall be fined” and in-
 17 serting the following:

18 “shall be fined”; and

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

21 (4) in the second undesignated paragraph—

22 (A) by striking “Whoever is guilty” and in-
 23 serting the following:

24 “(2) is guilty”; and

1 (B) by striking “act or omission—” and
 2 inserting “act or omission; or”;

3 (5) in the first undesignated paragraph, by
 4 striking “Whoever knowingly effects” and inserting
 5 the following:

6 “(a) Whoever—

7 “(1) knowingly effects”; and

8 (6) in subsection (a) (as so designated by para-
 9 graph (5) of this subsection) by inserting after para-
 10 graph (2) (as so designated by paragraph (4) of this
 11 subsection) the following:

12 “(3) embezzles, steals, abstracts, purloins, will-
 13 fully misapplies, willfully permits to be misapplied,
 14 or wrongfully converts to his own use, or to the use
 15 of another, moneys, funds, credits, assets, securities
 16 or other property entrusted to his or her custody or
 17 care, or to the custody or care of another for the
 18 purpose of paying any lawful duties;”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—

20 The analysis for chapter 27 of title 18, United States
 21 Code, is amended by striking the item relating to section
 22 542 and inserting the following:

“542. Entry of goods by means of false statements, theft, embezzlement, or
 misapplication of duties.”.

1 **SEC. 1008. FALSE CERTIFICATIONS RELATING TO EXPORTS.**

2 (a) IN GENERAL.—Chapter 27 of title 18, United
3 States Code, as amended by section 1006(a) of this title,
4 is amended by adding at the end the following:

5 **“§ 556. False certifications relating to exports**

6 “Whoever knowingly transmits in interstate or for-
7 eign commerce any false or fraudulent certificate of origin,
8 invoice, declaration, affidavit, letter, paper, or statement
9 (whether written or otherwise), that represents explicitly
10 or implicitly that goods, wares, or merchandise to be ex-
11 ported qualify for purposes of any international trade
12 agreement to which the United States is a signatory shall
13 be fined under this title, imprisoned not more than 5
14 years, or both.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 The analysis for chapter 27 of title 18, United States
17 Code, is amended by adding at the end the following:

“556. False certifications relating to exports.”.

18 **CHAPTER 4—DENYING SAFE HAVENS TO**
19 **INTERNATIONAL CRIMINALS**

20 **SEC. 1009. EXTRADITION FOR OFFENSES NOT COVERED BY**
21 **A LIST TREATY.**

22 Chapter 209 of title 18, United States Code, is
23 amended by adding at the end the following:

1 **“§ 3197. Extradition for offenses not covered by a list**
 2 **treaty**

3 “(a) SERIOUS OFFENSE DEFINED.—In this section,
 4 the term ‘serious offense’ means conduct that would be—

5 “(1) an offense described in any multilateral
 6 treaty to which the United States is a party that ob-
 7 ligates parties—

8 “(A) to extradite alleged offenders found
 9 in the territory of the parties; or

10 “(B) submit the case to the competent au-
 11 thorities of the parties for prosecution; or

12 “(2) conduct that, if that conduct occurred in
 13 the United States, would constitute—

14 “(A) a crime of violence (as defined in sec-
 15 tion 16);

16 “(B) the distribution, manufacture, impor-
 17 tation or exportation of a controlled substance
 18 (as defined in section 201 of the Controlled
 19 Substances Act (21 U.S.C. 802));

20 “(C) bribery of a public official; misappro-
 21 priation, embezzlement or theft of public funds
 22 by or for the benefit of a public official;

23 “(D) obstruction of justice, including pay-
 24 ment of bribes to jurors or witnesses;

25 “(E) the laundering of monetary instru-
 26 ments, as described in section 1956, if the value

1 of the monetary instruments involved exceeds
2 \$100,000;

3 “(F) fraud, theft, embezzlement, or com-
4 mercial bribery if the aggregate value of prop-
5 erty that is the object of all of the offenses re-
6 lated to the conduct exceeds \$100,000;

7 “(G) counterfeiting, if the obligations, se-
8 curities or other items counterfeited, have an
9 apparent value that exceeds \$100,000;

10 “(H) a conspiracy or attempt to commit
11 any of the offenses described in any of subpara-
12 graphs (A) through (G), or aiding and abetting
13 a person who commits any such offense; or

14 “(I) a crime against children under chap-
15 ter 109A or section 2251, 2251A, 2252, or
16 2252A.

17 “(b) AUTHORIZATION OF FILING.—

18 “(1) IN GENERAL.—If a foreign government
19 makes a request for the extradition of a person who
20 is charged with or has been convicted of an offense
21 within the jurisdiction of that foreign government,
22 and an extradition treaty between the United States
23 and the foreign government is in force, but the trea-
24 ty does not provide for extradition for the offense
25 with which the person has been charged or for which

1 the person has been convicted, the Attorney General
2 may authorize the filing of a complaint for extra-
3 dition pursuant to subsections (c) and (d).

4 “(2) FILING OF COMPLAINTS.—

5 “(A) IN GENERAL.—A complaint author-
6 ized under paragraph (1) shall be filed pursu-
7 ant to section 3184.

8 “(B) PROCEDURES.—With respect to a
9 complaint filed under paragraph (1), the proce-
10 dures contained in sections 3184 and 3186 and
11 the terms of the relevant extradition treaty
12 shall apply as if the offense were a crime pro-
13 vided for by the treaty, in a manner consistent
14 with section 3184.

15 “(c) CRITERIA FOR AUTHORIZATION OF COM-
16 PLAINTS.—

17 “(1) IN GENERAL.—The Attorney General may
18 authorize the filing of a complaint under subsection
19 (b) only upon a certification—

20 “(A) by the Attorney General, that in the
21 judgment of the Attorney General—

22 “(i) the offense for which extradition
23 is sought is a serious offense; and

24 “(ii) submission of the extradition re-
25 quest would be important to the law en-

1 forcement interests of the United States or
2 otherwise in the interests of justice; and

3 “(B) by the Secretary of State, that in the
4 judgment of the Secretary of State, submission
5 of the request would be consistent with the for-
6 eign policy interests of the United States.

7 “(2) FACTORS FOR CONSIDERATION.—In mak-
8 ing any certification under paragraph (1)(B), the
9 Secretary of State may consider whether the facts
10 and circumstances of the request then known appear
11 likely to present any significant impediment to the
12 ultimate surrender of the person who is the subject
13 of the request for extradition, if that person is found
14 to be extraditable.

15 “(d) CASES OF URGENCY.—

16 “(1) IN GENERAL.—In any case of urgency, the
17 Attorney General may, with the concurrence of the
18 Secretary of State and before any formal certifi-
19 cation under subsection (c), authorize the filing of a
20 complaint seeking the provisional arrest and deten-
21 tion of the person sought for extradition before the
22 receipt of documents or other proof in support of the
23 request for extradition.

24 “(2) APPLICABILITY OF RELEVANT TREATY.—

25 With respect to a case described in paragraph (1),

1 a provision regarding provisional arrest in the rel-
 2 evant treaty shall apply.

3 “(3) FILING AND EFFECT OF FILING OF COM-
 4 PLAINTS.—

5 “(A) IN GENERAL.—A complaint author-
 6 ized under this subsection shall be filed in the
 7 same manner as provided in section 3184.

8 “(B) ISSUANCE OF ORDERS.—Upon the fil-
 9 ing of a complaint under this subsection, the
 10 appropriate judicial officer may issue an order
 11 for the provisional arrest and detention of the
 12 person as provided in section 3184.

13 “(e) CONDITIONS OF SURRENDER; ASSURANCES.—

14 “(1) IN GENERAL.—Before issuing a warrant of
 15 surrender under section 3184 or 3186, the Secretary
 16 of State may—

17 “(A) impose conditions upon the surrender
 18 of the person that is the subject of the warrant;
 19 and

20 “(B) require those assurances of compli-
 21 ance with those conditions, as are determined
 22 by the Secretary to be appropriate.

23 “(2) ADDITIONAL ASSURANCES.—

24 “(A) IN GENERAL.—In addition to impos-
 25 ing conditions and requiring assurances under

paragraph (1), the Secretary of State shall demand, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

“(B) DESCRIPTION OF ASSURANCES.—An assurance described in this subparagraph is an assurance that the person that is sought for extradition shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States.”.

SEC. 1010. EXTRADITION ABSENT A TREATY.

Chapter 209 of title 18, United States Code, as amended by section 1009 of this title, is amended by adding at the end the following:

“§ 3198. Extradition absent a treaty

“(a) SERIOUS OFFENSE DEFINED.—In this section, the term ‘serious offense’ has the meaning given that term in section 3197(a).

“(b) AUTHORIZATION OF FILING.—

“(1) IN GENERAL.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government,

1 and no extradition treaty is in force between the
 2 United States and the foreign government, the At-
 3 torney General may authorize the filing of a com-
 4 plaint for extradition pursuant to subsections (c)
 5 and (d).

6 “(2) FILING AND TREATMENT OF COM-
 7 PLAINTS.—

8 “(A) IN GENERAL.—A complaint author-
 9 ized under paragraph (1) shall be filed pursu-
 10 ant to section 3184.

11 “(B) PROCEDURES.—With respect to a
 12 complaint filed under paragraph (1), procedures
 13 of sections 3184 and 3186 shall be followed as
 14 if the offense were a ‘crime provided for by
 15 such treaty’ as described in section 3184.

16 “(c) CRITERIA FOR AUTHORIZATION OF COM-
 17 PLAINTS.—The Attorney General may authorize the filing
 18 of a complaint described in subsection (b) only upon a
 19 certification—

20 “(1) by the Attorney General, that in the judg-
 21 ment of the Attorney General—

22 “(A) the offense for which extradition is
 23 sought is a serious offense; and

24 “(B) submission of the extradition request
 25 would be important to the law enforcement in-

1 terests of the United States or otherwise in the
2 interests of justice; and

3 “(2) by the Secretary of State, that in the judg-
4 ment of the certifying official, based on information
5 then known—

6 “(A) submission of the request would be
7 consistent with the foreign policy interests of
8 the United States;

9 “(B) the facts and circumstances of the re-
10 quest, including humanitarian considerations,
11 do not appear likely to present a significant im-
12 pediment to the ultimate surrender of the per-
13 son if found extraditable; and

14 “(C) the foreign government submitting
15 the request is not submitting the request in
16 order to try or punish the person sought for ex-
17 tradition primarily on the basis of the race, reli-
18 gion, nationality, or political opinions of that
19 person.

20 “(d) LIMITATIONS ON DELEGATION.—

21 “(1) DELEGATION BY ATTORNEY GENERAL.—

22 The authorities and responsibilities of the Attorney
23 General under subsection (c) may be delegated only
24 to the Deputy Attorney General.

1 “(2) DELEGATION.—The authorities and re-
2 sponsibilities of the Secretary of State set forth in
3 this subsection may be delegated only to the Deputy
4 Secretary of State.

5 “(e) CASES OF URGENCY.—

6 “(1) IN GENERAL.—In any case of urgency, the
7 Attorney General may, with the concurrence of the
8 Secretary of State and before any formal certifi-
9 cation under subsection (c), authorize the filing of a
10 complaint seeking the provisional arrest and deten-
11 tion of the person sought for extradition before the
12 receipt of documents or other proof in support of the
13 request for extradition.

14 “(2) FILING OF COMPLAINTS; ORDER BY JUDI-
15 CIAL OFFICER.—

16 “(A) FILING.—A complaint filed under
17 this subsection shall be filed in the same man-
18 ner as provided in section 3184.

19 “(B) ORDERS.—Upon the filing of a com-
20 plaint under subparagraph (A), the appropriate
21 judicial officer may issue an order for the provi-
22 sional arrest and detention of the person.

23 “(C) RELEASES.—If, not later than 45
24 days after the arrest, the formal request for ex-
25 tradition and documents in support of that are

1 not received by the Department of State, the
 2 appropriate judicial officer may order that a
 3 person detained pursuant to this subsection be
 4 released from custody.

5 “(f) HEARINGS.—

6 “(1) IN GENERAL.—Subject to subsection (h),
 7 upon the filing of a complaint for extradition and re-
 8 ceipt of documents or other proof in support of the
 9 request of a foreign government for extradition, the
 10 appropriate judicial officer shall hold a hearing to
 11 determine whether the person sought for extradition
 12 is extraditable.

13 “(2) CRITERIA FOR EXTRADITION.—Subject to
 14 subsection (g) in a hearing conducted under para-
 15 graph (1), the judicial officer shall find a person ex-
 16 traditable if the officer finds—

17 “(A) probable cause to believe that the
 18 person before the judicial officer is the person
 19 sought in the foreign country of the requesting
 20 foreign government;

21 “(B) probable cause to believe that the
 22 person before the judicial officer committed the
 23 offense for which that person is sought, or was
 24 duly convicted of that offense in the foreign
 25 country of the requesting foreign government;

“(C) that the conduct upon which the request for extradition is based, if that conduct occurred within the United States, would be a serious offense punishable by imprisonment for more than 10 years under the laws of—

“(i) the United States;

“(ii) the majority of the States in the United States; or

“(iii) of the State in which the fugitive is found; and

“(D) no defense to extradition under subsection (f) has been established.

“(g) LIMITATION OF EXTRADITION.—

“(1) IN GENERAL.—A judicial officer shall not find a person extraditable under this section if the person has established that the offense for which extradition is sought is—

“(A) an offense for which the person is being proceeded against, or has been tried or punished, in the United States; or

“(B) a political offense.

“(2) POLITICAL OFFENSES.—For purposes of this section, a political offense does not include—

“(A) a murder or other violent crime against the person of a head of state of a for-

1 eign state, or of a member of the family of the
2 head of state;

3 “(B) an offense for which both the United
4 States and the requesting foreign government
5 have the obligation pursuant to a multilateral
6 international agreement to—

7 “(i) extradite the person sought; or

8 “(ii) submit the case to the competent
9 authorities for decision as to prosecution;
10 or

11 “(C) a conspiracy or attempt to commit
12 any of the offenses referred to in subparagraph
13 (A) or (B), or aiding or abetting a person who
14 commits or attempts to commit any such of-
15 fenses.

16 “(h) LIMITATIONS ON FACTORS FOR CONSIDERATION
17 AT HEARINGS.—

18 “(1) IN GENERAL.—At a hearing conducted
19 under subsection (a), the judicial officer conducting
20 the hearing shall not consider issues regarding—

21 “(A) humanitarian concerns;

22 “(B) the nature of the judicial system of
23 the requesting foreign government; and

24 “(C) whether the foreign government is
25 seeking extradition of a person for the purpose

1 of prosecuting or punishing the person because
2 of the race, religion, nationality or political
3 opinions of that person.

4 “(2) CONSIDERATION BY SECRETARY OF
5 STATE.—The issues referred to in paragraph (1)
6 shall be reserved for consideration exclusively by the
7 Secretary of State as described in subsection (c)(2).

8 “(3) ADDITIONAL CONSIDERATION.—Notwith-
9 standing the certification requirements described in
10 subsection (c)(2), the Secretary of State may, within
11 the sole discretion of the Secretary—

12 “(A) in addition to considering the issues
13 referred to in paragraph (1) for purposes of
14 certifying the filing of a complaint under this
15 section, consider those issues again in exercis-
16 ing authority to surrender the person sought
17 for extradition in carrying out the procedures
18 under section 3184 and 3186; and

19 “(B) impose conditions on surrender in-
20 cluding those provided in subsection (i).

21 “(i) CONDITIONS OF SURRENDER; ASSURANCES.—

22 “(1) IN GENERAL.—The Secretary of State
23 may—

1 “(A) impose conditions upon the surrender
2 of a person sought for extradition under this
3 section; and

4 “(B) require such assurances of compli-
5 ance with those conditions, as the Secretary de-
6 termines to be appropriate.

7 “(2) ADDITIONAL ASSURANCES.—In addition to
8 imposing conditions and requiring assurances under
9 paragraph (1), the Secretary shall demand, as a con-
10 dition of the extradition of the person that is sought
11 for extradition—

12 “(A) in every case, an assurance the Sec-
13 retary determines to be satisfactory that the
14 person shall not be tried or punished for an of-
15 fense other than the offense for which the per-
16 son has been extradited, absent the consent of
17 the United States; and

18 “(B) in a case in which the offense for
19 which extradition is sought is punishable by
20 death in the foreign country of the requesting
21 foreign government and is not so punishable
22 under the applicable laws in the United States,
23 an assurance the Secretary determines to be
24 satisfactory that the death penalty—

25 “(i) shall not be imposed; or

1 “(ii) if imposed, shall not be carried
2 out.”.

