Indexed Legislative History of the "Anti-Drug Abuse Act of 1986"

SUBTITLE K - STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
PART I

LEGISLATIVE HISTORY H.R.5484

H.R.5484 : ANTI-DRUG ABUSE ACT OF 1986

An act to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipment, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

TITLE I : ANTI-DRUG ENFORCEMENT


Amendment to: Title I of THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 (42 U.S.C. 3712 et. seq.)

PART M-GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

1. Sec. 1301 FUNCTION OF THE DIRECTOR*

   *Note: The term "Director" refers to Director, Bureau of Justice Assistance. Per Opinion of Counsel of November 23, 1984.

2. Sec. 1302 DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM
   a. As First Read in Senate, See Sec. 1302 {September 15, ...... 15 1986}

   b. Senate Republican Package S.2850, See Sec. 3702, 132 Cong. ...... 29 Rec. S13459 {daily ed. September 24, 1986}
c. Bipartisan Compromise Measure S.2878, See Sec. 1302, 132......32
Cong. Rec. S13659 {daily ed. September 25, 1986}

d. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed. October 6, 1986}

e. As Passed by House, 132 Cong. Rec. H9495 {daily ed. October 8, 1986}


3. Sec. 1302(1) APPREHENSION OF VIOLATORS

a. Senate Republican Package S.2850, See Sec. 1302(1), 132......29
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c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed. October 6, 1986}

d. As Passed by House, 132 Cong. Rec. H9495 {daily ed. October 8, 1986}

e. As Enacted, 132 Cong. Rec. H11231 {daily ed. October 17, 1986}


4. 1302(2) PROSECUTION OF VIOLATORS

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6. 1302(4) PUBLIC CORRECTIONAL RESOURCES

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7. 1302(5) ERADICATION PROGRAMS

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   b. Bipartisan Compromise Measure S.2878, See Sec. 1302(5), ....32
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b. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed. October 6, 1986}

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11. 1303(1) STATE STRATEGY

12. Sec. 1303(2)-(5) CERTIFICATION AND ASSURANCES
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13. Sec. 1304a REVIEW OF APPLICATIONS: REQUIREMENTS
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   c. As Passed by House, See Sec. 1304(a), 132 Cong. Rec. H9496 {daily ed. October 8, 1986}

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14. Sec. 1304(b) LIMITATION ON USE OF GRANT FUNDS
   a. As First Read In Senate, See Sec. 1306(b) {September 15, 1986}

   b. See Gen. Sec. 1302(4), 1303, As Passed by Senate, 132 Cong. Rec. S15217 {daily ed. October 6, 1986}

   c. As Passed by House, See Sec. 1304(b), 132 Cong. Rec. H9496 {daily ed. October 8, 1986}

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15. Sec. 1304(c) REHEARING PROCEDURE
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   b. As Passed by House, See Sec. 1304(c), 132 Cong. Rec. H9496 {daily ed. October 8, 1986}

   c. As Enacted, 132 Cong. Rec. HL1232 {daily ed. October 17, 1986}

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      132 Cong. Rec. S13459 {daily ed. September 24, 1986}

   b. Bipartisan Compromise Measure S.2878, See Sec. ...... 32
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   c. As Passed by Senate, See Sec. 1304, 132 Cong. Rec. ...... 48
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18. Sec. 1307 EXPENDITURE OF GRANTS; RECORDS
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   b. Senate Republican Package S.2850, See Sec. 1305, 132 Cong. ...... 29
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22. Sec. 1311  ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS  
a. As First Read In Senate, See Sec. 1310 {September 15,......23 1986}  
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PART II  
LEGISLATIVE HISTORY H.R.5484  
TITLE I : ANTI-DRUG ENFORCEMENT  
SUBTITLE J : AUTHORIZATION FOR DRUG LAW ENFORCEMENT  
SECTION 1451 : AUTHORIZATION OF APPROPRIATIONS  

Subsection (f) : There is authorized to be appropriated for fiscal year 1987 for the Department of Justice Assistance $5,000,000 to carry out a pilot prison capacity program.  

1. Sec. 1451(f)  APPROPRIATION: PRISON CAPACITY PROGRAM  
a. Senate Republican Package S.2850, See Subtitle M, Sec.......29 3600(e), 132 Cong. Rec. S13459 {daily ed. September 24, 1986}  
c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.......48 October 6, 1986}
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1986).

INDEX PREPARED BY SANDRA B. FALZONE, OFFICE OF GENERAL COUNSEL,
OFFICE OF JUSTICE PROGRAMS.
create in conference. I support the amendment.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Texas.

Mr. STARK. I thank the gentleman.

Mr. Chairman, I know the gentleman is familiar with Alameda County’s Targeted Urban Crime Narcotics Task Force. I wonder under section 663 if the gentleman recognizes that this is the type of program and type of area that the committee intended to encourage in section 663.

