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1 maintenance of files with respect to, and the review of,
2 complaints concerning infant formulas which may reveal
3 the possible existence of a hazard to health.

4 "(B)(1) Records required under subparagraph (A) with
5 respect to an infant formula shall be retained for at least
6 one year after the expiration of the shelf life of such
7 infant formula. Except as provided in clause (11), such
8 records shall be made available to the Secretary for review
9 and duplication upon request of the Secretary.

10 "(11) A manufacturer need only provide written
11 assurances to the Secretary that the regularly scheduled
12 audits required by paragraph (2)(B)(iv) are being conducted
13 by the manufacturer, and need not make available to the
14 Secretary the actual written reports of such audits.

15 "(c)(1) No person shall introduce or deliver for
16 introduction into interstate commerce any new infant formula
17 unless--

18 "(A) such person has, before introducing such new
19 infant formula, or delivering such new infant formula for
20 introduction, into interstate commerce, registered with
21 the Secretary the name of such person, the place of
22 business of such person, and all establishments at which
23 such person intends to manufacture such new infant
24 formula, and

25 "(B) such person has at least 90 days before

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1 marketing such new infant formula, made the submission to
2 the Secretary required by subsection (c)(1).

3 "(2) For purposes of paragraph (1), the term 'new infant
4 formula' includes--

5 "(A) an infant formula manufactured by a person
6 which has not previously manufactured an infant formula,
7 and

8 "(B) an infant formula manufactured by a person
9 which has previously manufactured infant formula and in
10 which there is a major change, in processing or
11 formulation, from a current or any previous formulation
12 produced by such manufacturer.

13 For purposes of this paragraph, the term 'major change' has
14 the meaning given to such term in section 186.38(c)(2) of
15 title 21, Code of Federal Regulations (as in effect on August
16 1, 1986), and guidelines issued thereunder.

17 "(d)(1) A person shall, with respect to any infant
18 formula subject to subsection (c), make a submission to the
19 Secretary which shall include--

20 "(A) the quantitative formulation of the infant
21 formula,

22 "(B) a description of any reformulation of the
23 formula or change in processing of the infant formula,

24 "(C) assurances that the infant formula will not be
25 marketed unless it meets the requirements of subsections

1 (b)(1) and (i), as demonstrated by the testing required
2 under subsection (b)(3), and

3 "(D) assurances that the processing of the infant
4 formula complies with subsection (b)(2).

5 "(2) After the first production of an infant formula
6 subject to subsection (c), and before the introduction into
7 interstate commerce of such formula, the manufacturer of such
8 formula shall submit to the Secretary, in such form as may be
9 prescribed by the Secretary, a written verification which
10 summarizes test results and records demonstrating that such
11 formula complies with the requirements of subsections (b)(1),
12 (b)(2)(A), (b)(2)(B)(i), (b)(2)(B)(iii), (b)(3)(A),
13 (b)(3)(C), and (i).

14 "(3) If the manufacturer of an infant formula for
15 commercial or charitable distribution for human consumption
16 determines that a change in the formulation of the formula or
17 a change in the processing of the formula may affect whether
18 the formula is adulterated under subsection (a), the
19 manufacturer shall, before the first processing of such
20 formula, make the submission to the Secretary required by
21 paragraph (1).

22 "(e)(1) If the manufacturer of an infant formula has
23 knowledge which reasonably supports the conclusion that an
24 infant formula which has been processed by the manufacturer
25 and which has left an establishment subject to the control of

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1 the manufacturer--

2 "(A) may not provide the nutrients required by
3 subsection (1), or

4 "(B) may be otherwise adulterated or misbranded,
5 the manufacturer shall promptly notify the Secretary of such
6 knowledge. If the Secretary determines that the infant
7 formula presents a risk to human health, the manufacturer
8 shall immediately take all actions necessary to recall
9 shipments of such infant formula from all wholesale and
10 retail establishments, consistent with recall regulations and
11 guidelines issued by the Secretary.

12 "(2) For purposes of paragraph (1), the term 'knowledge'
13 as applied to a manufacturer means (A) the actual knowledge
14 that the manufacturer had, or (B) the knowledge which a
15 reasonable person would have had under like circumstances or
16 which would have been obtained upon the exercise of due care.

17 "(f)(1) If a recall of infant formula is begun by a
18 manufacturer, the recall shall be carried out in accordance
19 with such requirements as the Secretary shall prescribe under
20 paragraph (2) and--

21 "(A) the Secretary shall, not later than the 15th
22 day after the beginning of such recall and at least once
23 every 15 days thereafter until the recall is terminated,
24 review the actions taken under the recall to determine
25 whether the recall meets the requirements prescribed

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1 under paragraph (2), and

2 "(B) the manufacturer shall, not later than the 14th
3 day after the beginning of such recall and at least once
4 every 14 days thereafter until the recall is terminated,
5 report to the Secretary the actions taken to implement
6 the recall.

7 "(2) The Secretary shall by regulation prescribe the
8 scope and extent of recalls of infant formulas necessary and
9 appropriate for the degree of risks to human health presented
10 by the formula subject to the recall.

11 "(3) The Secretary shall by regulation require each
12 manufacturer of an infant formula who begins a recall of such
13 formula because of a risk to human health to request each
14 retail establishment at which such formula is sold or
15 available for sale to post at the point of purchase of such
16 formula a notice of such recall at such establishment for
17 such time that the Secretary determines necessary to inform
18 the public of such recall."

19 (b)(1) Subsection (1) of such section (as so
20 redesignated) is amended--

21 (A) by inserting "(1)" after "(1)",

22 (B) by striking out "subsection (a)" and inserting
23 in lieu thereof "paragraph",

24 (C) by striking out the colon and inserting in lieu
25 thereof a period, and

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1 (D) by adding at the end the following:
2 "(2) The Secretary may by regulation--
3 "(A) revise the list of nutrients in the table in
4 this subsection, and
5 "(3) revise the required level for any nutrient
6 required by the table."
7 (2) Section 381(s) of the Federal Food, Drug, and
8 Cosmetic Act is amended to read as follows:
9 "(s) The failure to provide the notice required by
10 section 412(c) or 412(d), the failure to make the reports
11 required by section 412(f)(1)(B), the failure to retain the
12 records required by section 412(b)(4), or the failure to meet
13 the requirements prescribed under section 412(f)(3)."

14 ~~SEC. 4014. STUDY ON ALKYL AND BUTYL NITRITES.~~

15 The Secretary of Health and Human Services, through the
16 Commissioner of Food and Drugs, should conduct a study on
17 alkyl and butyl nitrites and report to the appropriate
18 committees of the Congress recommendations concerning whether
19 alkyl and butyl nitrites should be treated as a drug under
20 the Federal Food, Drug, and Cosmetic Act.

21 ~~SEC. 4015. SENSE OF THE SENATE WITH RESPECT TO POSSESSION OR~~
22 ~~DISTRIBUTION OF DRUGS UNDER STATE LAW:~~

23 It is the sense of the Senate that, if the possession or
24 distribution of a drug is an offense under the Controlled
25 Substances Act, the laws of the States should not be amended

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SEC. 4015. STUDY ON ALKYL NITRITES.

The Secretary of Health and Human Services, through the Commissioner of Food and Drugs and the Director of the National Institute of Drug Abuse, shall, within 180 days of the date of the enactment of this Act, conduct a study on alkyl nitrites to determine--

- (1) the extent and nature of the use of alkyl nitrites products by the public,
- (2) the extent to which the use of such products conform to the advertised uses of the products, and
- (3) the extent to which the sale of such products to the public presents a health risk and the nature of such risk.

The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on such study and shall include in the report recommendations concerning whether alkyl nitrites should be treated as a drug under the Federal Food, Drug, and Cosmetic Act.

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(D) by adding at the end the following:

"(2) The Secretary may by regulation--

"(A) revise the list of nutrients in the table in this subsection, and

"(B) revise the required level for any nutrient required by the table."

(2) Section 381(s) of the Federal Food, Drug, and Cosmetic Act is amended to read as follows:

"(s) The failure to provide the notice required by section 412(c) or 412(d), the failure to make the reports required by section 412(f)(1)-(5), the failure to retain the records required by section 412(b)(4), or the failure to meet the requirements prescribed under section 412(f)(9)."

SEC. 4814. STUDY ON ALKYL AND BUTYL NITRITES.

The Secretary of Health and Human Services, through the Commissioner of Food and Drugs, should conduct a study on alkyl and butyl nitrites and report to the appropriate committees of the Congress recommendations concerning whether alkyl and butyl nitrites should be treated as a drug under the Federal Food, Drug, and Cosmetic Act.

SEC. 4815. SENSE OF THE SENATE WITH RESPECT TO POSSESSION OR DISTRIBUTION OF DRUGS UNDER STATE LAW.

It is the sense of the Senate that, if the possession or distribution of a drug is an offense under the Controlled Substances Act, the laws of the States should not be amended

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1 or revised to provide that the possession or distribution,
2 respectively, of such drug is not a criminal offense.

3 SEC. 402. STUDIES ON HEALTH WARNING LABELS FOR ALCOHOLIC
4 BEVERAGES.

5 (a) The Senate finds that--

6 (1) the most abused drug in America alcohol;

7 (2) alcohol abuse costs the American economy nearly
8 \$120,000,000,000 per year, including increased medical
9 expenses and decreased productivity;

10 (3) in 1984, 53 percent of the traffic fatalities in
11 the United States, accounting for more than 23,500
12 deaths, were related to the consumption of alcohol;

13 (4) over 12,000,000 American adults have one or more
14 symptoms of alcoholism, and this represents an 8.2
15 percent increase in problem drinking since 1980;

16 (5) in 1984, almost 3,300,000 individuals between the
17 ages of 14 and 17 experienced serious problems at home,
18 in school, or with the law because of alcohol
19 consumption;

20 (6) fetal alcohol syndrome is the third leading cause
21 of birth defects, and is the only preventable cause of
22 birth defects among the top three causes;

23 (7) nearly 5,000 babies per year are born with birth
24 defects related to fetal alcohol syndrome;

25 (8) the statistics cited in the preceding paragraphs

1 of this subsection indicate that many Americans are not
2 aware of the adverse effects that the abuse of alcoholic
3 beverages may have on health;

4 (9) It is necessary to undertake a serious national
5 effort to educate the American people of the serious
6 consequences of alcohol abuse; and

7 (10) carefully drafted warning labels on the
8 containers of alcoholic beverages concerning serious
9 health consequences resulting from the abuse of alcohol
10 may assist in providing such education.