3 **SEC. 1011. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) IN GENERAL.—Chapter 309 of title 18, United
5 States Code, is amended—

6 (1) in section 3181, by inserting “, other than
7 sections 3197 and 3198,” after “The provisions of
8 this chapter” each place that term appears; and

9 (2) in section 3186, by striking “or 3185” and
10 inserting “, 3185, 3197 or 3198”.

11 (b) CHAPTER ANALYSIS.—The analysis for chapter
12 209 of title 18, United States Code, is amended by adding
13 at the end the following:

“3197. Extradition for offenses not covered by a list treaty.
“3198. Extradition absent a treaty.”.

14 **SEC. 1012. TEMPORARY TRANSFER OF PERSONS IN CUS-**
15 **TODY FOR PROSECUTION.**

16 (a) IN GENERAL.—Chapter 306 of title 18, United
17 States Code, is amended by adding at the end the follow-
18 ing:

19 **“§ 4116. Temporary transfer for prosecution**

20 “(a) STATE DEFINED.—In this section, the term
21 ‘State’ includes a State of the United States, the District
22 of Columbia, and a commonwealth, territory, or possession
23 of the United States.

1 “(b) AUTHORITY OF ATTORNEY GENERAL WITH RE-
2 SPECT TO TEMPORARY TRANSFERS.—

3 “(1) IN GENERAL.—Subject to subsection (d),
4 if a person is in pretrial detention or is otherwise
5 being held in custody in a foreign country based
6 upon a violation of the law in that foreign country,
7 and that person is found extraditable to the United
8 States by the competent authorities of that foreign
9 country while still in the pretrial detention or cus-
10 tody, the Attorney General shall have the
11 authority—

12 “(A) to request the temporary transfer of
13 that person to the United States in order to
14 face prosecution in a Federal or State criminal
15 proceeding;

16 “(B) to maintain the custody of that per-
17 son while the person is in the United States;
18 and

19 “(C) to return that person to the foreign
20 country at the conclusion of the criminal pros-
21 ecution, including any imposition of sentence.

22 “(2) REQUIREMENTS FOR REQUESTS BY AT-
23 TORNEY GENERAL.—The Attorney General shall
24 make a request under paragraph (1) only if the At-
25 torney General determines, after consultation with

1 the Secretary of State, that the return of that per-
 2 son to the foreign country in question would be con-
 3 sistent with international obligations of the United
 4 States.

5 “(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-
 6 SPECT TO PRETRIAL DETENTIONS.—

7 “(1) IN GENERAL.—

8 “(A) AUTHORITY OF ATTORNEY GEN-
 9 ERAL.—Subject to paragraph (2) and sub-
 10 section (d), the Attorney General shall have the
 11 authority to carry out the actions described in
 12 subparagraph (B), if—

13 “(i) a person is in pretrial detention
 14 or is otherwise being held in custody in the
 15 United States based upon a violation of
 16 Federal or State law, and that person is
 17 found extraditable to a foreign country
 18 while still in the pretrial detention or cus-
 19 tody pursuant to section 3184, 3197, or
 20 3198; and

21 “(ii) a determination is made by the
 22 Secretary of State and the Attorney Gen-
 23 eral that the person will be surrendered.

1 “(B) ACTIONS.—If the conditions de-
2 scribed in subparagraph (A) are met, the Attor-
3 ney General shall have the authority to—

4 “(i) temporarily transfer the person
5 described in subparagraph (A) to the for-
6 eign country of the foreign government re-
7 questing the extradition of that person in
8 order to face prosecution;

9 “(ii) transport that person from the
10 United States in custody; and

11 “(iii) return that person in custody to
12 the United States from the foreign coun-
13 try.

14 “(2) CONSENT BY STATE AUTHORITIES.—If the
15 person is being held in custody for a violation of
16 State law, the Attorney General may exercise the au-
17 thority described in paragraph (1) if the appropriate
18 State authorities give their consent to the Attorney
19 General.

20 “(3) CRITERION FOR REQUEST.—The Attorney
21 General shall make a request under paragraph (1)
22 only if the Attorney General determines, after con-
23 sultation with the Secretary of State, that the return
24 of the person sought for extradition to the foreign
25 country of the foreign government requesting the ex-

1 tradition would be consistent with United States
2 international obligations.

3 “(4) EFFECT OF TEMPORARY TRANSFER.—

4 With regard to any person in pretrial detention—

5 “(A) a temporary transfer under this sub-
6 section shall result in an interruption in the
7 pretrial detention status of that person; and

8 “(B) the right to challenge the conditions
9 of confinement pursuant to section 3142(f) does
10 not extend to the right to challenge the condi-
11 tions of confinement in a foreign country while
12 in that foreign country temporarily under this
13 subsection.

14 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-
15 ING OF WHETHER A PERSON IS EXTRADITABLE.—The
16 Attorney General may exercise the authority described in
17 subsections (b) and (c) absent a prior finding that the per-
18 son in custody is extraditable, if the person, any appro-
19 priate State authorities in a case under subsection (c), and
20 the requesting foreign government give their consent to
21 waive that requirement.

22 “(e) RETURN OF PERSONS.—

23 “(1) IN GENERAL.—If the temporary transfer
24 to or from the United States of a person in custody
25 for the purpose of prosecution is provided for by this

1 section, that person shall be returned to the United
 2 States or to the foreign country from which the per-
 3 son is transferred on completion of the proceedings
 4 upon which the transfer was based.

5 “(2) STATUTORY INTERPRETATION WITH RE-
 6 SPECT TO IMMIGRATION LAWS.—In no event shall
 7 the return of a person under paragraph (1) require
 8 extradition proceedings or proceedings under the im-
 9 migration laws.

10 “(3) CERTAIN RIGHTS AND REMEDIES
 11 BARRED.—Notwithstanding any other provision of
 12 law, a person temporarily transferred to the United
 13 States pursuant to this section shall not be entitled
 14 to apply for or obtain any right or remedy under the
 15 Immigration and Nationality Act (8 U.S.C. 1101 et
 16 seq.), including the right to apply for or be granted
 17 asylum or withholding of deportation.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 19 The analysis for chapter 306 of title 18, United States
 20 Code, is amended by adding at the end the following:

“4116. Temporary transfer for prosecution.”.

21 **SEC. 1013. PROHIBITING FUGITIVES FROM BENEFITING**
 22 **FROM FUGITIVE STATUS.**

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

1 **“§ 2466. Fugitive disentitlement**

2 “A person may not use the resources of the courts
3 of the United States in furtherance of a claim in any relat-
4 ed civil forfeiture action or a claim in third party proceed-
5 ings in any related criminal forfeiture action if that
6 person—

7 “(1) purposely leaves the jurisdiction of the
8 United States;

9 “(2) declines to enter or reenter the United
10 States to submit to its jurisdiction; or

11 “(3) otherwise evades the jurisdiction of the
12 court in which a criminal case is pending against the
13 person.”.

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

“2466. Fugitive disentitlement.”.

17 **SEC. 1014. TRANSFER OF FOREIGN PRISONERS TO SERVE**
18 **SENTENCES IN COUNTRY OF ORIGIN.**

19 Section 4100(b) of title 18, United States Code, is
20 amended in the third sentence by inserting “, unless other-
21 wise provided by treaty,” before “an offender”.

1 **SEC. 1015. TRANSIT OF FUGITIVES FOR PROSECUTION IN**
2 **FOREIGN COUNTRIES.**

3 (a) IN GENERAL.—Chapter 305 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 4087. Transit through the United States of persons**
7 **wanted in a foreign country**

8 “(a) IN GENERAL.—The Attorney General may, in
9 consultation with the Secretary of State, permit the tem-
10 porary transit through the United States of a person
11 wanted for prosecution or imposition of sentence in a for-
12 eign country.

13 “(b) LIMITATION ON JUDICIAL REVIEW.—A deter-
14 mination by the Attorney General to permit or not to per-
15 mit a temporary transit described in subsection (a) shall
16 not be subject to judicial review.

17 “(c) CUSTODY.—If the Attorney General permits a
18 temporary transit under subsection (a), Federal law en-
19 forcement personnel may hold the person subject to that
20 transit in custody during the transit of the person through
21 the United States.

22 “(d) CONDITIONS APPLICABLE TO PERSONS SUB-
23 JECT TO TEMPORARY TRANSIT.—Notwithstanding any
24 other provision of law, a person who is subject to a tem-
25 porary transit through the United States under this sec-
26 tion shall—

1 “(1) be required to have only such documents
2 as the Attorney General shall require;

3 “(2) not be considered to be admitted or pa-
4 roled into the United States; and

5 “(3) not be entitled to apply for or obtain any
6 right or remedy under the Immigration and Nation-
7 ality Act (8 U.S.C. 1101 et seq.), including the right
8 to apply for or be granted asylum or withholding of
9 deportation.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—
11 The analysis for chapter 305 of title 18, United States
12 Code, is amended by adding at the end the following:

 “4087. Transit through the United States of persons wanted in a foreign coun-
 try.”.

13 **CHAPTER 5—SEIZING AND FORFEITING**

14 **ASSETS OF INTERNATIONAL CRIMINALS**

15 **SEC. 1016. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-** 16 **MONEY LAUNDERING ORDERS.**

17 (a) REPORTING VIOLATIONS.—Section 5324(a) of
18 title 31, United States Code, is amended—

19 (1) in the matter preceding paragraph (1), by
20 inserting “, or the reporting requirements imposed
21 by an order issued pursuant to section 5326” after
22 “any such section”; and

23 (2) in each of paragraphs (1) and (2), by in-
24 serting “, or a report required under any order

1 issued pursuant to section 5326” before the semi-
 2 colon.

3 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and
 4 5322(b) of title 31, United States Code, are each amended
 5 by inserting “or order issued” after “or a regulation pre-
 6 scribed” each place that term appears.

7 **SEC. 1017. CRACKING DOWN ON ILLEGAL MONEY TRANS-**
 8 **MITTING BUSINESSES.**

9 Section 1960 of title 18, United States Code, is
 10 amended by adding at the end the following:

11 “(c) SCIENTER REQUIREMENT.—For the purposes of
 12 proving a violation of this section involving an illegal
 13 money transmitting business (as defined in subsection
 14 (b)(1)(A))—

15 “(1) it shall be sufficient for the government to
 16 prove that the defendant knew that the money trans-
 17 mitting business lacked a license required by State
 18 law; and

19 “(2) it shall not be necessary to show that the
 20 defendant knew that the operation of such a busi-
 21 ness without the required license was an offense
 22 punishable as a felony or misdemeanor under State
 23 law.”.

1 **SEC. 1018. EXPANDING CIVIL MONEY LAUNDERING LAWS**
2 **TO REACH FOREIGN PERSONS.**

3 Section 1956(b) of title 18, United States Code, is
4 amended—

5 (1) by redesignating paragraphs (1) and (2) as
6 subparagraphs (A) and (B), respectively;

7 (2) by inserting “(1)” after “(b)”; and

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

9 “(2) For purposes of adjudicating an action filed or
10 enforcing a penalty ordered under this section, the district
11 courts shall have jurisdiction over any foreign person, in-
12 cluding any financial institution registered in a foreign
13 country, that commits an offense under subsection (a) in-
14 volving a financial transaction that occurs in whole or in
15 part in the United States, if service of process upon the
16 foreign person is made in accordance with the Federal
17 Rules of Civil Procedure or the law of the foreign country
18 in which the foreign person is found.

19 “(3) The court may issue a pretrial restraining order
20 or take any other action necessary to ensure that any bank
21 account or other property held by the defendant in the
22 United States is available to satisfy a judgment under this
23 section.”.

1 **SEC. 1019. PUNISHMENT OF MONEY LAUNDERING**
2 **THROUGH FOREIGN BANKS.**

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

5 “(6) the term ‘financial institution’ includes any
6 financial institution described in section 5312(a)(2)
7 of title 31, United States Code, or the regulations
8 promulgated thereunder, as well as any foreign bank
9 (as defined in section 1(b)(7) of the International
10 Banking Act of 1978 (12 U.S.C. 3101(7));”.

11 **SEC. 1021. AUTHORITY TO ORDER CONVICTED CRIMINALS**
12 **TO RETURN PROPERTY LOCATED ABROAD.**

13 (a) ORDER OF FORFEITURE.—Section 413(p) of the
14 Controlled Substances Act (21 U.S.C. 853(p)) is amended
15 by adding at the end the following: “In the case of prop-
16 erty described in paragraph (3), the court may, in addi-
17 tion, order the defendant to return the property to the
18 jurisdiction of the court so that the property may be seized
19 and forfeited.”.

20 (b) PRETRIAL RESTRAINING ORDER.—Section
21 413(e) of the Controlled Substances Act (21 U.S.C.
22 853(e)) is amended by inserting after paragraph (3) the
23 following:

24 “(4)(A) Pursuant to its authority to enter a
25 pretrial restraining order under this section, includ-
26 ing its authority to restrain any property forfeitable

1 as substitute assets, the court may also order the de-
 2 fendant to repatriate any property subject to forfeit-
 3 ure pending trial, and to deposit that property in the
 4 registry of the court, or with the United States Mar-
 5 shals Service or the Secretary of the Treasury, in an
 6 interest-bearing account.

7 “(B) Failure to comply with an order under
 8 this subsection, or an order to repatriate property
 9 under subsection (p), shall be punishable as a civil
 10 or criminal contempt of court, and may also result
 11 in an enhancement of the sentence for the offense
 12 giving rise to the forfeiture under the obstruction of
 13 justice provision of section 3C1.1 of the Federal
 14 Sentencing Guidelines.”.

15 **SEC. 1022. ADMINISTRATIVE SUMMONS AUTHORITY UNDER**
 16 **THE BANK SECRECY ACT.**

17 Section 5318(b) of title 31, United States Code, is
 18 amended by striking paragraph (1) and inserting the fol-
 19 lowing:

20 “(1) SCOPE OF POWER.—The Secretary of the
 21 Treasury may take any action described in para-
 22 graph (3) or (4) of subsection (a) for the purpose
 23 of—

1 “(A) determining compliance with the rules
2 of this subchapter or any regulation issued
3 under this subchapter; or

4 “(B) civil enforcement of violations of this
5 subchapter, section 21 of the Federal Deposit
6 Insurance Act, section 411 of the National
7 Housing Act, or chapter 2 of Public Law 91–
8 508 (12 U.S.C. 1951 et seq.), or any regulation
9 issued under any such provision.”.

10 **SEC. 1023. EXEMPTING FINANCIAL ENFORCEMENT DATA**
11 **FROM UNNECESSARY DISCLOSURE.**

12 (a) IEEPA.—Section 203 of the International Emer-
13 gency Economic Powers Act (50 U.S.C. 1702(a)) is
14 amended—

15 (1) by redesignating paragraph (3) as para-
16 graph (4); and

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

19 “(3) EXEMPTIONS FROM DISCLOSURE.—Infor-
20 mation obtained under this title before or after the
21 enactment of this section may be withheld only to
22 the extent permitted by statute, except that informa-
23 tion submitted, obtained, or considered in connection
24 with any transaction prohibited under this title, in-
25 cluding license applications, licenses or other author-

1 izations, information or evidence obtained in the
 2 course of any investigation, and information ob-
 3 tained or furnished under this title in connection
 4 with international agreements, treaties, or obliga-
 5 tions shall be withheld from public disclosure, and
 6 shall not be subject to disclosure under section 552
 7 of title 5, United States Code, unless the release of
 8 the information is determined by the President to be
 9 in the national interest.”.

10 (b) **TRADING WITH THE ENEMY ACT.**—Section 5(b)
 11 of the Trading with the Enemy Act of 1917 (50 U.S.C.
 12 App. 5(b)) is amended—

13 (1) by redesignating paragraphs (2), (3), and
 14 (4) as paragraphs (3), (4), and (5), respectively; and
 15 (2) by inserting after paragraph (1) the follow-
 16 ing:

17 “(2) **EXEMPTIONS FROM DISCLOSURE.**—Infor-
 18 mation obtained under this title before or after the
 19 enactment of this section may be withheld only to
 20 the extent permitted by statute, except that informa-
 21 tion submitted, obtained, or considered in connection
 22 with any transaction prohibited under this title, in-
 23 cluding license applications, licenses or other author-
 24 izations, information or evidence obtained in the
 25 course of any investigation, and information ob-

1 tained or furnished under this title in connection
 2 with international agreements, treaties, or obliga-
 3 tions shall be withheld from public disclosure, and
 4 shall not be subject to disclosure under section 552
 5 of title 5, United States Code, unless the release of
 6 the information is determined by the President to be
 7 in the national interest.”.