Mr. HUGHES. The gentleman is correct. It would be eligible if it is drug related.

Mr. STARK. If the gentleman is also aware that on the State’s bid for the intended level of expenditures and local governments would be a prime determinant in the allocation of these funds. In other words, would the local governments which spend the most receive the most help from this?

Mr. HUGHES. The gentleman is correct.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 211, line 3, strike out “50” and insert in lieu thereof “90”.

Page 215, beginning in line 12, strike out “or construction projects” and insert in lieu thereof “or for construction projects other than penal and correctional institutions”.

Page 215, line 20, strike out “65 per centum” and insert in lieu thereof “the amount remaining after amounts are reserved under section 1310”.

Page 218, line 20, strike out “(a) of” and insert in lieu thereof “(a)x Subject to paragraph (2), “

Page 219, after line 2, insert the following: “

2. The amount reserved under paragraph (1) is “

(a) for fiscal year 1987 may not exceed $25,000,000, and

(b) for fiscal year 1988 may not exceed $40,000,000.

Page 219, line 3, strike out “(b) (I)” and insert in lieu thereof “(b)(x) Subject to subparagraph (B), “

Page 219, after line 9, insert the following: “

(B) The amount reserved under subparagraph (B) is “

(1) for fiscal year 1987 may not exceed $15,000,000; and

(2) for fiscal year 1988 may not exceed $20,000,000.

Page 223, strike out line 2 and insert in lieu thereof the following: “$65,000,000 for fiscal year 1987 and $80,000,000 for fiscal year 1988.”

Mr. RANGEL (during the reading).

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.
House for fiscal year 1988; which would put us in a position where we cannot fight a $100 billion criminal activity of narcotics trafficking with mere words. We cannot wage a narcotics war with paper and ink.

Mr. Rangel. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from New York [Mr. McGrath].

[Mr. McGrath asked and was given permission to revise and extend his remarks.]

Mr. McGrath. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the amendment and also in support of the bill. Mr. Chairman, I wish to congratulate my colleagues, both gentlemen from New York, for bringing us to the point where we are going to have a bill that is going to have some teeth in it. Mr. Rangel. Mr. Chairman, I yield 2 minutes to the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. Rosten].

[Mr. Rosten asked and was given permission to revise and extend his remarks.]

Mr. Rosten. Mr. Chairman, this amendment is probably the amendment that makes the most sense in this effort to fight the war against drugs.

For a long period of time local municipalities and local law enforcement agencies have been pouring at our door saying, “Give us some help. We are in need. They continue to plead with us for Federal financial resources to be able to combat this terrible plague that visits our country and our cities.”

This has been established by the Select Committee and by our own committee in hearings in my own district and around the country. Regrettably, the Judiciary Committee voted down this amendment by a one vote margin. Unless we are genuinely interested in applying resources and helping those on the frontline fighting this problem and by the day to day basis, we are not going to win the war on drugs. The only way we are going to be able to do it—and I do not want to reiterate what has been so eloquently stated by the chairman of the Select Committee, Mr. Rangel, and the other gentleman from New York who is the ranking member of the Select Committee on Narcotics. Mr. Gilman—is to support this amendment.

I received a letter yesterday from the New Jersey League of Municipalities which stated that those “men and women who are dedicated to the war on drugs and who risk their lives to solve it” need our support.

Our State and local criminal justice systems now bear the brunt of this problem and they need Federal leadership, support, and funding if we expect them to effectively address it. This amendment provides that necessary help.

□ 1505

Mr. Hughes. Mr. Chairman, it is with a great deal of reluctance that I rise in opposition to the amendment of the gentleman from New York. As chairman of the Select Committee on Narcotics, on which I sit, he has been at the forefront of our antidrug efforts. I chair the Subcommittee on Crime which has legislative authority for narcotics law enforcement. Our two committees have formed a team in developing the tools for effective drug law enforcement efforts.

The gentleman from New York [Mr. Rangel] and the gentleman from New York [Mr. Gilman] have been at the head of the Select Committee on Narcotics, on which I sit, he has been at the forefront of our antidrug efforts. I chair the Subcommittee on Crime which has legislative authority for narcotics law enforcement. Our two committees have formed a team in developing the tools for effective drug law enforcement efforts.