11 (b) Therefore, it is the sense of the Senate that--

12 (1) the Public Health Service should focus attention
13 on the problem of educating the American people on the
14 serious health consequences of alcohol abuse;

15 (2) the Public Health Service should review available
16 knowledge and conduct studies to assess the most
17 effective means of providing such education, including an
18 assessment of the potential educational impact of health
19 warning labels on the containers of alcoholic beverages;
20 and

21 (3) the Public Health Service should transmit a
22 report to the Congress within 6 months after the date of
23 enactment of this Act concerning any activities described
24 in paragraph (2) which have been undertaken, and should
25 include in such report any findings respecting the impact

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1 and potential benefits of displaying health warnings on
2 the containers of alcoholic beverages and recommendations
3 for specific language for such labels.

18

4 SEC. 408. EFFORTS OF THE ENTERTAINMENT AND WRITTEN MEDIA
5 INDUSTRY.

6 It is the sense of Congress that--

7 (1) whereas illegal drug and alcohol consumption and
8 the trafficking in those illegal drugs and alcohol is a
9 major problem in the United States,

10 (2) whereas the problem of alcohol abuse is
11 particularly prevalent among and harmful to the Nation's
12 young people, and

13 (3) whereas the values and mores portrayed in various
14 forms of commercially produced entertainment have a
15 profound effect on the attitudes of young people in this
16 country,

17 the entertainment and written media industry should refrain
18 from producing material meant for general entertainment which
19 in any way glamorizes or encourages the use of illegal drugs
20 and alcohol and the entertainment and written media industry
21 should develop films, television programs, records, videos,
22 and advertising which discourage the use of illegal drugs and
23 alcohol.

19

24 SEC. 409. SENSE OF THE CONGRESS URGING THE CATEGORIZATION OF
25 FILMS WHICH PROMOTE ALCOHOL ABUSE AND DRUG USE.

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- 1 (a) The Congress finds that--
- 2 (1) the abuse of alcohol and the use of drugs has
- 3 become a societal problem of epidemic proportions,
- 4 (2) it is in the interest of all citizens to
- 5 contribute to the reduction of alcohol abuse and drug
- 6 use, particularly among youth,
- 7 (3) the entertainment industry, particularly the
- 8 motion picture industry's production of youth-oriented
- 9 films, often depicts alcohol abuse and drug use in a
- 10 benign, even glamorous way,
- 11 (4) the motion picture industry has a profound impact
- 12 of societal norms and is a powerful medium which exerts
- 13 great influence on the values of youth, and
- 14 (5) the motion picture industry has recognized the
- 15 need to inform parents about the contents of movies
- 16 regarding violence, sex, language, and nudity and
- 17 therefore currently employs a voluntary rating system.
- 18 (b) It is the sense of the Congress that the Motion
- 19 Picture Association of America should incorporate a new
- 20 rating in its voluntary movie rating system to clearly
- 21 identify films which depict alcohol abuse and drug use.

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SEC. 420. ANIMALS IN RESEARCH.

Part A of title V, as amended by section 4015, is amended by adding at the end the following:

"ANIMALS IN RESEARCH

"SEC. 509. (a) The Secretary, acting through the Administrator, shall establish guidelines for the following:

"(1) The proper care of animals to be used in research conducted by and through agencies of the Administration.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

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"(B) appropriate pre-surgical and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committee in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts research with funds provided under this title to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(c) Each animal care committee of a research entity shall—

"(1) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semiannually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(2) keep appropriate records of reviews conducted under paragraph (1); and

"(3) for each review conducted under paragraph (1), file with the Administrator at least annually (A) a certification that the review has been conducted, and (B) reports of any violations of guidelines established under subsection (a) or of assurances required under subsection (d) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under paragraph (3) shall include any minority views filed by members of the committee.

"(d) The Administrator shall require each applicant for a grant, contract, or cooperative agreement involving research on animals which is administered by the Administrator or any agency of the Administration to include in its application or contract proposal, submitted after the expiration of the 12-month period beginning on the date of enactment of this section—

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"(1) assurances satisfactory to the Administrator that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care

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committee which meets the requirements of sub-
section (b); and

"(B) scientists, animal technicians, and
other personnel involved with animal care, treat-
ment, and use by the applicant have available to
them instruction or training in the humane prac-
tice of animal maintenance and experimentation,
and the concept, availability, and use of research
or testing methods that limit the use of animals or
limit animal distress; and

"(2) a statement of the reasons for the use of ani-
mals in the research to be conducted with funds pro-
vided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5,
United States Code, regulations under this subsection shall
be promulgated in accordance with the notice and comment
requirements of such section.

"(e) If the Administrator determines that—

"(1) the conditions of animal care, treatment, or
use in an entity which is receiving a grant, contract, or
cooperative agreement involving research on animals
under this title do not meet applicable guidelines estab-
lished under subsection (a);

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"(2) the entity has been notified by the Administrator of such determination and has been given a reasonable opportunity to take corrective action; and

"(3) no action has been taken by the entity to correct such conditions;

the Administrator shall suspend or revoke such grant or contract under such conditions as the Administrator determines appropriate.

"(f) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose publicly trade secrets or commercial or financial information which is privileged or confidential.

~~SEC. 4021. BLOCK GRANTS~~

~~Section 1913(a)(1)(B) (42 U.S.C. 5001-1a(a)(1)(B)) is amended by striking out "1984" and inserting in lieu thereof "1985".~~

~~SEC. 4022. TECHNICAL AMENDMENTS.~~

(a) SECTION 504(e).—Subsection (e) of section 504 (42 U.S.C. 290aa-3) is amended by striking out the period at the end of paragraph (2)(A) and inserting in lieu thereof a semicolon.

(b) SECTION 504(g).—Subsection (g) of such section is amended by striking out "section 1915(e)" and inserting in lieu thereof "1916(e)".

(d) GENERAL AUTHORITY.—

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(1) Section 504 (as amended by section 4019) is amended by adding at the end the following:

"(i) The Secretary, acting through the Director, may make grants to and enter into cooperative agreements and contracts with public and nonprofit private entities for research on mental illness."

(2) Section 301(a)(3) (42 U.S.C. 241(a)(3)) is amended by striking out "or, in the case of mental health" and all that follows through "Council;" and by striking out "or the National Advisory Mental Health Council".

SEC 402 ALCOHOLISM AND ALCOHOL ABUSE TREATMENT STUDY.

C. 300z—
1" and insert-

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism and in accordance with subsection (b), shall arrange for the conduct of a study to—

f section 504
out the period
n lieu thereof
such section
and inserting

(1) critically review available research knowledge and experience in the United States and other countries regarding alternative approaches and mechanisms (including statutory and voluntary mechanisms) for the provision of alcoholism and alcohol abuse treatment and rehabilitative services,

(2) assess available evidence concerning comparative costs, quality, effectiveness, and appropriateness of alcoholism and alcohol abuse treatment and rehabilitative service alternatives,

(3) review the state of financing alternatives available to the public, including an analysis of policies and experiences of third party insurers and State and municipal governments, and

(4) consider and make recommendations for policies and programs of research, planning, administration, and reimbursement for the treatment and rehabilitation of individuals suffering from alcoholism and alcohol abuse.

(b) ARRANGEMENTS.—

(1) The Secretary shall request the National Academy of Sciences to conduct the study described in subsection (a) under an arrangement under which the actual expenses incurred by the Academy in conducting the study will be paid by the Secretary and with the consent of the Academy the Secretary shall enter into such arrangement.

(2) Under the arrangement entered into under paragraph (1), the National Academy of Sciences shall agree to—

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(A) conduct the study in consultation with the Director of the National Institute on Alcohol Abuse and Alcoholism, and

(B) submit to the Secretary not later than 24 months after the date the arrangement is entered into a final report on the study.

The Secretary shall transmit the final report of the Academy to Congress not later than 30 days after the date the Secretary receives the report.

DRUGS

1 Subtitle B--Drug-Free Schools and Communities Act of 1986

2 SEC. 4101. SHORT TITLE.

3 This subtitle may be cited as the ``Drug-Free Schools and
4 Communities Act of 1986``.

5 SEC. 4102. FINDINGS.

6 The Congress finds that:

7 (1) Drug abuse education and prevention programs are
8 essential components of a comprehensive strategy to
9 reduce the demand for and use of drugs throughout the
10 Nation.

11 (2) Drug use and alcohol abuse are widespread among
12 the Nation's students, not only in secondary schools, but
13 increasingly in elementary schools as well.

14 (3) The use of drugs and the abuse of alcohol by
15 students constitute a grave threat to their physical and
16 mental well-being and significantly impede the learning
17 process. -

18 (4) The tragic consequences of drug use and alcohol
19 abuse by students are felt not only by students and their
20 families, but also by their communities and the Nation,
21 which can ill afford to lose their skills, talents, and
22 vitality.

23 (5) Schools and local organizations in communities
24 throughout the Nation have special responsibilities to
25 work together to combat the scourge of drug use and

1 alcohol abuse.

2 (6) Prompt action by our Nation's schools, families,
3 and communities can bring significantly closer the goal
4 of a drug-free generation and a drug free society.