8 **SEC. 1024. CRIMINAL AND CIVIL PENALTIES UNDER THE**
 9 **INTERNATIONAL EMERGENCY ECONOMIC**
 10 **POWERS ACT.**

11 (a) INCREASED CIVIL PENALTY.—Section 206(a) of
 12 the International Emergency Economic Powers Act (50
 13 U.S.C. 1705(a)), is amended by striking “\$10,000” and
 14 inserting “\$50,000”.

15 (b) INCREASED CRIMINAL FINE.—Section 206(b) of
 16 the International Emergency Economic Powers Act (50
 17 U.S.C. 1705(b)), is amended to read as follows:

18 “(b) Whoever willfully violates any license, order, or
 19 regulation issued under this chapter shall be fined not
 20 more that \$1,000,000 if an organization (as defined in
 21 section 18 of title 18, United States Code), and not more
 22 than \$250,000, imprisoned not more that 10 years, or
 23 both, if an individual.”.

1 **SEC. 1025. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
2 **THE ENEMY ACT.**

3 Section 16 of the Trading with the Enemy Act (50
4 U.S.C. App. 16) is amended—

5 (1) in subsection (a), by inserting “or attempt
6 to violate” after “violate” each time it appears; and

7 (2) in subsection (b)(1), by inserting “or at-
8 tempts to violate” after “violates”.

9 **SEC. 1026. JURISDICTION OVER CERTAIN FINANCIAL**
10 **CRIMES COMMITTED ABROAD.**

11 Section 1029 of title 18, United States Code, is
12 amended by adding at the end the following:

13 “(h) JURISDICTION OVER CERTAIN FINANCIAL
14 CRIMES COMMITTED ABROAD.—Any person who, outside
15 the jurisdiction of the United States, engages in any act
16 that, if committed within the jurisdiction of the United
17 States, would constitute an offense under subsection (a)
18 or (b), shall be subject to the same penalties as if that
19 offense had been committed in the United States, if the
20 act—

21 “(1) involves an access device issued, owned,
22 managed, or controlled by a financial institution, ac-
23 count issuer, credit card system member, or other
24 entity within the jurisdiction of the United States;
25 and

1 “(2) causes, or if completed would have caused,
 2 a transfer of funds from or a loss to an entity listed
 3 in paragraph (1).”.

4 **CHAPTER 6—PROMOTING GLOBAL CO-**
 5 **OPERATION IN THE FIGHT AGAINST**
 6 **INTERNATIONAL CRIME**

7 **SEC. 1027. STREAMLINED PROCEDURES FOR EXECUTION**
 8 **OF MLAT REQUESTS.**

9 (a) IN GENERAL.—Chapter 117 of title 28, United
 10 States Code, is amended by adding at the end the follow-
 11 ing:

12 **“§ 1790. Assistance to foreign authorities**

13 “(a) IN GENERAL.—

14 “(1) PRESENTATION OF REQUESTS.—The At-
 15 torney General may present a request made by a
 16 foreign government for assistance with respect to a
 17 foreign investigation, prosecution, or proceeding re-
 18 garding a criminal matter pursuant to a treaty, con-
 19 vention, or executive agreement for mutual legal as-
 20 sistance between the United States and that govern-
 21 ment or in accordance with section 1782, the execu-
 22 tion of which requires or appears to require the use
 23 of compulsory measures in more than 1 judicial dis-
 24 trict, to a judge or judge magistrate of—

1 “(A) any 1 of the districts in which per-
2 sons who may be required to appear to testify
3 or produce evidence or information reside or are
4 found, or in which evidence or information to
5 be produced is located; or

6 “(B) the United States District Court for
7 the District of Columbia.

8 “(2) AUTHORITY OF COURT.—A judge or judge
9 magistrate to whom a request for assistance is pre-
10 sented under paragraph (1) shall have the authority
11 to issue those orders necessary to execute the re-
12 quest including orders appointing a person to direct
13 the taking of testimony or statements and the pro-
14 duction of evidence or information, of whatever na-
15 ture and in whatever form, in execution of the re-
16 quest.

17 “(b) AUTHORITY OF APPOINTED PERSONS.—A per-
18 son appointed under subsection (a)(2) shall have the au-
19 thority to—

20 “(1) issue orders for the taking of testimony or
21 statements and the production of evidence or infor-
22 mation, which orders may be served at any place
23 within the United States;

24 “(2) administer any necessary oath; and

1 “(3) take testimony or statements and receive
2 evidence and information.

3 “(c) PERSONS ORDERED TO APPEAR.—A person or-
4 dered pursuant to subsection (b)(1) to appear outside the
5 district in which that person resides or is found may, not
6 later than 10 days after receipt of the order—

7 “(1) file with the judge or judge magistrate who
8 authorized execution of the request a motion to ap-
9 pear in the district in which that person resides or
10 is found or in which the evidence or information is
11 located; or

12 “(2) provide written notice, requesting appear-
13 ance in the district in which the person resides or
14 is found or in which the evidence or information is
15 located, to the person issuing the order to appear,
16 who shall advise the judge or judge magistrate au-
17 thorizing execution.

18 “(d) TRANSFER OF REQUESTS.—

19 “(1) IN GENERAL.—The judge or judge mag-
20 istrate may transfer a request under subsection (c),
21 or that portion requiring the appearance of that per-
22 son, to the other district if—

23 “(A) the inconvenience to the person is
24 substantial; and

1 “(B) the transfer is unlikely to adversely
 2 affect the effective or timely execution of the re-
 3 quest or a portion thereof.

4 “(2) EXECUTION.—Upon transfer, the judge or
 5 judge magistrate to whom the request or a portion
 6 thereof is transferred shall complete its execution in
 7 accordance with subsections (a) and (b).”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 9 The analysis for chapter 117 of title 28, United States
 10 Code, is amended by adding at the end the following:

“1790. Assistance to foreign authorities.”.

11 **SEC. 1028. TEMPORARY TRANSFER OF INCARCERATED WIT-**
 12 **NESSES.**

13 (a) IN GENERAL.—Section 3508 of title 18, United
 14 States Code, is amended—

15 (1) by striking the section heading and insert-
 16 ing the following:

17 **“§ 3508. Temporary transfer of witnesses in custody”;**

18 (2) by striking subsections (b) and (c) and in-
 19 serting the following:

20 “(b) TRANSFER AUTHORITY.—

21 “(1) IN GENERAL.—If the testimony of a per-
 22 son who is serving a sentence, in pretrial detention,
 23 or otherwise being held in custody in the United
 24 States, is needed in a foreign criminal proceeding,
 25 the Attorney General shall have the authority to—

1 “(A) temporarily transfer that person to
2 the foreign country for the purpose of giving
3 the testimony;

4 “(B) transport that person from the
5 United States in custody;

6 “(C) make appropriate arrangements for
7 custody for that person while outside the
8 United States; and

9 “(D) return that person in custody to the
10 United States from the foreign country.

11 “(2) PERSONS HELD FOR STATE LAW VIOLA-
12 TIONS.—If the person is being held in custody for a
13 violation of State law, the Attorney General may ex-
14 ercise the authority described in this subsection if
15 the appropriate State authorities give their consent.

16 “(c) RETURN OF PERSONS TRANSFERRED.—

17 “(1) IN GENERAL.—If the transfer to or from
18 the United States of a person in custody for the pur-
19 pose of giving testimony is provided for by treaty or
20 convention, by this section, or both, that person shall
21 be returned to the United States, or to the foreign
22 country from which the person is transferred.

23 “(2) LIMITATION.—In no event shall the return
24 of a person under this subsection require any re-
25 quest for extradition or extradition proceedings, or

1 require that person to be subject to deportation or
2 exclusion proceedings under the laws of the United
3 States, or the foreign country from which the person
4 is transferred.

5 “(d) APPLICABILITY OF INTERNATIONAL AGREE-
6 MENTS.—If there is an international agreement between
7 the United States and the foreign country in which a wit-
8 ness is being held in custody or to which the witness will
9 be transferred from the United States, that provides for
10 the transfer, custody, and return of those witnesses, the
11 terms and conditions of that international agreement shall
12 apply. If there is no such international agreement, the At-
13 torney General may exercise the authority described in
14 subsections (a) and (b) if both the foreign country and
15 the witness give their consent.

16 “(e) RIGHTS OF PERSONS TRANSFERRED.—

17 “(1) Notwithstanding any other provision of
18 law, a person held in custody in a foreign country
19 who is transferred to the United States pursuant to
20 this section for the purpose of giving testimony—

21 “(A) shall not by reason of that transfer,
22 during the period that person is present in the
23 United States pursuant to that transfer, be en-
24 titled to apply for or obtain any right or remedy
25 under the Immigration and Nationality Act, in-

1 cluding the right to apply for or be granted asy-
 2 lum or withholding of deportation or any right
 3 to remain in the United States under any other
 4 law; and

5 “(B) may be summarily removed from the
 6 United States upon order of the Attorney Gen-
 7 eral.

8 “(2) RULE OF CONSTRUCTION.—Nothing in
 9 this subsection may be construed to create any sub-
 10 stantive or procedural right or benefit to remain in
 11 the United States that is legally enforceable in a
 12 court of law of the United States or of a State by
 13 any party against the United States or its agencies
 14 or officers.

15 “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-
 16 TIONS.—The Attorney General shall not take any action
 17 under this section to transfer or return a person to a for-
 18 eign country unless the Attorney General determines, after
 19 consultation with the Secretary of State, that transfer or
 20 return would be consistent with the international obliga-
 21 tions of the United States. A determination by the Attor-
 22 ney General under this subsection shall not be subject to
 23 judicial review by any court.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 25 The analysis for chapter 223 of title 18, United States

1 Code, is amended by striking the item relating to section
 2 3508 and inserting the following:

“3508. Temporary transfer of witnesses in custody.”.

3 **SEC. 1029. TRAINING OF FOREIGN LAW ENFORCEMENT**
 4 **AGENCIES.**

5 Section 660(b) of the Foreign Assistance Act of 1961
 6 (22 U.S.C. 2420(b)) is amended—

7 (1) in paragraph (4), by striking “or” at the
 8 end;

9 (2) in paragraph (6), by striking the period at
 10 the end and inserting “; or”; and

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

12 “(7) with respect to assistance, including train-
 13 ing, provided for antiterrorism purposes.”.

14 **SEC. 1030. DISCRETIONARY AUTHORITY TO USE FORFEIT-**
 15 **URE PROCEEDS.**

16 Section 524(c)(1) of title 28, United States Code, is
 17 amended by—

18 (1) redesignating subparagraph (I) beginning
 19 with “after all” as subparagraph (J);

20 (2) in subparagraph (J) as redesignated, strik-
 21 ing the period and inserting “, and”; and

22 (3) adding at the end the following:

23 “(J) at the discretion of the Attorney Gen-
 24 eral, payments to return forfeited property re-
 25 patriated to the United States by a foreign gov-

1 ernment or others acting at the direction of a
2 foreign government, and interest earned on the
3 property, if—

4 “(i) a final foreign judgment entered
5 against a foreign government or those act-
6 ing at its direction, which foreign judgment
7 was based on the measures, such as sei-
8 zure and repatriation of property, that re-
9 sulted in deposit of the funds into the
10 Fund;

11 “(ii) the foreign judgment was entered
12 and presented to the Attorney General not
13 later than 5 years after the date on which
14 the property was repatriated to the United
15 States;

16 “(iii) the foreign government or those
17 acting at its direction vigorously defended
18 its actions under its own laws; and

19 “(iv) the amount of the disbursement
20 does not exceed the amount of funds de-
21 posited to the Fund, plus interest earned
22 on those funds pursuant to section
23 524(c)(5), less any awards and equitable
24 shares paid by the Fund to the foreign

1 government or those acting at its direction
 2 in connection with a particular case.”.

3 **Subtitle B—International Drug**
 4 **Control**

5 **SEC. 1201. ANNUAL COUNTRY PLANS FOR DRUG-TRANSIT**
 6 **AND DRUG PRODUCING COUNTRIES.**

7 Section 490 of the Foreign Assistance Act of 1961
 8 (22 U.S.C. 2291j) is amended by adding at the end the
 9 following:

10 “(i) COUNTRY PLANS FOR MAJOR DRUG-TRANSIT
 11 AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—

12 “(1) ANNUAL REQUIREMENT.—Not later than
 13 November 1 of each year, the President shall submit
 14 to Congress a separate plan for the activities to be
 15 undertaken by the United States in order to address
 16 drug-trafficking and other drug-related matters in
 17 each country described in paragraph (2).

18 “(2) COVERED COUNTRIES.—A country re-
 19 ferred to in paragraph (1) is any country—

20 “(A) that is determined by the President
 21 to be a major drug-transit country or a major
 22 illicit drug producing country; and

23 “(B) with which the United States is
 24 maintaining diplomatic relations.

1 “(3) FORM.—Each plan under paragraph (1)
 2 shall be submitted in unclassified form, but may
 3 contain a classified annex.”.

4 **SEC. 1202. PROHIBITION ON USE OF FUNDS FOR COUNTER-**
 5 **NARCOTICS ACTIVITIES AND ASSISTANCE.**

6 (a) PROHIBITION.—Notwithstanding any other provi-
 7 sion of law, no funds appropriated for any fiscal year after
 8 fiscal year 1999 for the counterdrug or counternarcotics
 9 activities of the United States (including funds appro-
 10 priated for assistance to other countries for such activi-
 11 ties) may be obligated or expended for such activities dur-
 12 ing the period beginning on November 1 of such fiscal year
 13 and ending on the later of—

14 (1) the date of the notification required in such
 15 fiscal year under subsection (h) of section 490 of the
 16 Foreign Assistance Act of 1961 (22 U.S.C. 2291j);
 17 or

18 (2) the date of the submittal of the plans re-
 19 quired by subsection (i) of that section, as amended
 20 by section 1201 of this title.

21 (b) LIMITATION ON OVERRIDE.—No provision of law
 22 enacted after the date of the enactment of this Act may
 23 be construed to override the prohibition set forth in sub-
 24 section (a) unless such provision specifically refers to such
 25 prohibition in effecting the override.

1 **SEC. 1203. SENSE OF CONGRESS REGARDING COLOMBIA.**

2 It is the sense of Congress—

3 (1) that the provision of counternarcotics assist-
4 ance to Colombia will not meet the purpose of the
5 provision of such assistance without meaningful
6 guarantees that no production, manufacturing, or
7 transportation of narcotics takes place in any area
8 in Colombia designated as a so-called “buffer zone”;

9 (2) to be concerned regarding continuing re-
10 ports of human rights violations by units of the Co-
11 lombia military; and

12 (3) to reaffirm the policy that no aid, supplies,
13 or other assistance should be provided to any mili-
14 tary or law enforcement unit of a foreign country if
15 such unit has engaged in any violation of human
16 rights.

17 **SEC. 1204. SENSE OF CONGRESS REGARDING MEXICO.**

18 It is the sense of Congress that—

19 (1) the United States and the Government of
20 Mexico should conclude a maritime agreement for
21 purposes of improving cooperation between the
22 United States and Mexico in the interdiction of sea-
23 borne drug smuggling;

24 (2) the maritime agreement should be similar to
25 agreements between the United States and govern-
26 ments of other countries in the Caribbean and Latin

1 America which have proven beneficial to the
2 counterdrug activities of the countries concerned;

3 (3) the Government of Mexico should carry
4 through on its promises to the United States Gov-
5 ernment regarding cooperation between such govern-
6 ments in counternarcotics activities, including co-
7 operation in matters relating to extradition, prosecu-
8 tions for money laundering, and other matters;

9 (4) the Government of Mexico is to be com-
10 mended for its cooperation with and support of the
11 United States Government in many law enforcement
12 matters; and

13 (5) the continuing investigation by the Govern-
14 ment of Mexico of United States law enforcement
15 personnel who participated in the money laundering
16 sting operation known as CASABLANCA is an at-
17 tempt by that government to embarrass and harass
18 such personnel even though such personnel were act-
19 ing within the scope of United States law and Mexi-
20 can law in pursuing drug traffickers and money
21 launderers operating both in the United States and
22 in Mexico.

23 **SEC. 1205. SENSE OF CONGRESS REGARDING IRAN.**

24 It is the sense of Congress to express concern that
25 Iran was not included on the most recent list of countries

1 determined to be major drug-transit countries or major
2 illicit drug producing countries despite recent evidence
3 that Iran is a production and transfer point for narcotics.