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in fiscal year 1987 and $130 million in fiscal year 1988 to $625 million each year. This tenfold increase in fiscal year 1987 and half that for 1988 year. This tenfold Assistance Act of 1984. authorization becomes law, and long authorized for formula grants in fiscal year 1987 taking these amounts into account. We would be recreating the chaotic early years of LEAA, during which large amounts (though less than this amount) of Federal money was thrown at the amendment would reduce the and local matching fund requirement where we found that, as a practical spent. drug trafficking than the gentleman to helping law enforcement combat amendment, which include express and local governments. Third, too small a match. The States in Chicago nine-tenths of 1 percent. Philadelphia, 1.3 percent. D.C., 5.9 percent. Dallas, 1.3 percent. San Francisco, 2.4 percent. St. Petersburg, FL, 2.7 percent of their total budget is being used for drugs. It is not that they do not have the money. It is that they are not establishing the priorities. So we are going to say that we are going to bail them out with money we do not have. It is an empty promise and what it really means is that we are going to take it away from the DEA. We are going to take it away from the FBI. We are going to take it away from Federal prison construction. You can vote for this amendment to make yourselves feel good, but I will tell you that unless you mean you are going to take more money away.

Mr. Chairman, I ask my colleagues to vote down this amendment. Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Flori­da [Mr. Shaw].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this minute.

It is with a great deal of regret and I might even say hesitation with regard to how fast we are going through these amendments today that I stand up in opposition to this amendment. I do so with all due respect to the gentleman from New York, the sponsor of the amendment, for whom I have a tremendous regard; however, there is one fatal flaw in the amendment. Having been a mayor for three terms of the city of Fort Lauderdale, I can tell you that it is a fatal flaw.

When you send money down to States and local governments and require only a 10-percent matching fund, this guarantees that the money will not be wisely spent. It will go to new types of projects, experimental types of projects. It will be spending Federal money by the mayors of this country on projects which they are not willing to tax their own citizens for.

The States of this country, including my own, and the cities of this country, including my own, are not spending enough to fight this war on drugs. For us to take our money with the large deficit we have and shove it down to local governments is in error.

Mr. HUGHES. Mr. Chairman, I yield one-half minute to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I appreciate the changes of our Crime Subcommittee yielding to me.

I would like to rise in very enthusiastic support of the amendment offered by the gentleman from New York. This is the incorporation of legislation which the gentleman from New York
[Mr. RANGEL] and others have been working on for more than a year that I think makes eminent sense.

We all are saying that we are in a war and I think we all say that we recognize that it is the local law enforcement officers of this Nation who are on the front lines of that war. Then let us give them the kind of resources that they need really to meet the enemy in this war.

I think this is a reasonable level of funding and it is clearly a necessary level of funding.

Mr. Chairman, I would urge adoption of the amendment.

Mr. HUGHES. Mr. Chairman, I yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman yielding.

I simply want to compliment the gentleman for the good taste that he laid out here, and also the gentleman from California and the gentleman from Florida.

I think we have to be reasonable about what we are doing here. I thought the case was made about the strengths of the States and local panels, coordinated with what we are faced with here at the Federal level is a very important point to make at this juncture.

I want this measure signed into law. I do not want there to be an impediment on the cost factor when it comes to the folks downtown.

I applaud the gentleman for opposing the amendment. It takes a little guts and intestinal fortitude to do that from time to time around here, particularly on such a sensitive subject; but I am going to certainly vote against the amendment.

I appreciate the gentleman yielding.

Mr. HUGHES. Mr. Chairman, just in closing, I strongly support the Justice Assistance Program. Former Congressmen and myself in the 98th Congress wrote it, were very strongly supportive of it. The funding level of the bill, $100 million for the fiscal year 1987 and $200 million in fiscal year 1988 is all we can really assimilate.

There is permitted in this amendment prison construction. Believe me when I tell you that what is going to happen is that these moneys which were to be directed to drug enforcement are going to be siphoned off into prison construction at the State level. There is no question about it, because it will not be used for those task force operations that we want to see set up.

We are increasing 15 more task forces around the country. We are setting up diversion investigative units. They are going to need local commitments, local police officers to man those teams.

They are not going to have those resources. It is going to siphon it right away from the programs into prison construction, because they are the only programs that are going to be ready.
this type of support, we cannot possibly expect to win the drug battle at the local level. Pinellas County task force members presented information during our meeting Monday to show that the drug problem in our Nation’s streets is getting worse. And there was general agreement that crack has exacerbated this problem.

Crack is extremely dangerous because it is immediately addictive. Local authorities say that this drug causes such a high in first-time users, that the body keeps demanding more in an effort to replace that same effect. However, that first-time high is impossible to achieve again, even when the quantity and repetition of its use is increased.

Exacerbating the problem is the fact that crack is relatively inexpensive, costing as little as $5 to $15 per dose. This makes it available to all income brackets and age groups. There are reports that crack is now available to elementary schools throughout our Nation.

Although the full extent of the harmful side effects of drugs such as cocaine and crack continues to be studied, it is known that they can cause death, even in well-conditioned athletes. There is general agreement that these drugs can cause severe and sometimes permanent adverse effects on the body. The health and safety of drug users clearly is jeopardized.