5 SEC. 4103. PURPOSE.

6 It is the purpose of this subtitle to establish programs
7 of drug abuse education and prevention (coordinated with
8 related community efforts and resources) through the
9 provision of Federal financial assistance--

10 (1) to States for grants to local and intermediate
11 educational agencies and consortia to establish, operate,
12 and improve local programs of drug abuse prevention,
13 early intervention, rehabilitation referral, and
14 education in elementary and secondary schools (including
15 intermediate and junior high schools);

16 (2) to States for grants to and contracts with
17 community-based organizations for programs of drug abuse
18 prevention, early intervention, rehabilitation referral,
19 and education for school dropouts and other high-risk
20 youth;

21 (3) to States for development, training, technical
22 assistance, and coordination activities;

23 (4) to institutions of higher education to establish,
24 implement, and expand programs of drug abuse education
25 and prevention (including rehabilitation referral) for

1 students enrolled in colleges and universities; and
2 (5) to institutions of higher education in
3 cooperation with State and local educational agencies for
4 teacher training programs in drug abuse education and
5 prevention.

6 PART 1--FINANCIAL ASSISTANCE FOR DRUG ABUSE EDUCATION AND
7 PREVENTION PROGRAMS

8 SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

9 (a) For the purpose of carrying out this subtitle, there
10 are authorized to be appropriated \$200,000,000 for fiscal
11 year 1987 and \$250,000,000 for each of the fiscal years 1988
12 and 1989.

13 (b) Appropriations for any fiscal year for payments made
14 under this subtitle in accordance with regulations of the
15 Secretary may be made available for obligation or expenditure
16 by the agency or institution concerned on the basis of an
17 academic or school year differing from such fiscal year.

18 (c) Funds appropriated for any fiscal year under this
19 subtitle shall remain available for obligation and
20 expenditure until the end of the fiscal year succeeding the
21 fiscal year for which such funds were appropriated.

22 (d) Notwithstanding any other provision of this subtitle,
23 no authority to enter into contracts or financial assistance
24 agreements under this subtitle shall be effective except to
25 such extent or in such amounts as are provided in advance in

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1 appropriation Acts.

2 SEC. 4112. RESERVATIONS AND STATE ALLOTMENTS.

3 (a) From the sums appropriated or otherwise made
4 available to carry out this subtitle for any fiscal year, the
5 Secretary shall reserve--

6 (1) 1 percent for payments to Guam, American Samoa,
7 the Virgin Islands, the Trust Territory of the Pacific
8 Islands, and the Northern Mariana Islands, to be allotted
9 in accordance with their respective needs;

10 (2) 1 percent for programs for Indian youth under
11 section 4133;

12 (3) 0.2 percent for programs for Hawaiian natives
13 under section 4134;

14 (4) 8 percent for programs with institutions of
15 higher education under section 4131;

16 3.5 (5) 3.5 percent for Federal activities under section
17 4132; and

18 4.5 (6) 4.5 percent for regional centers under section
19 4135.

20 (b)(1) From the remainder of the sums not reserved under
21 subsection (a), the Secretary shall allot to each State an
22 amount which bears the same ratio to the amount of such
23 remainder as the school-age population of the State bears to
24 the school-age population of all States, except that no State
25 shall be allotted less than an amount equal to 0.5 percent of

1 such remainder.

2 (2) The Secretary may reallocate any amount of any allotment
3 to a State to the extent that the Secretary determines that
4 the State will not be able to obligate such amount within two
5 years of allotment. Any such reallocation shall be made on the
6 same basis as an allotment under paragraph (1).

7 (3) For purposes of this subsection, the term "State"
8 means any of the fifty States, the District of Columbia, and
9 Puerto Rico.

10 (4) For each fiscal year, the Secretary shall make
11 payments, as provided by section 6503(a) of title 31, United
12 States Code, to each State from its allotment under this
13 subsection from amounts appropriated for that fiscal year.

14 PART 2--STATE AND LOCAL PROGRAMS

15 SEC. 4121. USE OF ALLOTMENTS BY STATES.

16 (a) An amount equal to 30 percent of the total amount
17 paid to a State from its allotment under section 4112 for any
18 fiscal year shall be used by the chief executive officer of
19 such State for State programs in accordance with section
20 4122.

21 (b) An amount equal to 70 percent of the total amount
22 paid to a State from its allotment under section 4112 for any
23 fiscal year shall be used by the State educational agency to
24 carry out its responsibilities in accordance with section
25 4124 and for grants to local and intermediate educational

DRUGS

1 agencies and consortia for programs and activities in
2 accordance with section 4125.

3 SEC. 4122. STATE PROGRAMS.

4 (a) Not more than 50 percent of the funds available for
5 each fiscal year under section 4121(a) to the chief executive
6 officer of a State shall be used for grants to and contracts
7 with local governments and other public or private nonprofit
8 entities (including parent groups, community action agencies,
9 and other community-based organizations) for the development
10 and implementation of programs and activities such as--

11 (1) local broadly-based programs for drug and alcohol
12 abuse prevention, early intervention, rehabilitation
13 referral, and education for all age groups;

14 (2) training programs concerning drug abuse education
15 and prevention for teachers, counselors, other
16 educational personnel, parents, local law enforcement
17 officials, judicial officials, other public service
18 personnel, and community leaders;

19 (3) the development and distribution of educational
20 and informational materials to provide public information
21 (through the media and otherwise) for the purpose of
22 achieving a drug-free society;

23 (4) technical assistance to help community-based
24 organizations and local and intermediate educational
25 agencies and consortia in the planning and implementation

1 of drug abuse prevention, early intervention,
2 rehabilitation referral, and education programs;
3 (5) activities to encourage the coordination of drug
4 abuse education and prevention programs with related
5 community efforts and resources, which may involve the
6 use of a broadly representative State advisory council
7 including members of the State board of education,
8 members of local boards of education, parents, teachers,
9 counselors, health and social service professionals, and
10 others having special interest or expertise; and

11 (6) other drug abuse education and prevention
12 activities, consistent with the purposes of this
13 subtitle.

14 (b)(1) Not less than 50 percent of the funds available
15 for each fiscal year under section 4121(a) to the chief
16 executive officer of a State shall be used for innovative
17 community-based programs of coordinated services for high-
18 risk youth. The chief executive officer of such State shall
19 make grants to or contracts with community action agencies,
20 and other community-based organizations) to carry out such
21 services.

22 (2) For purposes of this subsection, the term "high risk
23 youth" means an individual who has not attained the age of
24 21 years, who is at high risk of becoming or who has been a
25 drug or alcohol abuser, and who--

- 1 (A) is a school dropout;
- 2 (B) has become pregnant;
- 3 (C) is economically disadvantaged;
- 4 (D) is the child of a drug or alcohol abuser;
- 5 (E) is a victim of physical, sexual, or psychological
- 6 abuse;
- 7 (F) has committed a violent or delinquent act;
- 8 (G) has experienced mental health problems;
- 9 (H) has attempted suicide; or
- 10 (I) has experienced long-term physical pain due to
- 11 injury.

12 SEC. 4123. STATE APPLICATIONS.

13 (a) In order to receive an allotment under section
14 4112(b), a State shall submit an application to the
15 Secretary. As part of such application, the chief executive
16 officer of the State shall agree to use the funds made
17 available under section 4121(a) in accordance with the
18 requirements of this part. As part of such application, the
19 State educational agency of the State shall agree to use the
20 funds made available under section 4121(b) in accordance with
21 the requirements of this part.

22 (b) The application submitted by each State under
23 subsection (a) shall--

- 24 (1) cover a period of three fiscal years;
- 25 (2) be submitted at such time ^{and} in such manner, and

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1 contain such information, as the Secretary may require;

2 (3) contain assurances that the Federal funds made

3 available under this part for any period will be so used

4 as to supplement and increase the level of State, local,

5 and non-Federal funds that would in the absence of such

6 Federal funds be made available for the programs and

7 activities for which funds are provided under this part

8 and will in no event supplant such State, local, and

9 other non-Federal funds;

10 (4) provide that the State will keep such records and

11 provide such information as may be required by the

12 Secretary for fiscal audit and program evaluation;

13 (5) contain assurances that there is compliance with

14 the specific requirements of this part;

15 (6) describe the manner in which the State

16 educational agency will coordinate its efforts with

17 appropriate State health, law enforcement, and drug abuse

18 prevention agencies, including the State agency which

19 administers the Alcohol, Drug Abuse, and Mental Health

20 block grant under part B of title XIX of the Public

21 Health Service Act;

22 (7) provide assurances that the State educational

23 agency will provide financial assistance under this part

24 only to local and intermediate educational agencies and

25 consortia which establish and implement drug abuse

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1 education and prevention programs in elementary and
2 secondary schools; and

3 (8) provide for an annual evaluation of the
4 effectiveness of programs assisted under this part.

5 SEC. 4124. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

6 (a) Each State educational agency shall use a sum which
7 shall be not less than 90 percent of the amounts available
8 under section 4121(b) for each fiscal year for grants to
9 local and intermediate educational agencies and consortia in
10 the State, in accordance with applications approved under
11 section 4126. From such sum, the State educational agency
12 shall distribute funds for use among areas served by local or
13 intermediate educational agencies or consortia on the basis
14 of the relative numbers of children in the school-age
15 population within such areas. Any amount of the funds made
16 available for use in any area remaining unobligated for more
17 than one year after the funds were made available may be
18 provided by the State educational agency to local or
19 intermediate educational agencies or consortia having plans
20 for programs or activities capable of using such amount on a
21 timely basis.

22 (b) Each State educational agency shall use not more than
23 10 percent of the amounts available under section 4121(b) for
24 each fiscal year for such activities as--

25 (1) training and technical assistance programs

1 concerning drug abuse education and prevention for local
2 and intermediate educational agencies, including
3 teachers, administrators, athletic directors, other
4 educational personnel, parents, local law enforcement
5 officials, and judicial officials;

6 (2) the development, dissemination, implementation,
7 and evaluation of drug abuse education curricular and
8 teaching materials for elementary and secondary schools
9 throughout the State;

10 (3) demonstration projects in drug abuse education
11 and prevention;

12 (4) special financial assistance to enhance resources
13 available for drug abuse education and prevention in
14 areas serving large numbers of economically disadvantaged
15 children or sparsely populated areas, or to meet special
16 needs; and

17 (5) administrative costs of the State educational
18 agency in carrying out its responsibilities under this
19 part, not in excess of 2.5 percent of the amount
20 available under section 4121(b).