4 **SEC. 1206. SENSE OF CONGRESS REGARDING SYRIA.**

5 It is the sense of Congress to express concern that
6 Syria was not included on the most recent list of countries
7 determined to be major drug-transit countries or major
8 illicit drug producing countries despite recent evidence
9 that Syria is a trans-shipment point for narcotics from
10 Turkey and from Afghanistan.

11 **SEC. 1207. BRAZIL.**

12 (a) KING AIR AIRCRAFT FOR DEA ACTIVITIES IN
13 BRAZIL.—Notwithstanding any other provision of law, the
14 Administrator of the Drug Enforcement Administration
15 may—

16 (1) purchase a King Air aircraft for purposes of
17 Administration activities in Brazil; and

18 (2) station the aircraft in Brazil for purposes of
19 such activities.

20 (b) SENSE OF CONGRESS REGARDING ASSISTANCE
21 TO BRAZIL.—It is the sense of Congress—

22 (1) to encourage the President to review the na-
23 ture of the cooperation between the United States
24 and Brazil in counternarcotics activities;

1 (2) to recognize the extraordinary threat that
2 narcotics trafficking poses to the national security of
3 Brazil and to the national security of the United
4 States;

5 (3) to applaud the efforts of the Brazil Govern-
6 ment to control drug trafficking in and through the
7 Amazon River basin;

8 (4) to applaud the enactment of legislation by
9 the Brazil Congress that—

10 (A) authorizes appropriate personnel to
11 damage, render inoperative, or destroy aircraft
12 within Brazil territory that are reasonably sus-
13 pected to be engaged primarily in trafficking in
14 illicit narcotics; and

15 (B) contains measures to protect against
16 the loss of innocent life during activities re-
17 ferred to in subparagraph (A), including an ef-
18 fective measure to identify and warn aircraft
19 before the use of force; and

20 (5) to urge the President to issue a statement
21 outlining the matters referred to in paragraphs (1)
22 through (4) in order to prevent any interruption in
23 the current provision by the United States of oper-
24 ational, logistical, technical, administrative, and in-
25 telligence assistance to Brazil.

1 **SEC. 1208. JAMAICA.**

2 (a) REQUIREMENT FOR AERIAL SURVEY.—The
3 President shall take appropriate actions in order to pro-
4 vide for a comprehensive aerial survey of Jamaica for pur-
5 poses of determining the quantity and location of any
6 marijuana and other illegal drugs being grown in Jamaica.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress to express disappointment regarding the lack of
9 progress and cooperation between the United States and
10 Jamaica in counternarcotics activities.

11 **SEC. 1209. SENSE OF CONGRESS REGARDING NORTH**
12 **KOREA.**

13 It is the sense of Congress—

14 (1) to be concerned regarding an increase in the
15 number of reports of drug trafficking in and through
16 North Korea;

17 (2) to encourage the President to submit to
18 Congress the reports, if any, required by law regard-
19 ing the production and trafficking of narcotics in or
20 through North Korea; and

21 (3) to express concern that the Department of
22 State has evaded its obligations with respect to
23 North Korea under section 490 of the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2291j), and thereby
25 diminished the significance to the United States of
26 narcotics production and transit in and through

1 North Korea, in order to enhance cultural exchanges
2 between the United States and North Korea.

3 **Subtitle C—Foreign Military**
4 **Counter-Drug Support**

5 **SEC. 1301. REPORT.**

6 (a) MONTHLY REPORT.—The Department of State
7 and the Department of Defense shall report monthly to
8 the Committee on International Relations and the Com-
9 mittee on National Security of the House of Representa-
10 tives and the Committee on Foreign Relations and the
11 Committee on Armed Services of the Senate on the cur-
12 rent status of any formal letter of request for any foreign
13 military sales of counter narcotics-related assistance from
14 the head of any police, military, or other appropriate secu-
15 rity agency official in an Andean Country. This report
16 shall include—

- 17 (1) the date the initial request was made;
18 (2) the current status of the request;
19 (3) the remaining approvals needed to process
20 the request;
21 (4) the date that the request has been approved
22 by all relevant departments and agencies; and
23 (5) the expected delivery time for the requested
24 material.

1 (b) ANALYSIS.—The Department of State shall re-
 2 view and forward to Congress an analysis of the current
 3 foreign military sales program within 180 days (from time
 4 of enactment). This review shall focus on—

5 (1) what, if any, are the current delays in the
 6 foreign military sales program;

7 (2) the manner in which the program can be
 8 streamlined;

9 (3) the manner in which the efficiency of proc-
 10 essing requested equipment can be increased; and

11 (4) what, if any, legislative changes are nec-
 12 essary to improve the program so that the time from
 13 request to delivery is minimized.

14 **Subtitle D—Money Laundering** 15 **Deterrence**

16 **SEC. 1401. SHORT TITLE.**

17 This subtitle may be cited as the “Money Laundering
 18 Deterrence Act of 1999”.

19 **SEC. 1402. FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—Congress finds that—

21 (1) the dollar amount involved in international
 22 money laundering likely exceeds \$500,000,000,000
 23 annually;

24 (2) organized crime groups are continually de-
 25 vising new methods to launder the proceeds of illegal

1 activities in an effort to subvert the transaction re-
2 porting requirements of subchapter II of chapter 53
3 of title 31, United States Code, and chapter 2 of
4 Public Law 91–508;

5 (3) a number of methods to launder the pro-
6 ceeds of criminal activity were identified and de-
7 scribed in congressional hearings, including the use
8 of financial service providers that are not depository
9 institutions, such as money transmitters and check
10 cashing services, the purchase and resale of durable
11 goods, and the exchange of foreign currency in the
12 so-called “black market”;

13 (4) recent successes in combating domestic
14 money laundering have involved the application of
15 the heretofore seldom-used authority granted to the
16 Secretary of the Treasury and the cooperative ef-
17 forts of Federal, State, and local law enforcement
18 agencies; and

19 (5) such successes have been exemplified by the
20 implementation of the geographic targeting order in
21 New York City and through the work of the El Do-
22 rado task force, a group comprised of agents of De-
23 partment of the Treasury law enforcement agencies,
24 New York State troopers, and New York City police
25 officers.

1 (b) PURPOSES.—The purposes of this title are—

2 (1) to amend subchapter II of chapter 53 of
3 title 31, United States Code, to provide the law en-
4 forcement community with the necessary legal au-
5 thority to combat money laundering;

6 (2) to broaden the law enforcement commu-
7 nity’s access to transactional information already
8 being collected that relates to coins and currency re-
9 ceived in a nonfinancial trade or business; and

10 (3) to express the sense of Congress that the
11 Secretary of the Treasury should expedite the devel-
12 opment and implementation of controls designed to
13 deter money laundering activities at certain types of
14 financial institutions.

15 **SEC. 1403. REPORTING OF SUSPICIOUS ACTIVITIES.**

16 (a) AMENDMENT RELATING TO CIVIL LIABILITY IM-
17 MUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title
18 31, United States Code, is amended to read as follows:

19 “(3) LIABILITY FOR DISCLOSURES.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law, an exempted entity, as
22 defined in subparagraph (B), shall not be liable
23 to any person under any law or regulation of
24 the United States, any constitution, law, or reg-
25 ulation of any State or political subdivision

thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for a disclosure described in subparagraph (B)(i), or for any failure to notify the person who is the subject of the disclosure or any other person identified in the disclosure.

“(B) EXEMPTED ENTITIES.—For purposes of this paragraph, the term ‘exempted entity’ means—

“(i) any financial institution that—

“(I) makes a disclosure of any possible violation of law or regulation to an appropriate government agency; or

“(II) makes a disclosure pursuant to this subsection or any other authority;

“(ii) any director, officer, employee, or agent of an institution referred to in clause (i) who makes, or requires another to make a disclosure referred to in clause (i); and

“(iii) any independent public accountant who audits any such financial institution and makes a disclosure described in clause (i).”.

1 (b) PROHIBITION ON NOTIFICATION OF DISCLO-
2 SURES.—Section 5318(g)(2) of title 31, United States
3 Code, is amended to read as follows:

4 “(2) NOTIFICATION PROHIBITED.—

5 “(A) IN GENERAL.—If a financial institu-
6 tion, any director, officer, employee, or agent of
7 any financial institution, or any independent
8 public accountant who audits any such financial
9 institution, voluntarily or pursuant to this sec-
10 tion or any other authority, reports a suspicious
11 transaction to an appropriate government
12 agency—

13 “(i) the financial institution, director,
14 officer, employee, agent, or accountant
15 may not notify any person involved in the
16 transaction that the transaction has been
17 reported and may not disclose any infor-
18 mation included in the report to any such
19 person; and

20 “(ii) no other person, including any
21 officer or employee of any government,
22 who has any knowledge that such report
23 was made, may disclose to any other per-
24 son or government agency the fact that
25 such report was made.

1 “(B) EXCEPTION FOR USE BY GOVERN-
2 MENT OFFICERS IN OFFICIAL CAPACITY.—Para-
3 graph (1) does not apply to the use or disclo-
4 sure by an officer or employee of an appropriate
5 government agency of any report under this
6 subsection, or information included in the re-
7 port, to the extent that the use is made solely
8 in conjunction with the performance of the offi-
9 cial duties of the officer or employee to conduct
10 or assist in the conduct of a law enforcement or
11 regulatory inquiry, investigation, or proceeding.

12 “(C) COORDINATION WITH PARAGRAPH
13 (5).—Subparagraph (A) shall not be construed
14 to prohibit any financial institution, or any di-
15 rector, officer, employee, or agent of a financial
16 institution, from including, in a written employ-
17 ment reference that is provided in accordance
18 with paragraph (5) in response to a request
19 from another financial institution, information
20 that was included in a report to which subpara-
21 graph (A) applies, but such written employment
22 reference may not disclose that the information
23 was also included in any such report or that a
24 report was made.”.

1 (c) AUTHORIZATION TO INCLUDE SUSPICIONS OF IL-
2 LEGAL ACTIVITY IN EMPLOYMENT REFERENCES.—Sec-
3 tion 5318(g) of title 31, United States Code, is amended
4 by adding at the end the following:

5 “(5) EMPLOYMENT REFERENCES MAY INCLUDE
6 SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIV-
7 ITY.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of law, and subject to subpara-
10 graph (B) of this paragraph and paragraph
11 (2)(C), any financial institution, and any direc-
12 tor, officer, employee, or agent of a financial in-
13 stitution, may disclose, in any written employ-
14 ment reference relating to a current or former
15 institution-affiliated party of the institution
16 that is provided to another financial institution
17 in response to a request from the other institu-
18 tion, information concerning the possible in-
19 volvement of the institution-affiliated party in
20 any suspicious transaction relevant to a possible
21 violation of law or regulation.

22 “(B) LIMIT ON LIABILITY FOR DISCLO-
23 SURES.—A financial institution, and any direc-
24 tor, officer, employee, or agent of the institu-
25 tion, shall not be liable to any person under any

1 law or regulation of the United States, any con-
2 stitution, law, or regulation of any State or po-
3 litical subdivision thereof, or under any contract
4 or other legally enforceable agreement (includ-
5 ing any arbitration agreement), for any disclo-
6 sure under subparagraph (A), to the extent
7 that—

8 “(i) the disclosure does not contain in-
9 formation that the institution, director, of-
10 ficer, employee, agent, or accountant
11 knows to be false; and

12 “(ii) the institution, director, officer,
13 employee, agent, or accountant has not
14 acted with malice or with reckless dis-
15 regard for the truth in making the disclo-
16 sure.

17 “(C) INSTITUTION-AFFILIATED PARTY DE-
18 FINED.—For purposes of this paragraph, the
19 term ‘institution-affiliated party’ has the same
20 meaning as in section 3(u) of the Federal De-
21 posit Insurance Act, except that section 3(u)
22 shall be applied by substituting the term ‘finan-
23 cial institution’ for the term ‘insured depository
24 institution’.”.

1 (d) AMENDMENTS RELATING TO AVAILABILITY OF
 2 SUSPICIOUS ACTIVITY REPORTS FOR OTHER AGEN-
 3 CIES.—Section 5319 of title 31, United States Code, is
 4 amended—

5 (1) in the first sentence, by striking “5314, or
 6 5316” and inserting “5313A, 5314, 5316, or
 7 5318(g)”;

8 (2) in the last sentence, by inserting “under
 9 section 5313, 5313A, 5314, 5316, or 5318(g)” after
 10 “records of reports”; and

11 (3) by adding at the end the following: “The
 12 Secretary of the Treasury may permit the dissemi-
 13 nation of information in any such report to any self-
 14 regulatory organization (as defined in section
 15 3(a)(26) of the Securities Exchange Act of 1934), if
 16 the Securities and Exchange Commission determines
 17 that the dissemination is necessary or appropriate to
 18 permit the self-regulatory organization to perform
 19 its functions under the Securities Exchange Act of
 20 1934 and regulations prescribed under that Act.”.

21 **SEC. 1404. EXPANSION OF SCOPE OF SUMMONS POWER.**

22 Section 5318(b)(1) of title 31, United States Code,
 23 is amended by inserting “examinations to determine com-
 24 pliance with the requirements of this subchapter, section
 25 21 of the Federal Deposit Insurance Act, and chapter 2

1 of Public Law 91–508 and regulations prescribed pursu-
 2 ant to those provisions, investigations relating to reports
 3 filed by financial institutions or other persons pursuant
 4 to any such provision or regulation, and” after “in connec-
 5 tion with”.

6 **SEC. 1405. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC**
 7 **TARGETING ORDERS AND CERTAIN RECORD-**
 8 **KEEPING REQUIREMENTS.**

9 (a) CIVIL PENALTY FOR VIOLATION OF TARGETING
 10 ORDER.—Section 5321(a)(1) of title 31, United States
 11 Code, is amended by inserting “or order issued” after
 12 “regulation prescribed”.

13 (b) CRIMINAL PENALTIES FOR VIOLATION OF TAR-
 14 GETING ORDER.—Subsections (a) and (b) of section 5322
 15 of title 31, United States Code, are amended by inserting
 16 “or order issued” after “regulation prescribed” each place
 17 that term appears.

18 (c) STRUCTURING TRANSACTIONS TO EVADE TAR-
 19 GETING ORDER OR CERTAIN RECORDKEEPING REQUIRE-
 20 MENTS.—Section 5324(a) of title 31, United States Code,
 21 is amended—

22 (1) by inserting a comma after “shall”;

23 (2) by striking “section—” and inserting “sec-
 24 tion, the reporting requirements imposed by any
 25 order issued under section 5326, or the record-

keeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508—”; and

(3) in paragraphs (1) and (2), by inserting “, to file a report required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508” after “regulation prescribed under any such section” each place that term appears.

(d) INCREASE IN CIVIL PENALTIES FOR VIOLATION OF CERTAIN RECORDKEEPING REQUIREMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Section 21(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(j)(1)) is amended by striking “\$10,000” and inserting “the greater of—

“(A) the amount (not to exceed \$100,000) involved in the transaction (if any) with respect to which the violation occurred; or

“(B) \$25,000”.

(2) PUBLIC LAW 91-508.—Section 125(a) of Public Law 91-508 (12 U.S.C. 1955(a)) is amended

1 by striking “\$10,000” and inserting “the greater
2 of—

3 “(1) the amount (not to exceed \$100,000) in-
4 volved in the transaction (if any) with respect to
5 which the violation occurred; or

6 “(2) \$25,000”.

7 (e) CRIMINAL PENALTIES FOR VIOLATION OF CER-
8 TAIN RECORDKEEPING REQUIREMENTS.—

9 (1) SECTION 126.—Section 126 of Public Law
10 91–508 (12 U.S.C. 1956) is amended to read as fol-
11 lows:

12 **“SEC. 126. CRIMINAL PENALTY.**

13 “A person that willfully violates this chapter, section
14 21 of the Federal Deposit Insurance Act, or a regulation
15 prescribed under this chapter or that section 21, shall be
16 fined not more than \$250,000, or imprisoned for not more
17 than 5 years, or both.”.

18 (2) SECTION 127.—Section 127 of Public Law
19 91–508 (12 U.S.C. 1957) is amended to read as fol-
20 lows:

21 **“SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN**
22 **CASES.**

23 “A person that willfully violates this chapter, section
24 21 of the Federal Deposit Insurance Act, or a regulation
25 prescribed under this chapter or that section 21, while vio-

1 lating another law of the United States or as part of a
 2 pattern of any illegal activity involving more than
 3 \$100,000 in a 12-month period, shall be fined not more
 4 than \$500,000, imprisoned for not more than 10 years,
 5 or both.”.

6 **SEC. 1406. REPEAL OF CERTAIN REPORTING REQUIRE-**
 7 **MENTS.**

8 Section 407(d) of the Money Laundering Suppression
 9 Act of 1994 (31 U.S.C. 5311 note) is amended by striking
 10 “subsection (c)” and inserting “subsection (c)(2)”.