The health and safety of nonusers in our communities is also jeopardized. Addictive drugs such as crack force users to feed their habit regardless of the cost. Theft, robbery, and other crimes become the only alternative to provide their drug money.

Police reports document this threat to our families and neighbors. St. Petersburg historically has had a small crime problem compared to other urban areas, but in the first 6 months of this year, crime has risen dramatically, and police officials attribute it to increased drug use. During the first 6 months of this year, the number of robberies reported in St. Petersburg was 81 percent, as compared to the first 6 months of 1985. Burglary increased 18 percent and larceny cases were up 10 percent.

The rising crime rate, like the problem of drug abuse, is not limited to St. Petersburg. Florida law enforcement officials note a major increase in crime statewide. In the first 6 months of this year, robbery rose 30 percent, breaking and entering increased 18 percent, and larceny cases were up 11.8 percent. Stolen property, which can be sold for money to purchase drugs, showed dramatic increases. The theft of motor vehicles increased 60 percent statewide, stolen construction machinery increased 41.5 percent, and stolen boats and motors rose 35 percent.

There are some who say that this legislation and the Rangel amendment will be too expensive. But the cost of this legislation will be small when compared to the devastation drug abuse causes thousands of families whose children are addicted to drugs. It will be small compared to the cost of crimes such as theft and robbery for which our Nation has been taxed. An accurate evaluation of the present data and symptoms indicates that in the near future, our country's security, our most important financial institutions, and the health and actual lives of a whole generation of young Americans are in peril. Never before in our country’s history has our society been so imperiled.

As a member of the Select Committee on Narcotics Abuse and Control for the past 8 years, I have joined other Members in bringing before the committees of the Congress a steady stream of hearings and briefings that have guided and shaped the writing of laws implementing interdiction on the high seas, crop substitution, asset forfeiture, and many other subtle and specific remedies for the dilemma facing every segment of our American society.

Now, we are confronted by information that shows an overwhelming concentration by certain countries in flooding this country with death-dealing narcotics. While the American public is awakening, on a large scale, to the deadly danger the escalating drug problem poses to everyone, the Federal Government is just beginning to be evaluated by all of us.

As a member of the House Committee on Banking, Finance, and Urban Affairs, I want to compliment our chairman, Congressman Ferr- man, and Senator Simon, for his brilliant work on the ongoing threat of money laundering. I support the work of our committee in this crucial financial area, and I commend the provisions in title V of H.R. 5484 on money laundering.

These provisions will make an invaluable contribution to eliminating this danger to our national security and our international monetary and banking systems.

I also want to especially applaud the provisions in title III that give the U.S. Customs Service a whole new arsenal of instruments with which they can fight the war on drugs on our borders in a new and impressive variety of ways.

New provisions in title III as well, which give new tools to the Internal Revenue Service, will also increase our strength in fighting this war. Beyond the specific provisions of the bill, I want to speak also in support of two amendments that address needed improvements in this historic omnibus drug legislation.

As the Congressman from the District of Columbia, I receive daily reports that reflect the conditions of people who are arrested and incarcerated in the city of Washington, D.C. Depending on which day, month, and even agency, the criminal justice system is flooded by drug-addicted criminal offenders that now enter the system—both local and Federal. From 60 to 80 percent of the people entering our jails are drug-involved. Whether Federal or local, there is little or no treatment or counseling available for these cases. They enter with a drug-use problem, they are reported "able to get anything they need from the underworld while incarcerated" and then return to our communities in worse shape than when they entered. That condition speaks to the need for drug treatment within the prison. There is also another more crucial need in...
prison problems today—prison overcrowding. Throughout the United States numerous local and State jurisdictions are under court order for overcrowding in their prison facilities.

For those reasons, I urge my colleagues to support an amendment introduced by Congressmen CHARLES RANGEL, chairman of the Select Committee on Narcotics Abuse and Control and Congressman BENJAMIN GILMAN, ranking member of the select committee. This amendment would increase the amounts authorized in title VI for grants to States for State and local drug law enforcement efforts. I also urge support for the provision in this amendment which reduces the matching funds requirement from 50 percent to 10 percent. I share the Rangel-Gilman views expressed in their statement that it has been the failure of the Federal Government to halt the importation and interstate distribution of massive quantities of illicit cocaine, heroin, marijuana and other illegal drugs that makes it imperative that the Federal Government share the heavy responsibilities of costs of drug problems in the States and local jurisdictions.

It is also the language in the Rangel-Gilman amendment which would permit formula grant funds to be used for prison construction that is one of the most needed provisions to be added to H.R. 5484.