21 ~~(c) Each State educational agency shall submit to the~~
22 ~~Secretary a plan (renewable for each fiscal year, with~~
23 ~~appropriate modifications) which--~~

24 ~~(1) describes the manner in which the State~~
25 ~~educational agency will coordinate its efforts with~~

1 appropriate State health, law enforcement, and drug abuse
2 prevention agencies, including the State agency which
3 administers the Alcohol, Drug Abuse, and Mental Health
4 block grant;

5 (2) provides assurances that the State educational
6 agency will provide financial assistance under this part
7 only to local and intermediate educational agencies and
8 consortia which establish and implement mandatory drug
9 abuse education and prevention programs in elementary and
10 secondary schools;

11 (3) provides that the Federal funds made available
12 under this part shall be used to supplement and, to the
13 extent practical, to increase the level of funds that
14 would, in the absence of such Federal funds, be made
15 available for the purposes described in this part, and in
16 no case supplant such funds;

17 (4) provides for an annual evaluation of the
18 effectiveness of programs assisted under this part;

19 (5) provides that the State educational agency will
20 keep such records and provide such information as may be
21 required by the Secretary for fiscal audit and program
22 evaluation;

23 (6) provides assurances of compliance with the
24 provisions of this part; and

25 (7) includes such other information and assurances as

1 operator, master, pilot, nor any other employee responsible
2 for maintaining and insuring the accuracy of the cargo
3 manifest knew, or by the exercise of the highest degree of
4 care and diligence could have known, that such merchandise
5 was on board.

6 "(d) DEFINITIONS.--For purposes of this section--

7 "(1) The term 'owner or operator' includes--

8 "(A) a lessee or person operating a conveyance
9 under a rental agreement or charter party; and

10 "(B) the officers and directors of a
11 corporation;

12 "(C) station managers and similar supervisory
13 ground personnel employed by airlines;

14 "(D) one or more partners of a partnership;

15 "(E) representatives of the owner or operator in
16 charge of the passenger or cargo operations at a
17 particular location; and

18 "(F) and other persons with similar
19 responsibilities.

20 "(2) The term 'master' and similar terms relating to
21 the person in charge of a conveyance includes the purser
22 or other person on the conveyance who is responsible for
23 maintaining records relating to the cargo transported in
24 the conveyance.

25 "(e) COSTS AND EXPENSES OF SEIZURE.--When a common

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1 carrier has been seized in accordance with the provisions of
2 subsection (c) and it is subsequently determined that a
3 violation of such subsection occurred but that the vessel
4 will be released, the conveyance is liable for the costs and
5 expenses of the seizure and detention."

6 SEC. 3122. SEARCHES AND SEIZURES.

7 Section 595(a) of the Tariff Act of 1930 (19 U.S.C.
8 1595(a)) is amended to read as follows:

9 "(a) WARRANT.--(1) If any officer or person authorized
10 to make searches and seizures has probable cause to believe
11 that--

12 "(A) any merchandise upon which the duties have not
13 been paid, or which has been otherwise brought into the
14 United States unlawfully;

15 "(B) any property which is subject to forfeiture
16 under any provision of law enforced or administered by
17 the United States Customs Service; or

18 "(C) any document, container, wrapping, or other
19 article which is evidence of a violation of section 592
20 involving fraud or of any other law enforced or
21 administered by the United States Customs Service,
22 is in any dwelling house, store, or other building or place,
23 he may make application, under oath, to any justice of the
24 peace, to any municipal, county, State, or Federal judge, or
25 to any Federal magistrate, and shall thereupon be entitled to

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1 a warrant to enter such dwelling house in the daytime only,
2 or such store or other place at night or by day, and to
3 search for and seize such merchandise or other article
4 described in the warrant.

5 "(2) If any house, store, or other building or place, in
6 which any merchandise or other article subject to forfeiture
7 is found, is upon or within 10 feet of the boundary line
8 between the United States and a foreign country, such portion
9 thereof that is within the United States may be taken down or
10 removed."

11 SEC. 3123. FORFEITURES.

12 Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a)
13 is amended--

14 (1) by striking out "the proviso to" in subsection

15 (a) and inserting "subsection (b) or (c) of";

16 (2) by striking out "shall" in subsection (a) and
17 inserting "may"; and

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

20 "(c) Any merchandise that is introduced or attempted to
21 be introduced into the United States contrary to law (other
22 than in violation of section 592) may be seized and
23 forfeited."

24 SEC. 3124. PROCEEDS OF FORFEITED PROPERTY.

25 Section 613 of the Tariff Act of 1930 (19 U.S.C. 1613) is

1 amended by adding at the end thereof the following new
2 subsections:

3 “(c) TREATMENT OF DEPOSITS.--If property is seized by
4 the Secretary under law enforced or administered by the
5 Customs Service, or otherwise acquired under section 605, and
6 relief from the forfeiture is granted by the Secretary, or
7 his designee, upon terms requiring the deposit or retention
8 of a monetary amount in lieu of the forfeiture, the amount
9 recovered shall be treated in the same manner as the proceeds
10 of sale of a forfeited item.

11 “(d) EXPENSES.--In any judicial or administrative
12 proceeding to forfeit property under any law enforced or
13 administered by the Customs Service or the Coast Guard, the
14 seizure, storage, and other expenses related to the
15 forfeiture that are incurred by the Customs Service or the
16 Coast Guard after the seizure, but before the institution of,
17 or during, the proceedings, shall be a priority claim in the
18 same manner as the court costs and the expenses of the
19 Federal marshal.”.

20 SEC. 3125. COMPENSATION TO INFORMERS.

21 Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is
22 amended to read as follows:

23 “(a) IN GENERAL.--If

24 “(1) any person who is not an employee or officer of
25 the United States--

1 "(A) detects and seizes any vessel, vehicle,
2 aircraft, merchandise, or baggage subject to seizure
3 and forfeiture under the customs laws or the
4 navigation laws and reports such detection and
5 seizure to a customs officer, or
6 "(B) furnishes to a United States attorney, the
7 Secretary of the Treasury, or any customs officer
8 original information concerning--
9 "(i) any fraud upon the customs revenue, or
10 "(ii) any violation of the customs laws or
11 the navigation laws which is being, or has been,
12 perpetrated or contemplated by any other person;
13 and
14 "(2) such detection and seizure or such information
15 leads to a recovery of--
16 "(A) any duties withheld, or
17 "(B) any fine, penalty, or forfeiture of
18 property incurred;
19 the Secretary may award and pay such person an amount that
20 does not exceed 25 percent of the net amount so recovered.
21 "(b) FORFEITED PROPERTY NOT SOLD.--if--
22 "(1) any vessel, vehicle, aircraft, merchandise, or
23 baggage is forfeited to the United States and is
24 thereafter, in lieu of sale--
25 "(A) destroyed under the customs or navigation

1 laws, or

2 "(B) delivered to any governmental agency for
3 official use, and

4 "(2) any person would be eligible to receive an
5 award under subsection (a) but for the lack of sale of
6 such forfeited property,

7 the Secretary may award and pay such person an amount that
8 does not exceed 25 percent of the appraised value of such
9 forfeited property.

10 "(c) DOLLAR LIMITATION.--The amount awarded and paid to
11 any person under this section may not exceed \$250,000 for any
12 case.

13 "(d) SOURCE OF PAYMENT.--Unless otherwise provided by
14 law, any amount paid under this section shall be paid out of
15 appropriations available for the collection of the customs
16 revenue.

17 "(e) RECOVERY OF BAIL BOND.--For purposes of this
18 section, an amount recovered under a bail bond shall be
19 deemed a recovery of a fine incurred."

20 SEC. 3126. FOREIGN LANDING CERTIFICATES.

21 Section 622 of the Tariff Act of 1930 (19 U.S.C. 1622) is
22 amended by inserting before the period at the end thereof the
23 following: ", or to comply with international obligations".

24 ~~SEC. 3127. EXCHANGE OF INFORMATION WITH FOREIGN AGENCIES.~~

25 ~~Part " of the Tariff Act of 1930 is amended~~

8 Strike out section 3127 of the House Amendment and insert
9 in lieu thereof the following:

SEC. 3127. EXCHANGE OF INFORMATION WITH FOREIGN AGENCIES.

11 Part V of title IV of the Tariff Act of 1930 is amended
12 by adding at the end thereof the following new section:

13 "SEC. 628. EXCHANGE OF INFORMATION.

14 "(a) In General.--The Secretary may by regulation
15 authorize customs officers to exchange information or
16 documents with foreign customs and law enforcement agencies
17 if the Secretary reasonably believes the exchange of
18 information is necessary to--

19 "(1) insure compliance with any law or regulation
20 enforced or administered by the Customs Service;

21 "(2) administer or enforce multilateral or bilateral
22 agreements to which the United States is a party;

23 "(3) assist in investigative, judicial and quasi-
24 judicial proceedings in the United States; and

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1 "(4) an action comparable to any of those described
2 in paragraphs (1) through (4) undertaken by a foreign
3 customs or law enforcement agency, or in relation to a
4 proceeding in a foreign country.

5 "(b) Nondisclosure and Uses of Information Provided.--

6 "(1) Information may be provided to foreign customs
7 and law enforcement agencies under subsection (a) only if
8 the Secretary obtains assurances from such agencies that
9 such information will be held in confidence and used only
10 for the law enforcement purpose for which such
11 information is provided to such agencies by the
12 Secretary.

13 "(2) No information may be provided under subsection
14 (a) to any foreign customs or law enforcement agency that
15 has violated any assurances described in paragraph
16 (1)."