11 **SEC. 1407. LIMITED EXEMPTION FROM PAPERWORK RE-**
 12 **DUCTION ACT.**

13 Section 3518(c)(1) of title 44, United States Code,
 14 is amended—

- 15 (1) by redesignating subparagraphs (C) and
 16 (D) as subparagraphs (D) and (E), respectively; and
 17 (2) by inserting after subparagraph (B) the fol-
 18 lowing:

19 “(C) pursuant to regulations prescribed or or-
 20 ders issued by the Secretary of the Treasury under
 21 section 5318(h) or 5326 of title 31;”.

22 **SEC. 1408. SENSE OF CONGRESS.**

23 It is the sense of Congress that the Secretary of the
 24 Treasury should, in conjunction with the Board of Gov-
 25 ernors of the Federal Reserve System, expedite the pro-

1 mulgation of “know your customer” regulations for finan-
 2 cial institutions.

3 **Subtitle E—Additional Funding**
 4 **For Source and Interdiction**
 5 **Zone Countries**

6 **SEC. 1501. SOURCE ZONE COUNTRIES.**

7 In addition to other amounts appropriated for Colom-
 8 bia and Peru for counternarcotics operations for a fiscal
 9 year, there is authorized to be appropriated—

10 (1) \$20,000,000 for Peru for each of fiscal
 11 years 2000 and 2001 for supporting additional sur-
 12 veillance, pursuit of drug aircraft, and general sup-
 13 port for counternarcotics operations;

14 (2) \$75,000,000 for Colombia for each of fiscal
 15 years 2000 and 2001, for supporting additional sur-
 16 veillance, pursuit of drug aircraft, and general sup-
 17 port for counternarcotics operations, including the
 18 acquisition of a minimum of 3 Blackhawk heli-
 19 copters and 2 aerostats; and

20 (3) \$52,000,000 for Bolivian counternarcotics
 21 programs for fiscal year 2000, including high tech-
 22 nology detection equipment for the Chapare region,
 23 institution building, and law enforcement support.

1 **SEC. 1502. CENTRAL AMERICA.**

2 In addition to the other amounts appropriated, under
3 this Act or any other provision of law, for counternarcotics
4 matters for countries in Central America, there is author-
5 ized to be appropriated \$25,000,000 for fiscal year 2000
6 for enhanced efforts in counternarcotics matters by the
7 United States Coast Guard, the United States Customs
8 Service, and other law enforcement agencies.

9 **TITLE II—DOMESTIC LAW**
10 **ENFORCEMENT**
11 **Subtitle A—Criminal Offenders**

12 **SEC. 2001. APPREHENSION AND PROCEDURAL TREATMENT**
13 **OF ARMED VIOLENT CRIMINALS.**

14 (a) CONGRESSIONAL OVERSIGHT.—

15 (1) REPORT TO ATTORNEY GENERAL.—Not
16 later than 90 days after the date of enactment of
17 this Act, the Attorney General shall require each
18 United States Attorney to—

19 (A) establish an armed violent criminal ap-
20 prehension task force comprised of appropriate
21 law enforcement representatives, which shall be
22 responsible for developing strategies for remov-
23 ing armed violent criminals from the streets;
24 and

25 (B) not less frequently than monthly, re-
26 port to the Attorney General on the number of

1 defendants charged with, or convicted of, violat-
 2 ing section 922(g) or 924 of title 18, United
 3 States Code, in the district for which the
 4 United States Attorney is appointed.

5 (2) REPORT TO CONGRESS.—The Attorney
 6 General shall prepare and submit a report to the
 7 Congress once every 6 months detailing the contents
 8 of the reports submitted pursuant to paragraph
 9 (1)(B).

10 (b) PRETRIAL DETENTION FOR POSSESSION OF
 11 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
 12 Section 3156(a)(4) of title 18, United States Code, is
 13 amended—

14 (1) by striking “or” at the end of subparagraph
 15 (B);

16 (2) by striking “and” at the end of subpara-
 17 graph (C) and inserting “; or”; and

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

19 “(D) an offense that is a violation of sec-
 20 tion 842(i) or 922(g) (relating to possession of
 21 explosives or firearms by convicted felons);
 22 and”.

23 (c) CONFORMING SCIENTER CHANGE FOR TRANS-
 24 FERRING A FIREARM TO COMMIT A CRIME OF VIO-
 25 LENCE.—Section 924(h) of title 18, United States Code,

1 is amended by inserting “or having reasonable cause to
2 believe” after “knowing”.

3 (d) FIREARMS POSSESSION BY VIOLENT FELONS
4 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
5 title 18, United States Code, is amended—

6 (1) by striking “(2) Whoever” and inserting
7 “(2)(A) Except as provided in subparagraph (B),
8 any person who”; and

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

10 “(B) Notwithstanding any other provision of
11 law, the court shall not grant a probationary sen-
12 tence to a person who has more than 1 previous con-
13 viction for a violent felony or a serious drug offense,
14 committed under different circumstances.”.

15 **SEC. 2002. CRIMINAL ATTEMPT.**

16 (a) ESTABLISHMENT OF GENERAL ATTEMPT OF-
17 FENSE.—

18 (1) IN GENERAL.—Chapter 19 of title 18,
19 United States Code, is amended—

20 (A) in the chapter heading, by striking
21 “Conspiracy” and inserting “Inchoate of-
22 fenses”; and

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

1 **“§ 374. Attempt to commit offense**

2 “(a) IN GENERAL.—Whoever, acting with the state
3 of mind otherwise required for the commission of an of-
4 fense described in this title, intentionally engages in con-
5 duct that, in fact, constitutes a substantial step toward
6 the commission of the offense, is guilty of an attempt and
7 is subject to the same penalties as those prescribed for
8 the offense, the commission of which was the object of the
9 attempt, except that the penalty of death shall not be im-
10 posed.

11 “(b) INABILITY TO COMMIT OFFENSE; COMPLETION
12 OF OFFENSE.—It is not a defense to a prosecution under
13 this section—

14 “(1) that it was factually impossible for the
15 actor to commit the offense, if the offense could
16 have been committed had the circumstances been as
17 the actor believed them to be; or

18 “(2) that the offense attempted was completed.

19 “(c) EXCEPTIONS.—This section does not apply—

20 “(1) to an offense consisting of conspiracy, at-
21 tempt, endeavor, or solicitation;

22 “(2) to an offense consisting of an omission, re-
23 fusal, failure of refraining to act;

24 “(3) to an offense involving negligent conduct;
25 or

1 “(4) to an offense described in section 1118,
2 1120, 1121, or 1153 of this title.

3 “(d) AFFIRMATIVE DEFENSE.—

4 “(1) IN GENERAL.—It is an affirmative defense
5 to a prosecution under this section, on which the de-
6 fendant bears the burden of persuasion by a prepon-
7 derance of the evidence, that, under circumstances
8 manifesting a voluntary and complete renunciation
9 of criminal intent, the defendant prevented the com-
10 mission of the offense.

11 “(2) DEFINITION.—For purposes of this sub-
12 section, a renunciation is not ‘voluntary and com-
13 plete’ if it is motivated in whole or in part by cir-
14 cumstances that increase the probability of detection
15 or apprehension or that make it more difficult to ac-
16 complish the offense, or by a decision to postpone
17 the offense until a more advantageous time or to
18 transfer the criminal effort to a similar objective or
19 victim.”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENT.—The analysis for chapter 19 of title 18,
22 United States Code, is amended by adding at the
23 end the following:

“374. Attempt to commit offense.”.

1 (b) RATIONALIZATION OF CONSPIRACY PENALTY
 2 AND CREATION OF RENUNCIATION DEFENSE.—Section
 3 371 of title 18, United States Code, is amended—

4 (1) by striking the second undesignated para-
 5 graph; and

6 (2) in the first undesignated paragraph—

7 (A) by striking “If two or more” and in-
 8 serting the following:

9 “(a) IN GENERAL.—If 2 or more”; and

10 (B) by striking “either to commit any of-
 11 fense against the United States, or”; and

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

13 “(b) CONSPIRACY.—If 2 or more persons conspire to
 14 commit any offense against the United States, and 1 or
 15 more of such persons do any act to effect the object of
 16 the conspiracy, each shall be subject to the same penalties
 17 as those prescribed for the most serious offense, the com-
 18 mission of which was the object of the conspiracy, except
 19 that the penalty of death shall not be imposed.”.

20 **SEC. 2003. DRUG OFFENSES COMMITTED IN THE PRESENCE**
 21 **OF CHILDREN.**

22 (a) IN GENERAL.—For the purposes of this Act, an
 23 offense is committed in the presence of a child if—

24 (1) it takes place in the line of sight of an indi-
 25 vidual who has not attained the age of 18 years; or

1 (2) an individual who has not attained the age
2 of 18 years habitually resides in the place where the
3 violation occurs.

4 (b) GUIDELINES.—Not later than 120 days after the
5 date of enactment of this Act, the United States Sentenc-
6 ing Commission shall amend the Federal sentencing guide-
7 lines to provide, with respect to an offense under part D
8 of the Controlled Substances Act is committed in the pres-
9 ence of a child—

10 (1) a sentencing enhancement of not less than
11 2 offense levels above the base offense level for the
12 underlying offense or 1 additional year, whichever is
13 greater; and

14 (2) in the case of a second or subsequent such
15 offense, a sentencing enhancement of not less than
16 4 offense levels above the base offense level for the
17 underlying offense, or 2 additional years, whichever
18 is greater.

19 **SEC. 2004. SENSE OF CONGRESS ON BORDER DEFENSE.**

20 (a) FINDINGS.—Congress finds that—

21 (1) the Southwest Border of the United States
22 is a major crossing point for more than 60 percent
23 of the cocaine entering the United States from Latin
24 America;

1 (2) drug traffickers are increasingly using vio-
 2 lence to threaten local residents, to endanger lives,
 3 and destroy property;

4 (3) drug traffickers are creating a law enforce-
 5 ment no-man's land to facilitate drug trafficking on
 6 the Mexican side of the common border and using
 7 extortionate methods, illegal riches, and intimidation
 8 to acquire property on the United States side of the
 9 border; and

10 (4) United States law enforcement efforts have
 11 been insufficient to protect lives and property or to
 12 prevent the use of illegally obtained riches to acquire
 13 property.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
 15 gress that—

16 (1) the President, in cooperation with the Gov-
 17 ernment of Mexico, should take immediate and effec-
 18 tive action at and near the United States border
 19 with Mexico to control violence and other illegal acts
 20 directed at the respective residents of both countries;
 21 and

22 (2) the Attorney General should submit to the
 23 Committees on the Judiciary of the House of Rep-
 24 resentatives and the Senate a report on—

1 (A) what steps are being taken to ensure
 2 the safety of United States citizens at and near
 3 the United States border with Mexico;

4 (B) what steps are being taken to prevent
 5 the illegal acquisition of sites and facilities at or
 6 near the border by drug traffickers; and

7 (C) what further steps need to be taken to
 8 ensure the safety and well being of the people
 9 of the United States along the United States
 10 border with Mexico.

11 **SEC. 2005. CLONE PAGERS.**

12 (a) IN GENERAL.—Section 2511(2)(h) of title 18,
 13 United States Code, is amended by striking clause (i) and
 14 inserting the following:

15 “(i) to use a pen register, a trap and
 16 trace device, or a clone pager, as those
 17 terms are defined in chapter 206 (relating
 18 to pen registers, trap and trace devices,
 19 and clone pagers) of this title; or”;

20 (b) EXCEPTION.—Section 3121 of title 18, United
 21 States Code, is amended—

22 (1) by striking subsection (a) and inserting the
 23 following:

24 “(a) IN GENERAL.—Except as provided in this sec-
 25 tion, no person may install or use a pen register, trap and

1 trace device, or clone pager without first obtaining a court
 2 order under section 3123 or section 3129 of this title, or
 3 under the Foreign Intelligence Surveillance Act of 1978
 4 (50 U.S.C. 1801 et seq.).”;

5 (2) in subsection (b), by striking “a pen reg-
 6 ister or a trap and trace device” and inserting “a
 7 pen register, trap and trace device, or clone pager”;
 8 and

9 (3) by striking the section heading and insert-
 10 ing the following:

11 **“§ 3121. General prohibition on pen register, trap and**
 12 **trace device, and clone pager use; excep-**
 13 **tion”.**

14 (c) ASSISTANCE.—Section 3124 of title 18, United
 15 States Code, is amended—

16 (1) by redesignating subsections (c) through (f)
 17 as subsections (d) through (g), respectively;

18 (2) by inserting after subsection (b) the follow-
 19 ing:

20 “(c) CLONE PAGER.—Upon the request of an attor-
 21 ney for the Government or an officer of a law enforcement
 22 agency authorized to use a clone pager under this chapter,
 23 a provider of electronic communication service shall fur-
 24 nish to such investigative or law enforcement officer all
 25 information, facilities, and technical assistance necessary

1 to accomplish the use of the clone pager unobtrusively and
 2 with a minimum of interference with the services that the
 3 person so ordered by the court provides to the subscriber,
 4 if such assistance is directed by a court order, as provided
 5 in section 3129(b)(2) of this title.”; and

6 (3) by striking the section heading and insert-
 7 ing the following:

8 **“§ 3124. Assistance in installation and use of a pen**
 9 **register, trap and trace device, or clone**
 10 **pager”.**

11 (d) EMERGENCY INSTALLATIONS.—Section 3125 of
 12 title 18, United States Code, is amended—

13 (1) by striking “pen register or a trap and
 14 trace device” and “pen register or trap and trace de-
 15 vice” each place those terms appear, and inserting
 16 “pen register, trap and trace device, or clone pager”;

17 (2) in subsection (a), by striking “an order ap-
 18 proving the installation or use is issued in accord-
 19 ance with section 3123 of this title” and inserting
 20 “an application is made for an order approving the
 21 installation or use in accordance with section 3122
 22 or section 3128 of this title”;

23 (3) in subsection (b), by adding at the end the
 24 following: “In the event that such application for the
 25 use of a clone pager is denied, or in any other case

1 in which the use of the clone pager is terminated
 2 without an order having been issued, an inventory
 3 shall be served as provided for in section 3129(e).”;
 4 and

5 (4) by striking the section heading and insert-
 6 ing the following:

7 **“§ 3125. Emergency pen register, trap and trace de-**
 8 **vice, and clone pager installation and**
 9 **use”.**

10 (e) REPORTS.—Section 3126 of title 18, United
 11 States Code, is amended—

12 (1) by striking “pen register orders and orders
 13 for trap and trace devices” and inserting “orders for
 14 pen registers, trap and trace devices, and clone
 15 pagers”; and

16 (2) by striking the section heading and insert-
 17 ing the following:

18 **“§ 3126. Reports concerning pen registers, trap and**
 19 **trace devices, and clone pagers”.**

20 (f) DEFINITIONS.—Section 3127 of title 18, United
 21 States Code, is amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (A), by striking “or”
 24 at the end; and

1 (B) by striking subparagraph (B) and in-
 2 serting the following:

3 “(B) with respect to an application for the
 4 use of a pen register or trap and trace device,
 5 a court of general criminal jurisdiction of a
 6 State authorized by the law of that State to
 7 enter orders authorizing the use of a pen reg-
 8 ister or a trap and trace device; or

9 “(C) with respect to an application for the
 10 use of a clone pager, a court of general criminal
 11 jurisdiction of a State authorized by the law of
 12 that State to issue orders authorizing the use of
 13 a clone pager;”;

14 (2) in paragraph (5), by striking “and” at the
 15 end;

16 (3) in paragraph (6), by striking the period at
 17 the end and inserting “; and”; and

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

19 “(7) the term ‘clone pager’ means a numeric
 20 display device that receives communications intended
 21 for another numeric display paging device.”.

22 (g) APPLICATIONS.—Chapter 206 of title 18, United
 23 States Code, is amended by adding at the end the follow-
 24 ing:

1 **“§ 3128. Application for an order for use of a clone**
2 **pager**

3 “(a) APPLICATION.—

4 “(1) FEDERAL REPRESENTATIVES.—Any attor-
5 ney for the Government may apply to a court of
6 competent jurisdiction for an order or an extension
7 of an order under section 3129 of this title authoriz-
8 ing the use of a clone pager.

9 “(2) STATE REPRESENTATIVES.—A State in-
10 vestigative or law enforcement officer may, if author-
11 ized by a State statute, apply to a court of com-
12 petent jurisdiction of such State for an order or an
13 extension of an order under section 3129 of this title
14 authorizing the use of a clone pager.