Congressman CLAUDE PEPPER has submitted an amendment on increasing the funding for prison treatment (title IX). The Pepper amendment would increase from $100 million to $200 million a base figure for drug treatment within title IX under the provisions provided by the Committee on Energy and Commerce. There is also an amendment by Congressman BOB DORAN, (CA), which would permit formula grant funds to be used for prison construction that is one of the most needed provisions to be added to H.R. 5484.

Mr. Chairman, this legislation before us today addresses every facet of our society's drug problem in order that we may eradicate this plague from our society. H.R. 5484 contains provisions for both demand and supply sides of the drug problem. The Energy and Commerce Committee's portion of the bill authorizes adequate resources for a serious commitment to treatment and prevention. Unfortunately, resources authorized for State and local law enforcement efforts by the Judiciary Committee are not adequate to meet the demands of an all out war on drugs. We are willing to invest trillions to prepare for conventional war, but we have found it to be very difficult to make the same investment and commitment to the war on drugs.

Therefore, I urge my colleagues to support the Rangel amendment which would raise the authorization for State and local law enforcement efforts to adequate levels. Again, I urge my colleagues to support H.R. 5484, the Omnibus Drug Enforcement, Education and Control Act of 1986. Let our Nation say no to drugs once and for all.

Mr. CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from New York [Mr. RANGEL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LUNGREN. Mr. Chairman, I demand a recorded vote.

The vote was taken by electronic device, and there were [Ayes 242, noes 171, not voting 18, as follows: [Roll No. 371]]
A provision within the bill funds educational programs to reach out to students.

Another aspect of this bill which is of special interest to me is the provision for reimbursement of treatment costs. While I applaud the initiation of funding for the treatment of individuals with drug problems, I believe that a much greater commitment will eventually be required to successfully reduce the number of individuals who seek treatment and sexually transmitted diseases and so we should devote greater efforts to educate them to the dangers that they face. This legislation would at least initiate educational programs to reach out to students.

The CHAIRMAN. Under the rule. (Mr. PEPPER asked and was given permission to revise and extend his remarks.)

Mr. PEPPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment to allow the Administrator of the Office of Justice Assistance Drug Grant Program the authority to waive the non-Federal share requirement under this program. The reason I propose this amendment is that I do not believe that an applicant might exercise better management of the funds than it would receive through the program. Additionally, I believe that such a waiver would be beneficial to many areas that are not able to provide the necessary services to their residents.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) will be recognized for 5 minutes.

Mr. LEWIS. Mr. Chairman, I rise in opposition to the amendment. The CHAIRMAN. The amendment from California (Mr. LEWIS) will be recognized for 5 minutes.

Mr. LEWIS. Mr. Chairman, I do not intend to oppose the amendment.

The CHAIRMAN. In that event, the gentleman from Florida (Mr. PEPPER) will be recognized for 5 minutes.

Mr. PEPPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment to allow the Administrator of the Office of Justice Assistance Drug Grant Program the authority to waive the non-Federal share requirement under this program. The reason I propose this amendment is that I do not believe that an applicant might exercise better management of the funds than it would receive through the program. Additionally, I believe that such a waiver would be beneficial to many areas that are not able to provide the necessary services to their residents.

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Mr. LEWIS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I yield myself such time as I may consume.

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The CHAIRMAN. The gentleman from California (Mr. LEWIS) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I yield myself such time as I may consume.

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making grants to a drug infested area because the area is unable financially to satisfy the matching requirement. We must remember that our primary objective is to reduce crime and return our cities to the people. The drug menace poses a fiscal accountability in certain instances by other means.

The Judiciary Committee included a discretionary grant program in our request. I would have preferred a program with a higher funding level and with a lower matching component. However, even with these shortcomings, I firmly believe that a program of this type is a necessary complement to a non-discretionary grant formula based primarily on population by an area that is particularly hard hit by the drug menace.

I would like to take this time to express my highest appreciation to Mr. Rangel for his success at increasing the funding level for the formula grant program. There is no question that State and local law enforcement agencies can utilize these additional revenues in their war on drugs. In my own State of Florida we experienced a 15 percent increase in crime in 1985. 64 percent of all our homicides are related to substance abuse and similarly an estimated 60 percent of our crimes are related to narcotics. The police officers in my county are overworked. Their response time is falling and in many instances they have become report takers with little time for apprehending criminals. These funds will have a tremendous positive impact on the crime situation in South Florida.

Mr. Chairman, in conclusion I urge my colleagues to vote for my amendment especially in light of the previous discussion. We can increase fiscal accountability in certain instances by other means.

Mr. Chairman, I want to thank the distinguished gentleman from New Jersey (Mr. Hughes) for his kindness in not opposing my amendment. I appreciate the maximum participation possible from all those who have the curse of drug matter upon them; and there may be some, and no doubt are, many States which are very much beset by the drug problem that are not able to match the 50-50 requirement of the bill.