17 Subsection (f) of section 1109 of the Federal Aviation
18 Act of 1958 (49 U.S.C. 1509), as added by section 3401(d)(1)
19 of the House amendment, is amended to read as follows:

20 "REPORTING TRANSFER OF OWNERSHIP

21 "(f)(1) Any person having an ownership interest in any
22 aircraft for which a certificate of registration has been
23 issued under this Act shall, upon the sale, conditional sale,
24 transfer, or conveyance of such ownership interest, file with

1 ~~adding to the end thereof the following new section 628:~~

2 ~~SEC. 628. EXCHANGE OF INFORMATION.~~

3 ~~The Secretary may by regulation authorize customs~~
4 ~~officers to exchange information or documents with foreign~~
5 ~~customs and law enforcement agencies if the Secretary~~
6 ~~reasonably believes the exchange of information is necessary~~
7 ~~to--~~

8 ~~(1) insure compliance with any law or regulation~~
9 ~~enforced or administered by the Customs Service;~~

10 ~~(2) administer or enforce multilateral or bilateral~~
11 ~~agreements to which the United States is a party;~~

12 ~~(3) assist in investigative, judicial and~~
13 ~~quasi-judicial proceedings in the United States; and~~

14 ~~(4) an action comparable to any of those described~~
15 ~~in paragraphs (1) through (4) undertaken by a foreign~~
16 ~~customs or law enforcement agency, or in relation to a~~

17 ~~proceeding in a foreign court.~~

18 SEC. 3128. INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.

19 Part V of title IV of the Tariff Act of 1930 is further
20 amended by adding at the end thereof the following new
21 section:

22 SEC. 629. INSPECTIONS AND PRECLEARANCE IN FOREIGN
23 COUNTRIES.

24 (a) IN GENERAL.--When authorized by treaty or executive
25 agreement, the Secretary may station customs officers in

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1 foreign countries for the purpose of examining persons and
2 merchandise prior to their arrival in the United States.

3 (b) FUNCTIONS AND DUTIES.--Customs officers stationed
4 in a foreign country under subsection (a) may exercise such
5 functions and perform such duties (including inspections,
6 searches, seizures and arrests) as may be permitted by the
7 treaty, agreement or law of the country in which they are
8 stationed.

9 (c) COMPLIANCE.--The Secretary may by regulation
10 require compliance with the customs laws of the United States
11 in a foreign country and, in such a case the customs laws and
12 other civil and criminal laws of the United States relating
13 to the importation of merchandise, filing of false
14 statements, and the unlawful removal of merchandise from
15 customs custody shall apply in the same manner as if the
16 foreign station is a port of entry within the customs
17 territory of the United States.

18 (d) SEIZURES.--When authorized by treaty, agreement or
19 foreign law, merchandise which is subject to seizure or
20 forfeiture under United States law may be seized in a foreign
21 country and transported under customs custody to the customs
22 territory to the United States to be proceeded against under
23 the customs law.

24 (e) STATIONING OF FOREIGN CUSTOMS OFFICERS IN THE
25 UNITED STATES.--The Secretary of State, in coordination with

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1 the Secretary, may enter into agreements with any foreign
2 country authorizing the stationing in the United States of
3 customs officials of that country (if similar privileges are
4 extended by that country to United States officials) for the
5 purpose of insuring that persons and merchandise going
6 directly to that country from the United States comply with
7 the customs and other laws of that country governing the
8 importation of merchandise. Any foreign customs official
9 stationed in the United States under this subsection may
10 exercise such functions and perform such duties as United
11 States officials may be authorized to perform in that foreign
12 country under reciprocal agreement.

13 "(f) APPLICATION OF CERTAIN LAWS.--when customs
14 officials of a foreign country are stationed in the United
15 States in accordance with subsection (e), and if similar
16 provisions are applied to United States officials stationed
17 in that country--

18 "(1) sections 111 and 1114 of title 18, United
19 States Code, shall apply as if the officials were
20 designated in those sections; and

21 "(2) any person who in any matter before a foreign
22 customs official stationed in the United States knowingly
23 and willfully falsifies, conceals, or covers up by any
24 trick, scheme, or device a material fact, or makes any
25 false, fictitious or fraudulent statements or

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1 representations, or makes or uses any false writing or
2 document knowing the same to contain any false,
3 fictitious or fraudulent statement or entry, is liable
4 for a fine of not more than \$10,000 or imprisonment for
5 not more than 5 years, or both."

6 PART 2--UNDERCOVER CUSTOMS OPERATIONS

7 SEC. 3131. UNDERCOVER INVESTIGATIVE OPERATIONS OF THE CUSTOMS
8 SERVICE.

9 (a) CERTIFICATION REQUIRED FOR EXEMPTION OF UNDERCOVER
10 OPERATIONS FROM CERTAIN LAWS.--with respect to any undercover
11 investigative operation of the United States Customs Service
12 (hereinafter in this section referred to as the "Service")
13 which is necessary for the detection and prosecution of
14 offenses against the United States which are within the
15 jurisdiction of the Secretary of the Treasury--

16 (1) sums authorized to be appropriated for the
17 Service may be used--

18 (A) to purchase property, buildings, and other
19 facilities, and to lease space, within the United
20 States, the District of Columbia, and the territories
21 and possessions of the United States without regard
22 to--

23 (i) sections 1341 and 3324 of title 31,
24 United States Code,

25 (ii) sections 3732(a) and 3741 of the Revised

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1 Statutes of the United States (41 U.S.C. 11(a)
2 and 22),
3 (iii) section 305 of the Act of June 30, 1949
4 (63 Stat. 396; 41 U.S.C. 255),
5 (iv) the third undesignated paragraph under
6 the heading "Miscellaneous" of the Act of March
7 3, 1877 (19 Stat. 370; 40 U.S.C. 34), and
8 (v) section 304(a) and (c) of the Federal
9 Property and Administrative Services Act of 1949
10 (41 U.S.C. 254(a) and (c)), and
11 (B) to establish or to acquire proprietary
12 corporations or business entities as part of the
13 undercover operation, and to operate such
14 corporations or business entities on a commercial
15 basis, without regard to sections 9102 and 9103 of
16 title 31, United States Code;
17 (2) sums authorized to be appropriated for the
18 Service and the proceeds from the undercover operation,
19 may be deposited in banks or other financial institutions
20 without regard to the provisions of section 648 of title
21 18, United States Code, and section 3302 of title 31,
22 United States Code; and
23 (3) the proceeds from the undercover operation may be
24 used to offset necessary and reasonable expenses incurred
25 in such operation without regard to the provisions of

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1 section 3302 of title 31, United States Code;
2 only upon the written certification of the Commissioner of
3 Customs (or, if designated by the Commissioner the Deputy or
4 an Assistant Commissioner of Customs) that any action
5 authorized by paragraph (1), (2), or (3) of this subsection
6 is necessary for the conduct of such undercover operation.

7 (b) LIQUIDATION OF CORPORATIONS AND BUSINESS
8 ENTITIES.--If a corporation or business entity established or
9 acquired as part of an undercover operation under paragraph
10 (1)(3) of subsection (a) with a net value over \$50,000 is to
11 be liquidated, sold, or otherwise disposed of, the Service,
12 as much in advance as the Commissioner or his designee
13 determines is practicable, shall report the circumstances to
14 the Secretary of the Treasury and the Comptroller General.
15 The proceeds of the liquidation, sale, or other disposition,
16 after obligations are met, shall be deposited in the Treasury
17 of the United States as miscellaneous receipts.

18 (c) DEPOSIT OF PROCEEDS.--As soon as the proceeds from an
19 undercover investigative operation with respect to which an
20 action is authorized and carried out under paragraphs (2) and
21 (3) of subsection (a) are no longer necessary for the conduct
22 of such operation, such proceeds or the balance of such
23 proceeds remaining at the time shall be deposited into the
24 Treasury of the United States as miscellaneous receipts.

25 (d) AUDITS.--(1) The Service shall conduct a detailed

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1 financial audit of each undercover investigative operation
2 which is closed in each fiscal year, and

3 (A) submit the results of the audit in writing to the
4 Secretary of the Treasury; and

5 (B) not later than 180 days after such undercover
6 operation is closed, submit a report to the Congress
7 concerning such audit.

8 (2) The Service shall also submit a report annually to
9 the Congress specifying as to its undercover investigative
10 operations--

11 (A) the number, by programs, of undercover
12 investigative operations pending as of the end of the
13 1-year period for which such report is submitted;

14 (B) the number, by programs, of undercover
15 investigative operations commenced in the 1-year period
16 preceding the period for which such report is submitted;
17 and

18 (C) the number, by programs, of undercover
19 investigative operations closed in the 1-year period
20 preceding the period for which such report is submitted
21 and, with respect to each such closed undercover
22 operation, the results obtained and any civil claims made
23 with respect thereto.

24 (e) DEFINITIONS.--For purposes of subsection (d)--

25 (1) The term "closed" refers to the earliest point

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1 in time at which--

2 (A) all criminal proceedings (other than appeals
3 are concluded, or

4 (B) covert activities are concluded, whichever
5 occurs later.

6 (2) The term "employees" means employees, as
7 defined in section 2105 of title 5 of the United States
8 Code, of the Service.

9 (3) The terms "undercover investigative operation"
10 and "undercover operation" mean any undercover
11 investigative operation of the Service--

12 (A) in which--

13 (i) the gross receipts (excluding interest
14 earned) exceed \$50,000, or

15 (ii) expenditures (other than expenditures
16 for salaries of employees) exceed \$150,000; and

17 (B) which is exempt from section 3302 or 9102 of
18 title 31, United States Code;

19 except that subparagraphs (A) and (B) shall not apply
20 with respect to the report required under paragraph (2)
21 of subsection (d).

22 PART 3--CUSTOMS SERVICE AUTHORIZATIONS AND FORFEITURE FUND

23 SEC. 3141. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR

24 1987 FOR THE UNITED STATES CUSTOMS SERVICE.