15 “(b) CONTENTS OF APPLICATION.—An application
16 under subsection (a) of this section shall include—

17 “(1) the identity of the attorney for the Govern-
18 ment or the State law enforcement or investigative
19 officer making the application and the identity of the
20 law enforcement agency conducting the investiga-
21 tion;

22 “(2) the identity, if known, of the individual or
23 individuals using the numeric display paging device
24 to be cloned;

25 “(3) a description of the numeric display paging
26 device to be cloned;

1 “(4) a description of the offense to which the
2 information likely to be obtained by the clone pager
3 relates;

4 “(5) the identity, if known, of the person who
5 is subject of the criminal investigation; and

6 “(6) an affidavit or affidavits, sworn to before
7 the court of competent jurisdiction, establishing
8 probable cause to believe that information relevant
9 to an ongoing criminal investigation being conducted
10 by that agency will be obtained through use of the
11 clone pager.

12 **“§ 3129. Issuance of an order for use of a clone pager**

13 “(a) IN GENERAL.—Upon an application made under
14 section 3128 of this title, the court shall enter an ex parte
15 order authorizing the use of a clone pager within the juris-
16 diction of the court if the court finds that the application
17 has established probable cause to believe that information
18 relevant to an ongoing criminal investigation being con-
19 ducted by that agency will be obtained through use of the
20 clone pager.

21 “(b) CONTENTS OF AN ORDER.—An order issued
22 under this section—

23 “(1) shall specify—

1 “(A) the identity, if known, of the individ-
2 ual or individuals using the numeric display
3 paging device to be cloned;

4 “(B) the numeric display paging device to
5 be cloned;

6 “(C) the identity, if known, of the sub-
7 scriber to the pager service; and

8 “(D) the offense to which the information
9 likely to be obtained by the clone pager relates;
10 and

11 “(2) shall direct, upon the request of the appli-
12 cant, the furnishing of information, facilities, and
13 technical assistance necessary to use the clone pager
14 under section 3124 of this title.

15 “(c) TIME PERIOD AND EXTENSIONS.—

16 “(1) IN GENERAL.—An order issued under this
17 section shall authorize the use of a clone pager for
18 a period not to exceed 30 days. Such 30-day period
19 shall begin on the earlier of the day on which the
20 investigative or law enforcement officer first begins
21 use of the clone pager under the order or the tenth
22 day after the order is entered.

23 “(2) EXTENSIONS.—Extensions of an order
24 issued under this section may be granted, but only
25 upon an application for an order under section 3128

1 of this title and upon the judicial finding required by
2 subsection (a). An extension under this paragraph
3 shall be for a period not to exceed 30 days.

4 “(3) REPORT.—Within a reasonable time after
5 the termination of the period of a clone pager order
6 or any extensions thereof under this subsection, the
7 applicant shall report to the issuing court the num-
8 ber of numeric pager messages acquired through the
9 use of the clone pager during such period.

10 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
11 PAGER.—An order authorizing the use of a clone pager
12 shall direct that—

13 “(1) the order shall be sealed until otherwise
14 ordered by the court; and

15 “(2) the person who has been ordered by the
16 court to provide assistance to the applicant may not
17 disclose the existence of the clone pager or the exist-
18 ence of the investigation to the listed subscriber, or
19 to any other person, until otherwise ordered by the
20 court.

21 “(e) NOTIFICATION.—Within a reasonable time, not
22 later than 90 days after the date of termination of the
23 period of a clone pager order or any extensions thereof,
24 the issuing judge shall cause to be served, on the individ-

1 ual or individuals using the numeric display paging device
 2 that was cloned, an inventory including notice of—

3 “(1) the fact of the entry of the order or the
 4 application;

5 “(2) the date of the entry and the period of
 6 clone pager use authorized, or the denial of the ap-
 7 plication; and

8 “(3) whether or not information was obtained
 9 through the use of the clone pager. Upon an ex-
 10 parte showing of good cause, a court of competent
 11 jurisdiction may in its discretion postpone the serv-
 12 ing of the notice required by this section.”.

13 (h) CLERICAL AMENDMENTS.—The table of sections
 14 for chapter 206 of title 18, United States Code, is
 15 amended—

16 (1) by striking the item relating to section 3121
 17 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone
 pager use; exception.”;

18 (2) by striking the items relating to sections
 19 3124, 3125, and 3126 and inserting the following:

“3124. Assistance in installation and use of a pen register, trap and trace de-
 vice, or clone pager.

“3125. Emergency pen register, trap and trace device, and clone pager installa-
 tion and use.

“3126. Reports concerning pen registers, trap and trace devices, and clone
 pagers.”; and

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

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager”.

1 (i) CONFORMING AMENDMENT.—Section 605(a) of
 2 title 47, United States Code, is amended by striking
 3 “chapter 119” and inserting “chapters 119 and 206”.

4 **Subtitle B—Methamphetamine Sen-**
 5 **tencing Enhancement and Lab-**
 6 **oratory Cleanup**

7 **SEC. 2101. EXPANDING CRIMINAL PENALTIES.**

8 (a) SWIFT AND CERTAIN PUNISHMENT OF METH-
 9 AMPHETAMINE LABORATORY OPERATORS.—

10 (1) FEDERAL SENTENCING GUIDELINES.—

11 (A) IN GENERAL.—Pursuant to its author-
 12 ity under section 994(p) of title 28, United
 13 States Code, the United States Sentencing
 14 Commission shall promulgate Federal sentenc-
 15 ing guidelines or amend existing Federal sen-
 16 tencing guidelines for any offense relating to
 17 the manufacture, attempt to manufacture, or
 18 conspiracy to manufacture amphetamine or
 19 methamphetamine in violation of the Controlled
 20 Substances Act (21 U.S.C. 801 et seq.), the
 21 Controlled Substances Import and Export Act
 22 (21 U.S.C. 951 et seq.), or the Maritime Drug
 23 Law Enforcement Act (46 U.S.C. App. 1901 et
 24 seq.) in accordance with this paragraph.

1 (B) REQUIREMENTS.—In carrying out this
2 paragraph, the United States Sentencing Com-
3 mission shall, with respect to each offense de-
4 scribed in subparagraph (A)—

5 (i) increase the base offense level for
6 the offense—

7 (I) by not less than 3 offense lev-
8 els above the applicable level in effect
9 on the date of enactment of this Act;
10 or

11 (II) if the resulting base offense
12 level after an increase under subclause
13 (II) would be less than level 27, to not
14 less than level 27; or

15 (ii) if the offense created a substantial
16 risk of danger to the health and safety of
17 another person (including any Federal,
18 State, or local law enforcement officer law-
19 fully present at the location of the offense),
20 increase the base offense level for the
21 offense—

22 (I) by not less than 6 offense lev-
23 els above the applicable level in effect
24 on the date of enactment of this Act;
25 or

1 (II) if the resulting base offense
2 level after an increase under clause (i)
3 would be less than level 30, to not less
4 than level 30.

5 (C) EMERGENCY AUTHORITY TO SENTENC-
6 ING COMMISSION.—The United States Sentenc-
7 ing Commission shall promulgate the guidelines
8 or amendments provided for under this para-
9 graph as soon as practicable after the date of
10 enactment of this Act in accordance with the
11 procedure set forth in section 21(a) of the Sen-
12 tencing Act of 1987 (Public Law 100–182), as
13 though the authority under that Act had not
14 expired.

15 (2) EFFECTIVE DATE.—The amendments made
16 pursuant to this subsection shall apply with respect
17 to any offense occurring on or after the date that is
18 60 days after the date of enactment of this Act.

19 **SEC. 2102. SENSE OF CONGRESS REGARDING METH-**
20 **AMPHETAMINE LABORATORY CLEANUP.**

21 (a) FINDINGS.—Congress finds that—

22 (1) methamphetamine use is increasing;

23 (2) the production of methamphetamine is in-
24 creasingly taking place in laboratories located in
25 rural and urban areas;

1 (3) this production involves dangerous and ex-
 2 plosive chemicals that are dumped in an unsafe
 3 manner; and

4 (4) the cost of cleaning up these productionsites
 5 involves major financial burdens on State and local
 6 law enforcement agencies.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
 8 gress that—

9 (1) the Administrator of the Drug Enforcement
 10 Administration should develop a comprehensive plan
 11 for addressing the need for the speedy and safe
 12 clean up of methamphetamine laboratory sites; and

13 (2) the Federal Government should allocate suf-
 14 ficient funding to pay for a comprehensive effort to
 15 clean up methamphetamine laboratory sites.

16 **Subtitle C—Powder Cocaine**
 17 **Mandatory Minimum Sentencing**

18 **SEC. 2201. SENTENCING FOR VIOLATIONS INVOLVING CO-**
 19 **CAINE POWDER.**

20 (a) AMENDMENT OF CONTROLLED SUBSTANCES
 21 ACT.—

22 (1) LARGE QUANTITIES.—Section
 23 401(b)(1)(A)(ii) of the Controlled Substances Act
 24 (21 U.S.C. 841(b)(1)(A)(ii)) is amended by striking
 25 “5 kilograms” and inserting “500 grams”.

1 (2) SMALL QUANTITIES.—Section
2 401(b)(1)(B)(ii) of the Controlled Substances Act
3 (21 U.S.C. 841(b)(1)(B)(ii)) is amended by striking
4 “500 grams” and inserting “50 grams”.

5 (b) AMENDMENT OF CONTROLLED SUBSTANCES IM-
6 PORT AND EXPORT ACT.—

7 (1) LARGE QUANTITIES.—Section
8 1010(b)(1)(B) of the Controlled Substances Import
9 and Export Act (21 U.S.C. 960(b)(1)(B)) is amend-
10 ed by striking “5 kilograms” and inserting “500
11 grams”.

12 (2) SMALL QUANTITIES.—Section
13 1010(b)(2)(B) of the Controlled Substances Import
14 and Export Act (21 U.S.C. 960(b)(2)(B)) is amend-
15 ed by striking “500 grams” and inserting “50
16 grams”.

17 (c) AMENDMENT OF SENTENCING GUIDELINES.—
18 Pursuant to section 994 of title 28, United States Code,
19 the United States Sentencing Commission shall amend the
20 Federal sentencing guidelines to reflect the amendments
21 made by this section.

1 **Subtitle D—Drug-Free Borders**

2 **SEC. 2301. INCREASED PENALTY FOR FALSE STATEMENT**
3 **OFFENSE.**

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

6 **SEC. 2302. INCREASED NUMBER OF BORDER PATROL**
7 **AGENTS.**

8 Section 101(a) of the Illegal Immigration Reform and
9 Immigrant Responsibility Act of 1996 (Public Law 104–
10 208; 110 Stat. 3009–553) is amended to read as follows:

11 “(a) INCREASED NUMBER OF BORDER PATROL
12 AGENTS.—The Attorney General in each of fiscal years
13 2000, 2001, 2002, 2003, and 2004 shall increase by not
14 less than 1,500 the number of positions for full-time, ac-
15 tive-duty border patrol agents within the Immigration and
16 Naturalization Service above the number of such positions
17 for which funds were allotted for the preceding fiscal year,
18 to achieve a level of 15,000 positions by fiscal year 2004.”.

19 **SEC. 2303. ENHANCED BORDER PATROL PURSUIT POLICY.**

20 A border patrol agent of the United States Border
21 Patrol may not cease pursuit of an alien who the agent
22 suspects has unlawfully entered the United States, or an
23 individual who the agent suspects has unlawfully imported
24 a narcotic into the United States, until State or local law
25 enforcement authorities are in pursuit of the alien or indi-

1 vidual and have the alien or individual in their visual
2 range.

3 **TITLE III—DEMAND REDUCTION**
4 **Subtitle A—Education, Prevention,**
5 **and Treatment**

6 **SEC. 3001. SENSE OF CONGRESS ON REAUTHORIZATION OF**
7 **SAFE AND DRUG-FREE SCHOOLS AND COM-**
8 **MUNITIES ACT OF 1994.**

9 (a) FINDINGS.—Congress finds that—

10 (1) drug and alcohol use continue to plague the
11 Nation's youth;

12 (2) approximately 5.6 percent of high school
13 seniors currently smoke marijuana daily;

14 (3) the American public has identified drugs as
15 the most serious problem facing its children today;

16 (4) delinquent behavior is clearly linked to the
17 frequency of marijuana use; and

18 (5) 89 percent of students in grades 6 through
19 12 say their teachers have taught them about the
20 dangers of drugs and alcohol.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that Congress and the President should make the
23 reauthorization of the Safe and Drug-Free Schools and
24 Communities Act of 1994 a high priority for the 106th
25 Congress, and that such reauthorization should maintain

1 substance abuse prevention as a major focus of the pro-
2 gram.

3 **SEC. 3002. SENSE OF CONGRESS REGARDING REAUTHOR-**
4 **IZATION OF PREVENTION AND TREATMENT**
5 **PROGRAMS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) 34.8 percent of Americans 12 years of age
8 and older have used an illegal drug in their lifetime
9 and 90 percent of these individuals have used mari-
10 juana or hashish and approximately 30 percent have
11 tried cocaine;

12 (2) the number of teenagers using drugs has in-
13 creased significantly over the past 5 years;

14 (3) drug abuse is a health issue being faced in
15 every community, town, State and region of this
16 country;

17 (4) no one is immune from drug abuse, and
18 such abuse threatens Americans of every socio-
19 economic background, every educational level, and
20 every race and ethnic origin;

21 (5) in 1990 the United States spent
22 \$67,000,000,000 on drug-related disorders including
23 health costs, the costs of crime, the costs of acci-
24 dents and other damages to individuals and prop-

1 erty, and the costs of the loss of productivity and
2 premature death;

3 (6) comprehensive prevention activities can help
4 youth in saying no to drugs;

5 (7) there are over 6,000 community coalitions
6 throughout the nation helping the youth of America
7 choose a healthy life style;

8 (8) individuals with addictive disorders should
9 be held accountable for their actions and should be
10 offered treatment to help change destructive behav-
11 ior;

12 (9) a balanced approach to dealing with drug
13 abuse is needed in the United States between reduc-
14 ing the demand for drugs and the supply of those
15 drugs and a comprehensive plan for addressing drug
16 abuse will involve prevention, education and treat-
17 ment as well as law enforcement and interdiction;
18 and

19 (10) the Substance Abuse and Mental Health
20 Services Administration is the lead Federal agency
21 for substance abuse prevention and treatment initia-
22 tives.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that Congress and the President should—

1 (1) make the reauthorization of Federal sub-
 2 stance abuse prevention and treatment programs a
 3 high priority for the 106th Congress; and

4 (2) provide more flexibility to States in the use
 5 of Federal funds for provision of drug abuse preven-
 6 tion and treatment services while holding States ac-
 7 countable for their performance.

8 **SEC. 3003. REPORT ON DRUG-TESTING TECHNOLOGIES.**

9 (a) REQUIREMENT.—The National Institute on
 10 Standards and Technology shall conduct a study of drug-
 11 testing technologies in order to identify and assess the effi-
 12 cacy, accuracy, and usefulness for purposes of the Na-
 13 tional effort to detect the use of illicit drugs of any drug-
 14 testing technologies (including the testing of hair) that
 15 may be used as alternatives or complements to urinalysis
 16 as a means of detecting the use of such drugs.

17 (b) REPORT.—Not later than 180 days after the date
 18 of the enactment of this Act, the Institute shall submit
 19 to Congress a report on the results of the study conducted
 20 under subsection (a).

21 **SEC. 3004. USE OF NATIONAL INSTITUTES OF HEALTH SUB-**
 22 **STANCE ABUSE RESEARCH.**

23 (a) NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
 24 ALCOHOLISM.—Section 464H of the Public Health Serv-
 25 ice Act (42 U.S.C. 285n) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

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

5 “(d) REQUIREMENT TO ENSURE THAT RESEARCH
6 AIDS PRACTITIONERS.—The Director, in conjunction with
7 the Director of the National Institute on Drug Abuse and
8 the Director of the Center for Substance Abuse Treat-
9 ment, shall—

10 “(1) ensure that the results of all current alco-
11 hol research that is set aside for services (and other
12 appropriate research with practical consequences) is
13 widely disseminated to treatment practitioners in an
14 easily understandable format;

15 “(2) ensure that such research results are dis-
16 seminated in a manner that provides easily under-
17 standable steps for the implementation of best prac-
18 tices based on the research; and

19 “(3) make technical assistance available to the
20 Center for Substance Abuse Treatment to assist al-
21 cohol and drug treatment practitioners to make per-
22 manent changes in treatment activities through the
23 use of successful treatment models.”.