All my amendment does is to give discretion to the Administrator to waive the 50-percent requirement to the extent that he feels necessary to get the maximum participation of the local authorities in the country in fight against the drug menace.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. LEWIS of California. Mr. Chairman, I am rising simply because, unless I am mistaken, in the last amendment which just passed, we reduced that requirement to 10 percent; and I am wondering whether we really have a serious problem with local agencies not being able to afford that 50 percent.

Mr. PEPPER. It is not waived; it is 50 percent in the bill. All my amendment says is if there are those who could participate but cannot put up quite 50 percent, that the Administrator may have discretion to waive the 50 percent.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. PEPPER. I understand the discretionary part was not removed in the last amendment.

I yield to the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Chairman, in response to our colleague from California, Mr. Lewis, the Rangel amendment was not directed, really, to changing the matching requirement. It was directed under the discretionary program which the gentleman from Florida, Mr. Pepper's amendment was directed to.

That is a 50-50 match, as part of that particular discretionary program. The gentleman's amendment would reduce that or give the Drug Enforcement Administration the authority—he is a sign-off authority—the right to waive that match in his sole discretion, as I understand.

Mr. PEPPER. Mr. Chairman, I hope the gentleman would not oppose the amendment because otherwise there will be many who need this help and not be able to get it.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. LEWIS of California. Mr. Chairman, I need to take a position of the opposition not because I had the intention of opposing the gentleman's position, but I wanted to clarify whether it was his intention to go beyond the last amendment; and apparently you do want to reach the discretionary.

Mr. PEPPER. Only the discretionary area.

Mr. LEWIS of California. I thank the gentleman.

Mr. PEPPER. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Pepper).

The amendment was agreed to.

The CHAIRMAN. Under the rule, amendment No. 29 is in order.
CONGRESSIONAL RECORD — HOUSE

September 11, 1986

I would assume that under that type of instruction, school board officials would certainly be given consideration. The act, however, does not mandate it. I would like to chair such a subcommittee to be included and certainly in the charge to the Government that it should be broadly representative, I would certainly assume that they would be included.

Mr. MARTIN of New York. Mr. Chairman, I thank the chairman very much for that explanation.

Mr. HAWKINS. May I also add that if, in that, further clarification is needed, I assure the gentleman that in the conference, we will certainly take steps to clarify that.

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman because I feel it is very important for members of boards of education to be included.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. Conyers] is recognized for 5 minutes in opposition to the amendment.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is an extraordinary provision. Are we providing money to be controlled by whom? In other words, what I am asking is, and I belong to a number of groups that are working on combating narcotics, to find, for communities that are working in this area, but it never occurred to me that we could pass a bill in Congress that would nationalize the whole effort and have it all, I suppose, going through one single conduit.

How would some of the organizations that I am already a member of, and they are rather small, I must admit, could they get in on that act or would they be competing with this new national monster?

Is there another Lee Iacocca to come forward and be a committee as the gentleman proposes?

Why could we not, and I know this 1.5 members struggling over how to interdict these hundreds and hundreds of airplanes, these hundreds and hundreds of boats, these various other means of communication and transportation bringing these drugs into the United States?

I wondered what a magnificent task it would be for us ever to be able to interdict all of these drugs coming into our country. So I begin to wonder, where do they come here? To get the money. I began to wonder: Should we put more effort and more money behind reducing the demand? If we reduce the demand, why would not be any occasion for them to bring the drugs here. There would not be anybody to buy them.

Now I have some facts here from our Select Committee on Drugs, prepared for this discussion. For example, there are 500,000 Americans dedicated to the use of heroin. There are 5 million Americans committed to the use of cocaine. There are 20 million Americans habitually using marijuana.

Americans spend an estimated $120 billion a year on drugs. Then I found from this report, the number of treatment admissions per cocaine use in America has increased from 26,000 to 36,000 in the last year.

Only 19 percent of the money being spent for education and treatment comes from the Federal Government. Over 80 percent of the State alcohol and drug agencies identified a critical
Mr. Chairman, in conclusion I want to urge my colleagues to vote for my amendment. The need is real. We have the chance to expand dramatically the treatment services available. We must not let this opportunity slip away.

Mr. Chairman, I yield to the gentleman from New York [Mr. Rangel].

Mr. Rangel, Mr. Chairman, I want to congratulate the gentleman from Florida [Mr. Pepper], the chairman of the Committee on Rules, as someone who has always understood how serious this problem was.

I would just like to say, for those people who have the $100 million is a lot of money, I can tell you that for the $100 million, we can get a lot of savings.

In New York City, we got a waiting list of some 2,000 people, waiting to get into some of these treatment centers. Mr. Chairman, the tragic thing is that some of these are merely children, middle school children, who have been driven away from home, children that are picked up by priests and ministers in trying to help these kids; kids that are responding to hot lines, where we are paying for a hot line, and people call the hot line, and there is no place for them to go, no place for them to receive assistance.