25 (a) AUTHORIZATIONS.--Section 301(b) of the Customs

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1 Procedural Reform and Simplification Act of 1978 (19 U.S.C.
2 2075(b)) is amended as follows:

3 "(b)(1) There are authorized to be appropriated to the
4 Department of the Treasury not to exceed \$1,001,180,000 for
5 the salaries and expenses of the United States Customs
6 Service for fiscal year 1987; of which--

7 "(A) \$749,131,000 is for salaries and expenses to
8 maintain current operating levels, and includes such sums
9 as may be necessary to complete the testing of the
10 prototype of the automatic license plate reader program
11 and to implement that program;

12 "(B) \$80,999,000 is for the salaries and expenses of
13 additional personnel to be used in carrying out drug
14 enforcement activities; and

15 "(C) \$171,050,000 is for the operation and
16 maintenance of the air interdiction program of the
17 Service, of which--

18 "(i) \$93,500,000 is for additional aircraft,
19 communications enhancements, and command, control,
20 communications, and intelligence centers, and

21 "(ii) \$350,000 is for a feasibility and
22 application study for a low-level radar detection
23 system in collaboration with the Los Alamos National
24 Laboratory.

25 "(2) No part of any sum that is appropriated under the

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1 authority of paragraph (1) may be used to close any port of
2 entry at which, during fiscal year 1986--

3 "(A) not less than 2,500 merchandise entries
4 (including informal entries) were made; and

5 "(B) not less than \$1,500,000 in customs revenues
6 were assessed."

7 (b) SPECIAL EFFECTIVE DATE RULE.--If the bill H.R. 5300
8 (providing for reconciliation of the budget for fiscal year
9 1987) is enacted and includes an amendment to section 301(b)
10 of the Customs Procedural Reform and Simplification Act of
11 1978 which is identical to the amendment made by subsection
12 (a) of this section, then the amendment made by subsection
13 (a) shall have no effect.

14 SEC. 3142. CUSTOMS FORFEITURE FUND.

15 (a) AMENDMENT.--Section 613a of the Tariff Act of 1930
16 (19 U.S.C. 1613b) is amended--

17 (1) by amending subsection (a)--

18 (A) by striking out "1987" in the first
19 sentence and inserting "1991";

20 (B) by inserting "(including investigative costs
21 leading to seizures)" after "seizure" in paragraph
22 (1);

23 (C) by inserting "and" after the semicolon at
24 the end of paragraph (4);

25 (D) by striking out paragraph (5);

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1 the Secretary reasonably determines to be necessary in
2 accordance with regulations.

3 SEC. 4125. LOCAL DRUG ABUSE EDUCATION AND PREVENTION
4 PROGRAMS.

5 (a) Any amounts made available to local or intermediate
6 educational agencies or consortia under section 412⁴(a) shall
7 be used for drug and alcohol abuse prevention and education
8 programs and activities, including--

9 (1) the development, acquisition, and implementation
10 of elementary and secondary school drug abuse education
11 and prevention curricula which clearly and consistently
12 teach that illicit drug use is wrong and harmful;

13 (2) school-based programs of drug abuse prevention
14 and early intervention (other than treatment);

15 (3) family drug abuse prevention programs, including
16 education for parents to increase awareness about the
17 symptoms and effects of drug use through the development
18 and dissemination of appropriate educational materials;

19 (4) drug abuse prevention counseling programs (which
20 counsel that illicit drug use is wrong and harmful) for
21 students and parents, including professional and peer
22 counselors and involving the participation (where
23 appropriate) of parent or other adult counselors and
24 reformed abusers;

25 (5) programs of drug abuse treatment and

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- 1 rehabilitation referral;
- 2 (6) programs of inservice and preservice training in
- 3 drug and alcohol abuse prevention for teachers,
- 4 counselors, other educational personnel, athletic
- 5 directors, public service personnel, law enforcement
- 6 officials, judicial officials, and community leaders;
- 7 (7) programs in primary prevention and early
- 8 intervention, such as the interdisciplinary school-team
- 9 approach;
- 10 (8) community education programs and other activities
- 11 to involve parents and communities in the fight against
- 12 drug and alcohol abuse;
- 13 (9) public education programs on drug and alcohol
- 14 abuse, including programs utilizing professionals and
- 15 former drug and alcohol abusers;
- 16 (10) on-site efforts in schools to enhance
- 17 identification and discipline of drug and alcohol
- 18 abusers, and to enable law enforcement officials to take
- 19 necessary action in cases of drug possession and
- 20 supplying of drugs and alcohol to the student population;
- 21 (11) special programs and activities to prevent drug
- 22 and alcohol abuse among student athletes, involving their
- 23 parents and family in such drug and alcohol abuse
- 24 prevention efforts and using athletic programs and
- 25 personnel in preventing drug and alcohol abuse among all

1 students; and

2 (12) other programs of drug and alcohol abuse
3 education and prevention, consistent with the purposes of
4 this part.

5 (b) A local ^{or intermediate} educational agency ^{or consortium} may receive ~~or~~ funds under
6 this part for any fiscal year covered by an application under
7 section 4126 approved by the State educational agency.

8 SEC. 4126. LOCAL APPLICATIONS.

9 (a)(1) In order to be eligible to receive a grant under
10 this part for any fiscal year, a local or intermediate
11 educational agency or consortium shall submit an application
12 to the State educational agency for approval.

13 (2) An application under this section shall be for a
14 period not to exceed 3 fiscal years and may be amended
15 annually as may be necessary to reflect changes without
16 filing a new application. Such application shall--

17 (A) set forth a comprehensive plan for programs to be
18 carried out by the applicant under this part;

19 (B) contain an estimate of the cost for the
20 establishment and operation of such programs;

21 (C) establish or designate a local ^{substate} or regional
22 advisory council on drug abuse education and prevention
23 composed of individuals who are parents, teachers,
24 officers of State and local government, medical
25 professionals, representatives of the law enforcement

1 community, community-based organizations, and other
2 groups with interest and expertise in the field of drug
3 abuse education and prevention;

4 (D) describe the manner in which the applicant will
5 establish, implement, or augment mandatory
6 age-appropriate, developmentally-based, drug abuse
7 education and prevention programs for students throughout
8 all grades of the schools operated or served by the
9 applicant (from the early childhood level through grade
10 12), and provide assurances that the applicant enforces
11 related rules and regulations of student conduct;

12 (E) describe the manner in which the applicant will
13 coordinate its efforts under this part with other
14 programs in the community related to drug abuse
15 education, prevention, treatment, and rehabilitation;

16 (F) provides assurances that the applicant will
17 coordinate its efforts with appropriate State and local
18 drug and alcohol abuse, health, and law enforcement
19 agencies, in order to effectively conduct drug and
20 alcohol abuse education, intervention, and referral for
21 treatment and rehabilitation for the student population;

22 (G) provide assurances that the Federal funds made
23 available under this part shall be used to supplement
24 and, to the extent practical, to increase the level of
25 funds that would, in the absence of such Federal funds,

1 be made available by the applicant for the purposes
2 described in this part, and in no case supplant such
3 funds;

4 (H) provide assurances of compliance with the
5 provisions of this part;

6 (I) agree to keep such records and provide such
7 information to the State educational agency as reasonably
8 may be required for fiscal audit and program evaluation,
9 consistent with the responsibilities of the State agency
10 under this part; and

11 (J) include such other information and assurances as
12 the State educational agency reasonably determines to be
13 necessary.

14 PART 3--NATIONAL PROGRAMS

15 SEC. 4131. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

16 (a)(1) From sums reserved by the Secretary under section
17 4112(a)(4) for the purposes of this section, the Secretary
18 shall make grants to or enter into contracts with
19 institutions of higher education or consortia of such
20 institutions for drug abuse education and prevention programs
21 under this section.

22 (2) The Secretary shall make financial assistance
23 available on a competitive basis under this section. An
24 institution of higher education or consortium of such
25 institutions which desires to receive a grant or enter into a

1 contract under this section shall submit an application to
2 the Secretary at such time, in such manner, and containing or
3 accompanied by such information as the Secretary may
4 reasonably require in accordance with regulations.

5 (3) The Secretary shall make every effort to ensure the
6 equitable participation of private and public institutions of
7 higher education (including community and junior colleges)
8 and to ensure the equitable geographic participation of such
9 institutions. In the award of grants and contracts under this
10 section, the Secretary shall give appropriate consideration
11 to colleges and universities of limited enrollment.

12 (4) Not less than 50 percent of sums available for the
13 purposes of this section shall be used to make grants under
14 subsection (d).

15 (b) Training grants shall be available for--

16 (1) preservice and inservice training and instruction
17 of teachers and other personnel in the field of drug
18 abuse education and prevention in elementary and
19 secondary schools;

20 (2) summer institutes and workshops in instruction in
21 the field of drug abuse education and prevention;

22 (3) research and demonstration programs for teacher
23 training and retraining in drug abuse education and
24 prevention;

25 (4) training programs for law enforcement officials.

1 judicial officials, community leaders, parents, and
2 government officials.

3 (c) Grants shall be available for model demonstration
4 programs to be coordinated with local elementary and
5 secondary schools for the development and implementation of
6 quality drug abuse education curricula. In the award of
7 grants under this subsection, the Secretary shall give
8 priority consideration to joint projects involving faculty of
9 institutions of higher education and teachers in elementary
10 and secondary schools in the practical application of the
11 findings of educational research and evaluation and the
12 integration of such research into drug abuse education and
13 prevention programs.

14 (d) Grants shall be available under this subsection to
15 develop, implement, operate, and improve programs of drug
16 abuse education and prevention (including rehabilitation
17 referral) for students enrolled in institutions of higher
18 education.

19 SEC. 4132. FEDERAL ACTIVITIES.

20 (a) From sums reserved by the Secretary under section
21 4112(a)(5), the Secretary shall carry out the purposes of
22 this section.