1 (b) NATIONAL INSTITUTE ON DRUG ABUSE.—Sec-
2 tion 464L of the Public Health Service Act (42 U.S.C.
3 285o) is amended—

4 (1) by redesignating subsection (d) as sub-
5 section (e); and

6 (2) by inserting after subsection (c) the follow-
7 ing:

8 “(d) REQUIREMENT TO ENSURE THAT RESEARCH
9 AIDS PRACTITIONERS.—The Director, in conjunction with
10 the Director of the National Institute on Alcohol Abuse
11 and Alcoholism and the Director of the Center for Sub-
12 stance Abuse Treatment, shall—

13 “(1) ensure that the results of all current drug
14 abuse research that is set aside for services (and
15 other appropriate research with practical con-
16 sequences) is widely disseminated to treatment prac-
17 titioners in an easily understandable format;

18 “(2) ensure that such research results are dis-
19 seminated in a manner that provides easily under-
20 standable steps for the implementation of best prac-
21 tices based on the research; and

22 “(3) make technical assistance available to the
23 Center for Substance Abuse Treatment to assist al-
24 cohol and drug treatment practitioners to make per-

1 manent changes in treatment activities through the
2 use of successful treatment models.”.

3 **SEC. 3005. NEEDLE EXCHANGE.**

4 (a) PROHIBITION REGARDING ILLEGAL DRUGS AND
5 DISTRIBUTION OF HYPODERMIC NEEDLES.—Part B of
6 title II of the Public Health Service Act (42 U.S.C. 238
7 et seq.) is amended by adding at the end the following
8 section:

9 “PROHIBITION REGARDING ILLEGAL DRUGS AND
10 DISTRIBUTION OF HYPODERMIC NEEDLES
11 “SEC. 247. Notwithstanding any other provision of
12 law, none of the amounts made available under any Fed-
13 eral law for any fiscal year may be expended, directly or
14 indirectly, to carry out any program of distributing sterile
15 needles or syringes for the hypodermic injection of any ille-
16 gal drug.”.

17 (b) CONFORMING AMENDMENT.—Section 506 of
18 Public Law 105–78 is repealed.

19 **SEC. 3006. DRUG-FREE TEEN DRIVERS INCENTIVE.**

20 (a) IN GENERAL.—The Secretary of Transportation
21 shall establish an incentive grant program for States to
22 assist the States in improving their laws relating to con-
23 trolled substances and driving.

24 (b) GRANT REQUIREMENTS.—To qualify for a grant
25 under subsection (a), a State shall carry out the following:

1 (1) Enact, actively enforce, and publicize a law
2 that makes it illegal to drive in the State with any
3 measurable amount of an illegal controlled substance
4 in the driver's body. An illegal controlled substance
5 is a controlled substance for which an individual
6 does not have a legal written prescription. An indi-
7 vidual who is convicted of such illegal driving shall
8 be referred to appropriate services, including inter-
9 vention, counselling, and treatment.

10 (2) Enact, actively enforce, and publicize a law
11 that makes it illegal to drive in the State when driv-
12 ing is impaired by the presence of any drug. The
13 State shall provide that in the enforcement of such
14 law, a driver shall be tested for the presence of a
15 drug when there is evidence of impaired driving and
16 a driver will have the driver's license suspended. An
17 individual who is convicted of such illegal driving
18 shall be referred to appropriate services, including
19 intervention, counselling, and treatment.

20 (3) Enact, actively enforce, and publicize a law
21 that authorizes the suspension of a driver's license
22 if the driver is convicted of any criminal offense re-
23 lating to drugs.

24 (4) Enact a law that provides that beginning
25 driver applicants and other individuals applying for

1 or renewing a driver's license will be provided infor-
2 mation about the laws referred to in paragraphs (1),
3 (2), and (3) and will be required to answer drug-re-
4 lated questions on their applications.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$10,000,000 for each of fis-
7 cal years 2000 through 2004 to carry out this section.

8 **SEC. 3007. DRUG-FREE SCHOOLS.**

9 Congress finds that—

10 (1) the continued presence in schools of violent
11 students who are a threat to both teachers and other
12 students is incompatible with a safe learning envi-
13 ronment;

14 (2) unsafe school environments place students
15 who are already at risk of school failure for other
16 reasons in further jeopardy;

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

19 (4) 2,000,000 more children are using drugs in
20 1997 than were doing so a few short years prior to
21 1997;

22 (5) more of our children are becoming involved
23 with hard drugs at earlier ages, as use of heroin and
24 cocaine by 8th graders has more than doubled since
25 1991; and

1 (6) greater cooperation between schools, par-
2 ents, law enforcement, the courts, and the commu-
3 nity is essential to making our schools safe from
4 drugs and violence.

5 **SEC. 3008. VICTIM AND WITNESS ASSISTANCE PROGRAMS**
6 **FOR TEACHERS AND STUDENTS.**

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

10 “(f) VICTIMS OF SCHOOL VIOLENCE.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, an eligible crime victim compensa-
13 tion program may expend funds appropriated under
14 paragraph (2) to offer compensation to elementary
15 and secondary school students or teachers who are
16 victims of elementary and secondary school violence
17 (as school violence is defined under applicable State
18 law).

19 “(2) FUNDING.—There is authorized to be ap-
20 propriated such sums as may be necessary to carry
21 out paragraph (1).”.

22 (b) VICTIM AND WITNESS ASSISTANCE.—Section
23 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C.
24 10603(c)) is amended by adding at the end the following:

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

7 “(A) assists State educational agencies and
8 local educational agencies (as the terms are de-
9 fined in section 14101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 8801)) in developing, establishing, and operat-
12 ing programs that are designed to protect vic-
13 tims of and witnesses to incidents of elementary
14 and secondary school violence (as school vio-
15 lence is defined under applicable State law), in-
16 cluding programs designed to protect witnesses
17 testifying in school disciplinary proceedings; or

18 “(B) supports a student safety toll-free
19 hotline that provides students and teachers in
20 elementary and secondary schools with con-
21 fidential assistance relating to the issues of
22 school crime, violence, drug dealing, and threats
23 to personal safety.”.

1 **SEC. 3009. INNOVATIVE PROGRAMS TO PROTECT TEACH-**
2 **ERS AND STUDENTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) ELEMENTARY SCHOOL, LOCAL EDU-
5 CATIONAL AGENCY, SECONDARY SCHOOL, AND STATE
6 EDUCATIONAL AGENCY.—The terms “elementary
7 school”, “local educational agency”, “secondary
8 school”, and “State educational agency” have the
9 meanings given the terms in section 14101 of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 8801).

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of Education.

14 (b) AUTHORIZATION FOR REPORT CARDS ON
15 SCHOOLS.—

16 (1) IN GENERAL.—The Secretary is authorized
17 to award grants to States, State educational agen-
18 cies, and local educational agencies to develop, estab-
19 lish, or conduct innovative programs to improve un-
20 safe elementary schools or secondary schools.

21 (2) PRIORITY.—The Secretary shall give prior-
22 ity to awarding grants under paragraph (1) to—

23 (A) programs that provide parent and
24 teacher notification about incidents of physical
25 violence, weapon possession, or drug activity on

1 school grounds as soon after the incident as
2 practicable;

3 (B) programs that provide to parents and
4 teachers an annual report regarding—

5 (i) the total number of incidents of
6 physical violence, weapon possession, and
7 drug activity on school grounds;

8 (ii) the percentage of students missing
9 10 or fewer days of school; and

10 (iii) a comparison, if available, to pre-
11 vious annual reports under this paragraph,
12 which comparison shall not involve a com-
13 parison of more than 5 such previous an-
14 nual reports; and

15 (C) programs to enhance school security
16 measures that may include—

17 (i) equipping schools with fences,
18 closed circuit cameras, and other physical
19 security measures;

20 (ii) providing increased police patrols
21 in and around elementary schools and sec-
22 ondary schools, including canine patrols;
23 and

24 (iii) mailings to parents at the begin-
25 ning of the school year stating that the

1 possession of a gun or other weapon, or
 2 the sale of drugs in school, will not be tol-
 3 erated by school authorities.

4 (c) APPLICATION.—

5 (1) IN GENERAL.—Each State, State edu-
 6 cational agency, or local educational agency desiring
 7 a grant under this subchapter shall submit an appli-
 8 cation to the Secretary at such time, in such man-
 9 ner, and accompanied by such information as the
 10 Secretary may require.

11 (2) CONTENTS.—Each application submitted
 12 under paragraph (1) shall contain an assurance that
 13 the State or agency has implemented or will imple-
 14 ment policies that—

15 (A) provide protections for victims and wit-
 16 nesses to school crime, including protections for
 17 attendance at school disciplinary proceedings;

18 (B) expel students who, on school grounds,
 19 sell drugs, or who commit a violent offense that
 20 causes serious bodily injury of another student
 21 or teacher; and

22 (C) require referral to law enforcement au-
 23 thorities or juvenile authorities of any student
 24 who on school grounds—

- 1 (i) commits a violent offense resulting
2 in serious bodily injury; or
3 (ii) sells drugs.

4 (3) SPECIAL RULE.—For purposes of subpara-
5 graphs (B) and (C) of paragraph (2), State law shall
6 determine what constitutes a violent offense or seri-
7 ous bodily injury.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated such sums as may be nec-
10 essary to carry out this section.

11 (e) INNOVATIVE VOLUNTARY RANDOM DRUG TEST-
12 ING PROGRAMS.—Section 4116(b) of the Safe and Drug-
13 Free Schools and Communities Act of 1994 (20 U.S.C.
14 7116(b)) is amended—

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

17 (2) by redesignating paragraph (10) as para-
18 graph (11); and

19 (3) by inserting after paragraph (9) the follow-
20 ing:

21 “(10) innovative voluntary random drug testing
22 programs; and”.

1 **Subtitle B—Drug-Free Families**

2 **SEC. 3101. SHORT TITLE.**

3 This subtitle may be cited as the “Drug-Free Fami-
4 lies Act of 1999”.

5 **SEC. 3102. FINDINGS.**

6 Congress makes the following findings:

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

15 (2) Drug use among young people was not con-
16 fined to initial trials. By 1979, 16 percent of adoles-
17 cents, 39 percent of high school seniors, and 38 per-
18 cent of young adults had used an illicit drug in the
19 past month. Moreover, one in nine high school sen-
20 iors used marijuana daily.

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

1 (4) Three forces appeared to be driving this es-
2 calation in drug use among children and young
3 adults. Between 1972 and 1978, a nationwide politi-
4 cal campaign conducted by drug legalization advo-
5 cates persuaded eleven state legislatures to “decrimi-
6 nalize” marijuana. (Many of those states have subse-
7 quently “recriminalized” the drug.) Such legislative
8 action reinforced advocates’ assertion that marijuana
9 was “relatively harmless.”

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

18 (6) In the absence of Federal funding for drug
19 education then, most of the drug education materials
20 that were available proclaimed that few illicit drugs
21 were addictive and most were “less harmful” than
22 alcohol and tobacco and therefore taught young peo-
23 ple how to use marijuana, cocaine, and other illicit
24 drugs “responsibly”.

1 (7) Between 1977 and 1980, three national
2 parent drug-prevention organizations—National
3 Families in Action, PRIDE, and the National Fed-
4 eration of Parents for Drug-Free Youth (now called
5 the National Family Partnership)—emerged to help
6 concerned parents form some 4,000 local parent pre-
7 vention groups across the nation to reverse all of
8 these trends in order to prevent children from using
9 drugs. Their work created what has come to be
10 known as the parents drug-prevention movement, or
11 more simply, the parent movement. This movement
12 set three goals: to prevent the use of any illegal
13 drug, to persuade those who had started using drugs
14 to stop, and to obtain treatment for those who had
15 become addicted so that they could return to drug-
16 free lives.

17 (8) The parent movement pursued a number of
18 objectives to achieve these goals. First, it helped par-
19 ents educate themselves about the harmful effects of
20 drugs, teach that information to their children, com-
21 municate that they expected their children not to use
22 drugs, and establish consequences if children failed
23 to meet that expectation. Second, it helped parents
24 form groups with other parents to set common age-
25 appropriate social and behavioral guidelines to pro-

1 tect their children from exposure to drugs. Third, it
2 encouraged parents to insist that their communities
3 reinforce parents' commitment to protect children
4 from drug use.

5 (9) The parent movement stopped further ef-
6 forts to decriminalize marijuana, both in the states
7 and at the Federal level.

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

20 (11) The parent movement insisted that drug-
21 education materials convey a strong no-use message
22 in compliance with both the law and with medical
23 and scientific information that demonstrates that
24 drugs are harmful, particularly to young people.

1 (12) The parent movement encouraged others
2 in society to join the drug prevention effort and
3 many did, from First Lady Nancy Reagan to the en-
4 tertainment industry, the business community, the
5 media, the medical community, the educational com-
6 munity, the criminal justice community, the faith
7 community, and local, state, and national political
8 leaders.

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

24 (14) Unfortunately, as drug use declined, most
25 of the 4,000 volunteer parents groups that contrib-

1 uted to the reduction in drug use disbanded, having
 2 accomplished the job they set out to do. But the ab-
 3 sence of active parent groups left a vacuum that was
 4 soon filled by a revitalized drug-legalization move-
 5 ment. Proponents began advocating for the legaliza-
 6 tion of marijuana for medicine, the legalization of all
 7 Schedule I drugs for medicine, the legalization of
 8 hemp for medicinal, industrial and recreational use,
 9 and a variety of other proposals, all designed to ulti-
 10 mately attack, weaken, and eventually repeal the na-
 11 tion's drug laws.

12 (15) Furthermore, legalization proponents are
 13 also beginning to advocate for treatment that main-
 14 tains addicts on the drugs to which they are ad-
 15 dicted (heroin maintenance for heroin addicts, con-
 16 trolled drinking for alcoholics, etc.), for teaching
 17 school children to use drugs "responsibly," and for
 18 other measures similar to those that produced the
 19 drug epidemic among young people in the 1970's.

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

1 (17) Today's parents are almost universally in
2 the workplace and do not have time to volunteer.
3 Many families are headed by single parents. In some
4 families no parents are available, and grandparents,
5 aunts, uncles, or foster parents are raising the fami-
6 ly's children.

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

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

22 **SEC. 3103. PURPOSES.**

23 The purposes of this subtitle are to—

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

4 (2) help parents and families reduce drug abuse
5 and drug addiction among adolescents who are al-
6 ready using drugs, and return them to drug-free
7 lives;

8 (3) increase young people's perception that
9 drugs are harmful to their health, well-being, and
10 ability to function successfully in life;

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

15 (5) strengthen coordination, cooperation, and
16 collaboration between parents and families and all
17 others who are interested in protecting children from
18 drug use and all of its related problems;

19 (6) help parents strengthen their families,
20 neighborhoods, and school communities to reduce
21 risk factors and increase protective factors to ensure
22 the healthy growth of children; and

23 (7) provide resources in the fiscal year 2000
24 Federal drug control budget for a grant to the Par-
25 ent Collaboration to conduct a national campaign to

1 mobilize today's parents and families through the
2 provision of information, training, technical assist-
3 ance, and other services to help parents and families
4 prevent drug use among their children and to build
5 a new parent and family drug-prevention movement.

6 **SEC. 3104. DEFINITIONS.**

7 In this subtitle:

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

12 (2) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Drug En-
14 forcement Administration.

15 (3) NO-USE MESSAGE.—The term “no-use mes-
16 sage” means no use of any illegal drug and no illegal
17 use of any legal drug or substance that is sometimes
18 used illegally, such as prescription drugs, inhalants,
19 and alcohol and tobacco for children and adolescents
20 under the legal purchase age.

21 (4) PARENT COLLABORATION.—The term “Par-
22 ent Collaboration” means the legal entity, which is
23 exempt from income taxation under section
24 501(c)(3) of the Internal Revenue Code of 1986, es-
25 tablished by National Families in Action, National

1 Asian Pacific American Families Against Substance
 2 Abuse, African American Parents for Drug Preven-
 3 tion, National Association for Native American Chil-
 4 dren of Alcoholics, and the National Hispano/Latino
 5 Community Prevention Network and other groups,
 6 that—

7 (A) have a primary mission of helping par-
 8 ents prevent drug use, drug abuse, and drug
 9 addiction among their children, their families,
 10 and their communities;

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

13 (C) base their drug-prevention missions on
 14 the foundation of a strong, no-use message in
 15 compliance with international, Federal, State,
 16 and local treaties and laws that prohibit the
 17 possession, production, cultivation, distribution,
 18 sale, and trafficking in illicit drugs;

19 in order to build a new parent and family movement
 20 to prevent drug use among children and adolescents

21 **SEC. 3105. ESTABLISHMENT OF DRUG-FREE FAMILIES SUP-**
 22 **PORT PROGRAM.**

23 (a) IN GENERAL.—The Administrator shall make a
 24 grant to the Parent Collaboration to conduct a national
 25 campaign to build a new parent and family movement to

1 help parents and families prevent drug abuse among their
2 children.