It seems to me that if we are sending a message that we want to help, that one of the cruellest things we could do is get people, like when Jesse Jackson convinces the kid to take one of the drugs, and he recognizes that he or she has a problem. I do not think this is costing us any money. I think in the long run it is going to save us some money, because these kids normally end up in jail.

Mr. PEPPER. I thank the gentleman very much for his remarks.

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has expired.

(Mr. YOUNG of Missouri asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Chairman, I rise today in support of H.R. 5484 and Mr. Pepper's amendment to the bill. I am pleased to see that Members on both sides of the aisle have come together in this declaration of war on drugs in the United States. H.R. 5484 is the first comprehensive piece of legislation to reach the House floor on this issue, and I am proud to have been an original cosponsor of this historic bill.

The drug crisis has reached epidemic proportions in the United States, with the use of controlled substances increasing at alarming levels. It has been estimated that well over 10 million people rely on illegal drugs in the United States in 1986.

The drug problem is no doubt a national problem that requires a national response. Drug use has unfortunately become a fact of life in every segment of our society, from the elementary schools to the corporate boardrooms.

This legislation attacks the problem on several fronts, including the creation and expansion of programs that address education and prevention of substance abuse and rehabilitation for those who have already become involved with drugs. I am particularly interested in these provisions, due to the fact that they are designed to steer the next generation away from this deadly trend. Our greatest national resource is our young people, and we have a responsibility to help them to realize their full potential. This cannot happen unless they say no to drugs.

In my home State of Missouri, we have seen that the stakes are all too high where drugs are concerned. According to the Missouri Department of Probation and Parole, 65 percent of the 70,000 people who are under the influence or had a chemical dependency at the time their crime was committed. Of the 10,000 people currently in Missouri's prisons, 7,500 have some type of chemical dependency.

I would also like to note that abuse of cocaine has increased dramatically in the St. Louis metropolitan area. The recovery center at Christian Hospital north-west has said that they have witnessed an increase in cocaine addiction among their clients. Drug and Alcohol Rehabilitation and Treatment, Inc. [DART, Inc.] of St. Louis has reported the following numbers for admissions to treatment facilities in the area as a result of cocaine dependency: 205 in 1962; 248 in 1983; 274 in 1984; 363 in 1985; and 108 for the first quarter of 1986—the projection for 1986 is 450.

As you can see, this situation is one that needs to be addressed and we must invest in rehabilitation for the thousands of Americans who have become chemically dependent. Ideally, we would prefer to prevent any American from ever experiencing substance abuse; however, we have an obligation to do whatever we can to assist those trying to kick these deadly habits.

I would like to commend each of the committees that contributed to this legislation, and urge my colleagues to support this bipartisan effort to reduce drug trafficking and improve drug education and treatment.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. LEWIS of California. Mr. Chairman, I rise today to offer a substitute amendment No. 43 by the gentleman from Illinois [Mr. Madigan] in order at this time.
H.R. 5484 AS FIRST READ
IN SENATE (September 15, 1986)
AN ACT
To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

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

2 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

3 (a) SHORT TITLE.—This Act may be cited as the "Omnibus Drug Enforcement, Education, and Control Act of 1986".
tional services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol dependent person, addict, or drug dependent person by eliminating that person's or addict's dependence on alcohol or addicting drugs, or by controlling that person's or addict's dependence and susceptibility to addiction. Such Director may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).”.

SEC. 658. REAUTHORIZATION OF CONTRACT SERVICES.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 is amended—

(1) by striking out “and $6,000,000” and inserting “$6,500,000” in lieu thereof; and

(2) by striking out the two periods at the end and inserting in lieu thereof “; $12,000,000 for the fiscal year ending September 30, 1987; $14,000,000 for the fiscal year ending September 30, 1988; and $16,000,000 for the fiscal year ending September 30, 1989.”.

Subtitle G—Drug Enforcement Enhancement

SEC. 661. SHORT TITLE.

This subtitle may be cited as the “Drug Enforcement Enhancement Act of 1986”.
SEC. 662. AUTHORIZATION OF APPROPRIATIONS.

(a) Drug Enforcement Administration.—There is authorized to be appropriated for fiscal year 1987 for the Department of Justice, in addition to any amounts appropriated before the date of the enactment of this subtitle for fiscal year 1987, $114,000,000 for the Drug Enforcement Administration. Of the amount appropriated under this subsection, $54,000,000 shall be used to support increased narcotics interdiction operations in the Bahamas.

(b) Assistant United States Attorneys.—There is authorized to be appropriated for fiscal year 1987 for the Department of Justice, in addition to any amounts appropriated before the date of the enactment of this subtitle for fiscal year 1987, $31,000,000 for United States attorneys for assistant United States attorneys.