23 (b) The Secretary of Education in conjunction with the
24 Secretary of Health and Human Services shall carry out
25 Federal education and prevention activities on drug abuse.

26 (c) In making grants under paragraphs (1) and (2) of
27 subsection (b), the Secretary shall encourage projects which
28 provide for coordinated and collaborative efforts between
29 State educational agencies, local educational agencies, and
30 regional centers established under section ~~4132(b)~~ ^{413.5}.

1 The Secretary shall coordinate such drug abuse education and
2 prevention activities with other appropriate Federal
3 activities related to drug abuse. The Secretary shall--

4 (1) provide information on drug abuse education and
5 prevention to the Secretary of Health and Human Services
6 for dissemination by the clearinghouse for alcohol and
7 drug abuse information established under section 509 of
8 the Public Health Service Act (as amended by this Act);

9 (2) facilitate the utilization of appropriate means
10 of communicating to students at all educational levels
11 about the dangers of drug use and alcohol abuse,
12 especially involving the participating of entertainment
13 personalities and athletes who are recognizable role
14 models for many young people;

15 (3) develop, publicize the availability of, and
16 widely disseminate audio-visual and other curricular
17 materials for drug abuse education and prevention
18 programs in elementary and secondary schools throughout
19 the Nation;

20 (4) provide technical assistance to State, local, and
21 intermediate educational agencies and consortia in the
22 selection and implementation of drug abuse education and
23 prevention curricula, approaches, and programs to address
24 most effectively the needs of the elementary and
25 secondary schools served by such agencies; and

1 (5) identify research and development priorities with
2 regard to school-based drug abuse education and
3 prevention, particularly age-appropriate programs
4 focusing on kindergarten through grade 4.

5 (c) From the funds available to carry out this section,
6 the Secretary shall make available \$500,000 to the Secretary
7 of Health and Human Services for the clearinghouse
8 established under section 509 of the Public Health Service
9 Act (as amended by this Act).

10 (d) The Secretary of Education in conjunction with the
11 Secretary of Health and Human Services shall conduct,
12 directly or by contract, a study of the nature and
13 effectiveness of existing Federal, State, and local programs
14 of drug abuse education and prevention and shall submit a
15 report of the findings of such study to the President and to
16 the appropriate committees of the Congress not later than one
17 year after the date of the enactment of this Act.

18 SEC. 4133. PROGRAMS FOR INDIAN YOUTH.

19 (a)(1) From the funds reserved pursuant to section
20 4112(a)(2), the Secretary shall make payments and grants and
21 enter into other financial arrangements for Indian programs
22 in accordance with this subsection.

23 (2) The Secretary of Education shall enter into such
24 financial arrangements as the Secretary determines will best
25 carry out the purposes of this title to meet the needs of

1 Indian children on reservations serviced by elementary and
2 secondary schools operated for Indian children by the
3 Department of the Interior. Such arrangements shall be made
4 pursuant to an agreement between the Secretary of Education
5 and the Secretary of the Interior containing such assurances
6 and terms as they determine will best achieve the purposes of
7 this title.

8 (3) The Secretary of Education may, upon request of any
9 Indian tribe which is eligible to contract with the Secretary
10 of the Interior for the administration of programs under the
11 Indian Self-Determination Act or under the Act of April 16,
12 1934, enter into grants or contracts with any tribal
13 organization of any such Indian tribe to plan, conduct, and
14 administer programs which are authorized and consistent with
15 the purposes of this title (particularly programs for Indian
16 children who are school dropouts), except that such grants or
17 contracts shall be subject to the terms and conditions of
18 section 102 of the Indian Self-Determination Act and shall be
19 conducted in accordance with sections 4, 5, and 6 of the Act
20 of April 16, 1934, which are relevant to the programs
21 administered under this paragraph.

22 (4) Programs funded under this subsection shall be in
23 addition to such other programs, services, and activities as
24 are made available to eligible Indians under other provisions
25 of this subtitle.

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1 (b)(1) Section 304 of the Indian Elementary and Secondary
2 School Assistance Act (20 U.S.C. 241cc) is amended by--

3 (A) striking out ``and`` at the end of paragraph
4 (1);

5 (B) striking out the period at the end of
6 paragraph (2) and inserting in lieu thereof ``;
7 and``; and

8 (C) adding at the end the following new
9 paragraph:

10 `` (3) the training of counselors at schools eligible
11 for funding under this title in counseling techniques
12 relevant to the treatment of alcohol and substance
13 abuse.``.

14 (2) Section 423 of the Indian Education Act (20
15 U.S.C. 3385b) is amended--

16 (A) in subsection (a), by inserting ``clinical
17 psychology,`` after ``medicine,``; and

18 (B) by adding at the end of the section the
19 following new subsection:

20 `` (e) Not more than 10 percent of the fellowships awarded
21 under subsection (a) shall be awarded, on a priority basis,
22 to persons receiving training in guidance counseling with a
23 specialty in the area of alcohol and substance abuse
24 counseling and education.``.

25 (3) Section 1121 of the Education Amendments of 1978

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1 is amended by adding at the end the following new
2 subsection:

3 `` (i) (1) All schools funded by the Bureau of Indian
4 Affairs shall include within their curriculum a program of
5 instruction relating to alcohol and substance abuse
6 prevention and treatment. The Assistant Secretary shall
7 provide the technical assistance necessary to develop and
8 implement such a program for students in kindergarten and
9 grades 1 through 12, at the request of--

10 `` (A) any Bureau of Indian Affairs school (subject to
11 the approval of the school board of such school); or

12 `` (B) any school board of a school operating under a
13 contract entered into under the Indian Self-Determination
14 and Education Assistance Act (25 U.S.C. 450 et seq.).

15 `` (2) In schools operated directly by the Bureau of
16 Indian Affairs, the Secretary shall, not later than 120 days
17 after the date of the enactment of this subsection, provide
18 for--

19 `` (A) accurate reporting of all incidents relating to
20 alcohol and substance abuse; and

21 `` (B) individual student crisis intervention.

22 `` (3) The programs requested under paragraph (1) shall be
23 developed in consultation with the Indian tribe that is to be
24 served by such program and health personnel in the local
25 community of such tribe.

1 “(4) Schools requesting program assistance under this
2 subsection are encouraged to involve family units and, where
3 appropriate, tribal elders and Native healers in such
4 instructions.”

5 (4) Section 1129 of the Education Amendments of 1978
6 is amended by adding at the end the following new
7 subsection:

8 “(e)(1) A financial plan under subsection (b) for a
9 school may include, at the discretion of the local
10 administrator and the school board of such school, a
11 provision for a summer program of academic and support
12 services for students of the school. Any such program may
13 include activities related to the prevention of alcohol and
14 substance abuse. The Assistant Secretary of Indian Affairs
15 shall provide for the utilization of any such school facility
16 during any summer in which such utilization is requested.

17 “(2) Notwithstanding any other provision of law, funds
18 authorized under the Act of April 16, 1934 (25 U.S.C. 452 et
19 seq.) and the Indian Education Act may be used to augment the
20 services provided in each summer program at the option, and
21 under the control, of the tribe or Indian controlled school
22 receiving such funds.

23 “(3) The Assistant Secretary of Indian Affairs, acting
24 through the Director of the Office of Indian Education
25 Programs, shall provide technical assistance and coordination

1 for any program described in paragraph (1) and shall, to the
2 extent possible, encourage the coordination of such programs
3 with any other summer programs that might benefit Indian
4 youth, regardless of the funding source or administrative
5 entity of any such program.''.
6

6 SEC. 4134. PROGRAMS FOR HAWAIIAN NATIVES.

7 (a) From the funds reserved pursuant to section
8 4112(a)(3), the Secretary shall enter into contracts with
9 organizations primarily serving and representing Hawaiian
10 natives which are recognized by the Governor of the State of
11 Hawaii to plan, conduct, and administer programs, or portions
12 thereof, which are authorized by and consistent with the
13 provisions of this subtitle for the benefit of Hawaiian
14 natives.

15 (b) For the purposes of this section, the term "Hawaiian
16 native" means any individual any of whose ancestors were
17 natives, prior to 1778, of the area which now comprises the
18 State of Hawaii.

19 SEC. 4135. REGIONAL CENTERS.

20 The Secretary shall use the amounts made available to
21 ~~carry out this section for each fiscal year to~~
22 maintain 5 regional centers to--

23 (1) train school teams to assess the scope and nature
24 of their drug abuse and alcohol abuse problems, mobilize
25 the community to address such problems, design

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1 appropriate curricula, identify students at highest risk
2 and refer them to appropriate treatment, and
3 institutionalize long term effective drug and alcohol
4 abuse programs, including long range technical
5 assistance, evaluation, and followup on such training;

6 (2) assist State educational agencies in coordinating
7 and strengthening drug abuse and alcohol abuse education
8 and prevention programs;

9 (3) assist local educational agencies and
10 institutions of higher education in developing
11 appropriate pre-service and in-service training programs
12 for educational personnel; and

13 (4) evaluate and disseminate information on effective
14 drug abuse and alcohol abuse education and prevention
15 programs and strategies.

16 PART 4-GENERAL PROVISIONS

17 SEC. 4141. DEFINITIONS.

18 (a) Except as otherwise provided, the terms used in this
19 subtitle shall have the meaning provided under section 595 of
20 the Education Consolidation and Improvement Act of 1981.

21 (b) For the purposes of this subtitle, the following
22 terms have the following meanings:

23 (1) The term "drug abuse education and prevention"
24 means prevention, early intervention, rehabilitation
25 referral, and education related to the abuse of alcohol

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1 and the use and abuse of controlled, illegal, addictive,
2 or harmful substances.

3 (2) The term ``illicit drug use`` means the use of
4 illegal drugs and the abuse of other drugs and alcohol.

5 (3) The term ``Secretary`` means the Secretary of
6 Education.