3 (c) TERMINATION.—The period of this grant under
4 this section shall be 5 years.

5 **SEC. 3106. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated to carry out this subtitle \$5,000,000 for each of
8 fiscal years 2000 through 2004 for a grant to the Parent
9 Collaboration to conduct the national campaign to mobi-
10 lize parents and families.

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

15 **TITLE IV—FUNDING FOR**
16 **UNITED STATES COUNTER-**
17 **DRUG ENFORCEMENT AGEN-**
18 **CIES**

19 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

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

25 “(A) \$997,300,584 for fiscal year 2000.

1 “(B) \$1,100,818,328 for fiscal year
2 2001.”.

3 (b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii)
4 of section 301(b)(2)(A) of such Act (19 U.S.C.
5 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

6 “(i) \$990,030,000 for fiscal year 2000.

7 “(ii) \$1,009,312,000 for fiscal year
8 2001.”.

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

13 “(A) \$229,001,000 for fiscal year 2000.

14 “(B) \$176,967,000 for fiscal year 2001.”.

15 (d) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
16 TIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a))
17 is amended by adding at the end the following:

18 “(3) Not later than the date on which the President
19 submits to Congress the budget of the United States Gov-
20 ernment for a fiscal year, the Commissioner of Customs
21 shall submit to the Committee on Ways and Means of the
22 House of Representatives and the Committee on Finance
23 of the Senate the projected amount of funds for the suc-
24 ceeding fiscal year that will be necessary for the operations
25 of the Customs Service as provided for in subsection (b).”.

1 **SEC. 4002. CARGO INSPECTION AND NARCOTICS DETEC-**
2 **TION EQUIPMENT.**

3 (a) FISCAL YEAR 2000.—Of the amounts made avail-
4 able for fiscal year 2000 under section 301(b)(1)(A) of
5 the Customs Procedural Reform and Simplification Act of
6 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
7 4001(a) of this title, \$100,036,000 shall be available until
8 expended for acquisition and other expenses associated
9 with implementation and deployment of narcotics detec-
10 tion equipment along the United States-Mexico border, the
11 United States-Canada border, and Florida and the Gulf
12 Coast seaports, as follows:

13 (1) UNITED STATES-MEXICO BORDER.—For the
14 United States-Mexico border, the following:

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

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

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

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

24 (E) \$1,000,000 for 200 portable contra-
25 band detectors (busters) to be distributed

1 among ports where the current allocations are
2 inadequate.

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

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

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

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

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

18 (K) \$1,000,000 for 20 remote watch sur-
19 veillance camera systems at ports where there
20 are suspicious activities at loading docks, vehi-
21 cle queues, secondary inspection lanes, or areas
22 where visual surveillance or observation is ob-
23 scured.

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

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

7 (N) \$1,040,000 for 260 inbound vehicle
8 counters to be installed at every inbound vehicle
9 lane.

10 (O) \$950,000 for 38 spotter camera sys-
11 tems to counter the surveillance of customs in-
12 spection activities by persons outside the bound-
13 aries of ports where such surveillance activities
14 are occurring.

15 (P) \$390,000 for 60 inbound commercial
16 truck transponders to be distributed to all ports
17 of entry.

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

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

24 (S) \$1,000,000 for a demonstration site
25 for a high-energy relocatable rail car inspection

1 system with an x-ray source switchable from
2 2,000,000 electron volts (2-MeV) to 6,000,000
3 electron volts (6-MeV) at a shared Department
4 of Defense testing facility for a two-month test-
5 ing period.

6 (2) UNITED STATES-CANADA BORDER.—For the
7 United States-Canada border, the following:

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

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

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

13 (D) \$250,000 for 50 portable contraband
14 detectors (busters) to be distributed among
15 ports where the current allocations are inad-
16 equate.

17 (E) \$300,000 for 25 contraband detection
18 kits to be distributed among ports based on
19 traffic volume.

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

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

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

2 (I) \$250,000 for 50 portable contraband
3 detectors (busters) to be distributed among
4 ports where the current allocations are inad-
5 equate.

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

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

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

10 (M) \$1,200,000 for 12 examination tool
11 trucks.

12 (N) \$2,400,000 for 3 dedicated commuter
13 lanes.

14 (O) \$1,050,000 for 3 automated targeting
15 systems.

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

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

20 (3) FLORIDA AND GULF COAST SEAPORTS.—

21 For Florida and the Gulf Coast seaports, the follow-
22 ing:

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

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

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

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

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

11 (b) FISCAL YEAR 2001.—Of the amounts made avail-
12 able for fiscal year 2001 under section 301(b)(1)(B) of
13 the Customs Procedural Reform and Simplification Act of
14 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
15 4001(a) of this title, \$9,923,500 shall be for the mainte-
16 nance and support of the equipment and training of per-
17 sonnel to maintain and support the equipment described
18 in subsection (a).

19 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
20 EQUIPMENT; TRANSFER OF FUNDS.—

21 (1) IN GENERAL.—The Commissioner of Cus-
22 toms may use amounts made available for fiscal year
23 2000 under section 301(b)(1)(A) of the Customs
24 Procedural Reform and Simplification Act of 1978
25 (19 U.S.C. 2075(b)(1)(A)), as amended by section

1 4001(a) of this title, for the acquisition of equip-
 2 ment other than the equipment described in sub-
 3 section (a) if such other equipment—

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

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

9 (B) can be obtained at a lower cost than
 10 the equipment described in subsection (a).

11 (2) TRANSFER OF FUNDS.—Notwithstanding
 12 any other provision of this section, the Commissioner
 13 of Customs may reallocate an amount not to exceed
 14 10 percent of—

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

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

23 (C) the amount specified in any of sub-
 24 paragraphs (A) through (E) of subsection

1 (a)(3) for equipment specified in any other of
2 such subparagraphs (A) through (E).

3 **SEC. 4003. PEAK HOURS AND INVESTIGATIVE RESOURCE**
4 **ENHANCEMENT.**

5 Of the amounts made available for fiscal years 2000
6 and 2001 under subparagraphs (A) and (B) of section
7 301(b)(1) of the Customs Procedural Reform and Sim-
8 plification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and
9 (B)), as amended by section 4001(a) of this title,
10 \$159,557,000, including \$5,673,600, until expended, for
11 investigative equipment, for fiscal year 2000 and
12 \$220,351,000 for fiscal year 2001 shall be available for
13 the following:

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

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

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

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

6 (4) A net increase of 70 special agent positions,
7 23 intelligence analyst positions, 9 support staff,
8 and the necessary equipment to enhance investiga-
9 tion efforts targeted at internal conspiracies at the
10 Nation's seaports.

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

18 (6) A net increase of 2 special agent positions
19 to re-establish a Customs Attache office in Nassau.

20 (7) A net increase of 62 special agent positions
21 and 8 intelligence analyst positions for maritime
22 smuggling investigations and interdiction operations.

23 (8) A net increase of 50 positions and addi-
24 tional resources to the Office of Internal Affairs to

1 enhance investigative resources for anticorruption ef-
2 forts.

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

5 **SEC. 4004. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.**
6

7 (a) FISCAL YEAR 2000.—Of the amounts made avail-
8 able for fiscal year 2000 under subparagraphs (A) and
9 (B) of section 301(b)(3) of the Customs Procedural Re-
10 form and Simplification Act of 1978 (19 U.S.C.
11 2075(b)(3) (A) and (B)) as amended by section 4001(c)
12 of this title, \$130,513,000 shall be available until ex-
13 pended for the following:

14 (1) \$96,500,000 for Customs aircraft restora-
15 tion and replacement initiative.

16 (2) \$15,000,000 for increased air interdiction
17 and investigative support activities.

18 (3) \$19,013,000 for marine vessel replacement
19 and related equipment.

20 (b) FISCAL YEAR 2001.—Of the amounts made avail-
21 able for fiscal year 2001 under subparagraphs (A) and
22 (B) of section 301(b)(3) of the Customs Procedural Re-
23 form and Simplification Act of 1978 (19 U.S.C.
24 2075(b)(3) (A) and (B)) as amended by section 4001(c)

1 of this title, \$75,524,000 shall be available until expended
2 for the following:

3 (1) \$36,500,000 for Customs Service aircraft
4 restoration and replacement.

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

7 (3) \$24,024,000 for marine vessel replacement
8 and related equipment.

9 **SEC. 4005. COMPLIANCE WITH PERFORMANCE PLAN RE-**
10 **QUIREMENTS.**

11 As part of the annual performance plan for each of
12 the fiscal years 2000 and 2001 covering each program ac-
13 tivity set forth in the budget of the United States Customs
14 Service, as required under section 1115 of title 31, United
15 States Code, the Commissioner of Customs shall establish
16 performance goals and performance indicators, and com-
17 ply with all other requirements contained in paragraphs
18 (1) through (6) of subsection (a) of such section with re-
19 spect to each of the activities to be carried out pursuant
20 to sections 1002 and 1003 of this title.

21 **SEC. 4006. COMMISSIONER OF CUSTOMS SALARY.**

22 (a) IN GENERAL.—

23 (1) Section 5315 of title 5, United States Code,
24 is amended by striking the following item:

1 “Commissioner of Customs, Department of
2 Treasury.”.

3 (2) Section 5314 of title 5, United States Code,
4 is amended by inserting the following item:

5 “Commissioner of Customs, Department of
6 Treasury.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to fiscal year 2000 and thereafter.

9 **SEC. 4007. PASSENGER PRECLEARANCE SERVICES.**

10 (a) CONTINUATION OF PRECLEARANCE SERVICES.—
11 Notwithstanding section 13031(f) of the Consolidated
12 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
13 58c(f)) or any other provision of law, the Customs Service
14 shall, without regard to whether a passenger processing
15 fee is collected from a person departing for the United
16 States from Canada and without regard to whether funds
17 are appropriated pursuant to subsection (b), provide the
18 same level of enhanced preclearance customs services for
19 passengers arriving in the United States aboard commer-
20 cial aircraft originating in Canada as the Customs Service
21 provided for such passengers during fiscal year 1997.

22 (b) AUTHORIZATION OF APPROPRIATIONS FOR
23 PRECLEARANCE SERVICES.—Notwithstanding section
24 13031(f) of the Consolidated Omnibus Budget Reconcili-
25 ation Act of 1985 (19 U.S.C. 58c(f)) or any other provi-

1 sion of law, there are authorized to be appropriated, from
 2 the date of enactment of this Act through September 30,
 3 2001, such sums as may be necessary for the Customs
 4 Service to ensure that it will continue to provide the same,
 5 and where necessary increased, levels of enhanced
 6 preclearance customs services as the Customs Service pro-
 7 vided during fiscal year 1997, in connection with the arriv-
 8 al in the United States of passengers aboard commercial
 9 aircraft whose flights originated in Canada.

10 **Subtitle B—United States Coast** 11 **Guard**

12 **SEC. 4101. ADDITIONAL FUNDING FOR OPERATION AND** 13 **MAINTENANCE.**

14 In addition to amounts to be appropriated for the
 15 United States Coast Guard for fiscal year 2000, there is
 16 authorized to be appropriated \$100,000,000 for each of
 17 fiscal years 2000 and 2001 for operation and mainte-
 18 nance.

19 **Subtitle C—Drug Enforcement** 20 **Administration**

21 **SEC. 4201. ADDITIONAL FUNDING FOR COUNTER-** 22 **NARCOTICS AND INFORMATION SUPPORT OP-** 23 **ERATIONS.**

24 In addition to amounts to be appropriated for the
 25 Drug Enforcement Administration for fiscal year 2000,

1 there is authorized to be appropriated \$120,000,000 for
2 fiscal year 2000 for counternarcotics and information sup-
3 port operations.

4 **Subtitle D—Department of the**
5 **Treasury**

6 **SEC. 4301. ADDITIONAL FUNDING FOR COUNTER-DRUG IN-**
7 **FORMATION SUPPORT.**

8 In addition to the other amounts to be appropriated
9 for the Department of the Treasury for fiscal year 2000,
10 there is authorized to be appropriated \$50,000,000 for
11 each of the fiscal years 2000 and 2001 for counter-
12 narcotics, information support, and money laundering ef-
13 forts.

14 **Subtitle E—Department of Defense**

15 **SEC. 4401. ADDITIONAL FUNDING FOR EXPANSION OF**
16 **COUNTERNARCOTICS ACTIVITIES.**

17 In addition to other amounts to be appropriated for
18 the Department of Defense for fiscal year 2000, there is
19 authorized to be appropriated \$200,000,000 for each of
20 fiscal years 2000 and 2001 to be used to expand activities
21 to stop the flow of illegal drugs into the United States.

22 **SEC. 4402. FORWARD MILITARY BASE FOR COUNTER-**
23 **NARCOTICS MATTERS.**

24 (a) The Secretary of the Air Force may acquire real
25 property and carry out military construction projects in

1 the amount of \$300,000,000 to establish an air base, or
2 air bases for use for support of counternarcotics oper-
3 ations in the areas of the southern Caribbean Sea, north-
4 ern South America, and the eastern Pacific Ocean, to be
5 located in Latin America or the area of the Caribbean Sea,
6 or both.

7 (b) There is authorized to be appropriated such sums
8 as may be necessary for fiscal year 2000, and any succeed-
9 ing fiscal year, for military construction and land acquisi-
10 tion for an airbase referred to subsection (a).

11 **SEC. 4403. EXPANSION OF RADAR COVERAGE AND OPER-**
12 **ATION IN SOURCE AND TRANSIT COUNTRIES.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for the Department of De-
15 fense for fiscal year 2000, \$100,000,000 for purposes of
16 the procurement of a Relocatable Over the Horizon Radar
17 (ROTHR) to be located in South America.

18 (b) AUTHORIZATION TO LOCATE.—The Relocatable
19 Over the Horizon Radar procured pursuant to the author-
20 ization of appropriations in subsection (a) may be located
21 at a location in South America that is suitable for pur-
22 poses of providing enhanced radar coverage of narcotics
23 source zone countries in South America.

1 **SEC. 4404. SENSE OF CONGRESS REGARDING FUNDING**
2 **UNDER WESTERN HEMISPHERE DRUG ELIMI-**
3 **NATION ACT.**

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

6 (1) Teenage drug use in the United States has
7 doubled since 1993.

8 (2) The drug crisis facing the United States
9 poses a paramount threat to the national security in-
10 terests of the United States.

11 (3) The trans-shipment of illicit drugs through
12 United States borders cannot be halted without an
13 effective drug interdiction strategy.

14 (4) The Clinton Administration has placed a
15 low priority on efforts to reduce the supply of illicit
16 drugs, and the seizure of such drugs by the Coast
17 Guard and other Federal agencies has decreased, as
18 is evidenced by a 68 percent decrease in the pounds
19 of cocaine seized by such agencies between 1991 and
20 1996.

21 (5) The Western Hemisphere Drug Elimination
22 Act was enacted into law on October 19, 1998.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

25 (1) the President should allocate funds appro-
26 priated for fiscal year 1999 pursuant to the author-

1 izations of appropriations for that fiscal year in the
2 Western Hemisphere Drug Elimination Act in order
3 to carry out fully the purposes of that Act during
4 that fiscal year; and

5 (2) the President should include with the budg-
6 ets for fiscal years 2000 and 2001 that are submit-
7 ted to Congress under section 1105 of title 31,
8 United States Code, a request for funds for such fis-
9 cal years in accordance with the authorizations of
10 appropriations for such fiscal years in that Act.

11 **SEC. 4405. SENSE OF CONGRESS REGARDING THE PRIOR-**
12 **ITY OF THE DRUG INTERDICTION AND**
13 **COUNTERDRUG ACTIVITIES OF THE DEPART-**
14 **MENT OF DEFENSE.**

15 It is the sense of Congress that the Secretary of De-
16 fense should revise the Global Military Force Policy of the
17 Department of Defense in order—

18 (1) to treat the international drug interdiction
19 and counterdrug activities of the Department as a
20 military operation other than war, thereby elevating
21 the priority given such activities under the Policy to
22 the next priority below the priority given to war
23 under the Policy and to the same priority given to
24 peacekeeping operations under the Policy; and

- 1 (2) to allocate the assets of the Department to
- 2 such activities in accordance with the priority given
- 3 such activities under the revised Policy.