7 (4) The term ``school-age population`` means the
8 population aged five through seventeen (inclusive), as
9 determined by the Secretary on the basis of the most
10 recent satisfactory data available from the Department of
11 Commerce.

12 (5) The term ``school dropout`` means an individual
13 aged five through eighteen who is not attending any
14 school and who has not received a secondary school
15 diploma or a certificate from a program of equivalency
16 for such a diploma.

17 (6) The term ``State`` means a State, the District of
18 Columbia, Puerto Rico, Guam, American Samoa, the Northern
19 Mariana Islands, the Trust Territory of the Pacific
20 Islands, or the Virgin Islands.

21 (7) The terms ``institution of higher education``,
22 ``secondary school``, and ``nonprofit`` have the meanings
23 provided in section 1001 of the Elementary and Secondary
24 Education Act of 1965 in effect prior to October 1, 1981.

25 (8) The term ``consortium`` (except in section 4131)

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1 means a consortium of local educational agencies or of
2 one or more intermediate educational agencies and one or
3 more local educational agencies.

4 ~~(9) The term "community-based organization" means a~~
5 ~~private nonprofit organization which is representative of~~
6 ~~a community or significant segments of a community and~~
7 ~~which provides educational or related services to~~
8 ~~individuals in the community.~~

9 SEC. 4142. FUNCTIONS OF THE SECRETARY OF EDUCATION.

10 (a) The Secretary shall be responsible for the
11 administration of the programs authorized by this subtitle.

12 (b) Except as otherwise provided, the General Education
13 Provisions Act shall apply to programs authorized by this
14 subtitle.

15 SEC. 4143. PARTICIPATION OF CHILDREN AND TEACHERS FROM
16 PRIVATE NONPROFIT SCHOOLS.

17 (a) To the extent consistent with the number of
18 school-age children in the State or in the school attendance
19 area of a local or intermediate educational agency or
20 consortium receiving financial assistance under part 2 who
21 are enrolled in private nonprofit elementary and secondary
22 schools, such State, agency, or consortium shall, after
23 consultation with appropriate private school representatives,
24 make provision for including services and arrangements for
25 the benefit of such children as will assure the equitable

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1 participation of such children in the purposes and benefits
2 of this subtitle.

3 (b) To the extent consistent with the number of
4 school-age children in the State or in the school attendance
5 area of a local or intermediate educational agency or
6 consortium receiving financial assistance under part 2 who
7 are enrolled in private nonprofit elementary and secondary
8 schools, such State, State educational agency, or State
9 agency for higher education shall, after consultation with
10 appropriate private school representatives, make provision,
11 for the benefit of such teachers in such schools, for such
12 teacher training as will assure equitable participation of
13 such teachers in the purposes and benefits of this subtitle.

14 (c) If by reason of any provision of law a State, local,
15 or intermediate educational agency or consortium is
16 prohibited from providing for the participation of children
17 or teachers from private nonprofit schools as required by
18 subsections (a) and (b) or, if the Secretary determines that
19 a State, local, or intermediate educational agency or
20 consortium has substantially failed or is unwilling to
21 provide for such participation on an equitable basis, the
22 Secretary shall waive such requirements and shall arrange for
23 the provision of services to such children or teachers which
24 shall be subject to the requirements of this section. Such
25 waivers shall be subject to consultation, withholding,

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1 notice, and judicial review requirements in accordance with
2 paragraphs (3) and (4) of section 557(b) of the Education
3 Consolidation and Improvement Act of 1981.

4 SEC. 4144. MATERIALS.

5 Any materials produced or distributed with funds made
6 available under this subtitle shall reflect the message that
7 illicit drug use is wrong and harmful. The Secretary shall
8 not review curricula and shall not promulgate regulations to
9 carry out this subsection or subparagraph (1) or (4) of
10 section 4125(a).

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1 Subtitle C--Indians and Alaska Natives

2 SEC. 4281. SHORT TITLE.

3 This subtitle may be cited as the "Indian Alcohol and
4 Substance Abuse Prevention and Treatment Act of 1986".

5 PART I--GENERAL PROVISIONS

6 SEC. 4282. FINDINGS.

7 The Congress finds and declares that--

8 (1) the Federal Government has a historical
9 relationship and unique legal and moral responsibility to
10 Indian tribes and their members,

11 (2) included in this responsibility is the treaty,
12 statutory, and historical obligation to assist the Indian
13 tribes in meeting the health and social needs of their
14 members,

15 (3) alcoholism and alcohol and substance abuse is the
16 most severe health and social problem facing Indian
17 tribes and people today and nothing is more costly to
18 Indian people than the consequences of alcohol and
19 substance abuse measured in physical, mental, social, and
20 economic terms,

21 (4) alcohol and substance abuse is the leading
22 generic risk factor among Indians, and Indians die from
23 alcoholism at over 4 times the age-adjusted rates for the
24 United States population and alcohol and substance misuse
25 results in a rate of years of potential life lost nearly

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1 5 times that of the United States,

2 (5) 4 of the top 10 causes of death among Indians are
3 alcohol and drug related injuries (18 percent of all
4 deaths), chronic liver disease and cirrhosis (5 percent),
5 suicide (3 percent), and homicide (3 percent),

6 (6) primarily because deaths from unintentional
7 injuries and violence occur disproportionately among
8 young people, the age-specific death rate for Indians is
9 approximately double the United States rate for the 15 to
10 45 age group,

11 (7) Indians between the ages of 15 and 24 years of
12 age are more than 2 times as likely to commit suicide as
13 the general population and approximately 80 percent of
14 those suicides are alcohol-related,

15 (8) Indians between the ages of 15 and 24 years of
16 age are twice as likely as the general population to die
17 in automobile accidents, 75 percent of which are alcohol-
18 related,

19 (9) the Indian Health Service, which is charged with
20 treatment and rehabilitation efforts, has directed only 1
21 percent of its budget for alcohol and substance abuse
22 problems,

23 (10) the Bureau of Indian Affairs, which has
24 responsibility for programs in education, social
25 services, law enforcement, and other areas, has assured

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1 little responsibility for coordinating its various
2 efforts to focus on the epidemic of alcohol and substance
3 abuse among Indian people,

4 (11) this lack of emphasis and priority continues
5 despite the fact that Bureau of Indian Affairs and Indian
6 Health Service officials publicly acknowledge that
7 alcohol and substance abuse among Indians is the most
8 serious health and social problem facing the Indian
9 people, and

10 (12) the Indian tribes have the primary
11 responsibility for protecting and ensuring the well-being
12 of their members and the resources made available under
13 this subtitle will assist Indian tribes in meeting that
14 responsibility.

15 SEC. 4203. PURPOSE.

16 It is the purpose of this subtitle to--

17 (1) authorize and develop a comprehensive,
18 coordinated attack upon the illegal narcotics traffic in
19 Indian country and the deleterious impact of alcohol and
20 substance abuse upon Indian tribes and their members,

21 (2) provide needed direction and guidance to those
22 Federal agencies responsible for Indian programs to
23 identify and focus existing programs and resources,
24 including those made available by this subtitle, upon
25 this problem,

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1 (3) provide authority and opportunities for Indian
2 tribes to develop and implement a coordinated program for
3 the prevention and treatment of alcohol and substance
4 abuse at the local level, and

5 (4) to modify or supplement existing programs and
6 authorities in the areas of education, family and social
7 services, law enforcement and judicial services, and
8 health services to further the purposes of this subtitle.

9 SEC. 4204. DEFINITIONS.

10 For purposes of this subtitle--

11 (1) The term "agency" means the local
12 administrative entity of the Bureau of Indian Affairs
13 serving one or more Indian tribes within a defined
14 geographic area.

15 (2) The term "youth" shall have the meaning given
16 it in any particular Tribal Action Plan adopted pursuant
17 to section 4205, except that, for purposes of statistical
18 reporting under this subtitle, it shall mean a person who
19 is 19 years or younger or who is in attendance at a
20 secondary school.

21 (3) The term "Indian tribe" means any Indian tribe,
22 band, nation, or other organized group or community of
23 Indians (including any Alaska Native village or regional
24 or village corporation as defined in, or established
25 pursuant to, the Alaska Native Claims Settlement Act (43

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U.S.C. 1601 et seq.)) which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(4) The term "prevention and treatment" includes, as appropriate--

(A) efforts to identify, and the identification of, Indians who are at risk with respect to, or who are abusers of, alcohol or controlled substances,

(B) intervention into cases of on-going alcohol and substance abuse to halt a further progression of such abuse,

(C) prevention through education and the provision of alternative activities,

(D) treatment for alcohol and substance abusers to help abstain from, and alleviate the effects of, abuse,

(E) rehabilitation to provide on-going assistance, either on an inpatient or outpatient basis, to help Indians reform or abstain from alcohol or substance abuse,

(F) follow-up or after-care to provide the appropriate counseling and assistance on an outpatient basis, and

(G) referral to other sources of assistance or resources.

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1 (5) The term "service unit" means an administrative
2 entity within the Indian Health Service or a tribe or
3 tribal organization operating health care programs or
4 facilities with funds from the Indian Health Service
5 under the Indian Self-Determination Act through which the
6 services are provided, directly or by contract, to the
7 eligible Indian population within a defined geographic
8 area.

9 PART II--COORDINATION OF RESOURCES AND PROGRAMS
10 SEC. 4285. INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.

11 (a) In General.--Not later than 120 days after the date
12 of enactment of this subtitle, the Secretary of the Interior
13 and the Secretary of Health and Human Services shall develop
14 and enter into a Memorandum of Agreement which shall, among
15 other things--

16 (1) determine and define the scope of the problem of
17 alcohol and substance abuse for Indian tribes and their
18 members and its financial and human costs, and
19 specifically identify such problems affecting Indian
20 youth,

21 (2) identify--

22 (A) the resources and programs of the Bureau of
23 Indian Affairs and Indian Health Service, and

24 (B) other Federal, tribal, State and local, and
25 private resources and programs,

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