(c) Drug Law Enforcement by Department of Justice.—There is authorized to be appropriated for fiscal year 1987 for the Department of Justice, in addition to any amounts appropriated before the date of the enactment of this subtitle for fiscal year 1987, $167,000,000 of which—

(1) $140,000,000 shall be made available for the construction of Federal penal and correctional institutions,

(2) $20,000,000 shall be made available for United States marshals, and
(3) $7,000,000 shall be made available for the Federal Prison System.

Funds appropriated under this subsection shall remain available until expended.

(d) Authorization of Appropriations for Fiscal Years 1988 and 1989.—(1) In addition to any other amounts that may be authorized to be appropriated for fiscal year 1988 for the Department of Justice, there is authorized to be appropriated $450,000,000 for fiscal year 1988 for the Department of Justice for the construction of Federal penal and correctional institutions.

(2) In addition to any other amounts that may be authorized to be appropriated for 1989 for the Department of Justice, there is authorized to be appropriated $527,000,000 for fiscal year 1989 for the Department of Justice, of which—

(A) $500,000,000 shall be made available for the construction of Federal penal and correctional institutions, and

(B) $27,000,000 shall be made available for the Federal Prison System for salaries.

(3) Funds appropriated under paragraphs (1) and (2) shall remain available until expended.
SEC. 663. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712 et seq.) is amended—

(1) by redesignating part M as part N,

(2) by redesignating section 1301 as section 1401, and

(3) by inserting after part L the following new part:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"FUNCTION OF DIRECTOR"

"Sec. 1301. The Director shall provide funds to eligible States and units of local government pursuant to this part."

"DESCRIPTION OF DRUG LAW ENFORCEMENT FORMULA GRANT PROGRAM"

"Sec. 1302. The Bureau is authorized to make grants under this part to States for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.)."

"FEDERAL PORTION OF PROGRAM"

"Sec. 1303. (a) The amount of any grant made under section 1302 of this title shall be equal to 90 per centum of the cost of programs and projects specified in the application"
of such grant, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such cost.

"(b) The non-Federal portion of the cost of any program or project for which a grant is made under section 1302 of this title shall be in cash.

"ELIGIBILITY

"Sec. 1304. The Bureau is authorized to make grants under section 1302 of this title available to a State for the use of the State, and units of local government in the State, for enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.).

"APPLICATIONS

"Sec. 1305. No grant may be made by the Bureau to a State, or by a State to an eligible recipient, pursuant to this part unless the application for such grant sets forth programs and projects which meet the purpose specified in section 1302 of this title and identifies the State agency or unit of local government which will implement each such program or project. The application shall be amended if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application shall include—
"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau or to the State, as the case may be—

"(A) a performance report concerning the activities carried out pursuant to section 1302 of this title; and

"(B) an assessment by the applicant of the impact of those activities on the purposes of such section and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under section 1302 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities;

"(3) a certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds;

"(4) an assurance that fund accounting, auditing, monitoring, and such evaluation procedures as may be
necessary to keep such records as the Bureau shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under section 1302 of this title;

"(5) an assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(6) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws (such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Bureau);

"(7) an assurance that the State will take into account the needs and requests of units of local government in the State and encourage local initiative in the development of programs which meet the purpose of section 1302;
“(8) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

“(9) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

“REVIEW OF APPLICATIONS

“SEC. 1306. (a) The Bureau shall provide financial assistance to each State applicant under section 1302 of this title to carry out the programs or projects submitted by such applicant upon determining that—

“(1) the application or amendment thereto is consistent with the requirements of this title; and

“(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 1305.
Each application or amendment made and submitted for approval to the Bureau pursuant to section 1305 of this title shall be deemed approved, in whole or in part, by the Bureau not later than sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) Grant funds awarded under section 1302 of this title shall not be used for land acquisition or for construction projects other than penal and correctional institutions.

"(c) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

"ALLOCATION AND DISTRIBUTION OF FUNDS

"Sec. 1307. (a) Of the total amount appropriated for this part in any fiscal year, the amount remaining after amounts are reserved under section 1310 shall be set aside for grants under section 1302 of this title and allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this para-
graph as the population of such State bears to the population of all the participating States.

"(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purpose specified in section 1302 of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

"(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved..."
for any program other than a program contained in an approved application.

"(d) If the Director determines, on the basis of information available to the Director during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 1302 of this title, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State, giving priority to those jurisdictions with greatest need.

"(e) Any funds not distributed under subsections (b) and (d) with respect to a State shall be reallocated under subsection (a), excluding such State and the population of such State.

"STATE OFFICE

"Sec. 1308. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under section 1302 of this title; and

"(2) administering funds received under such section from the Bureau, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements."
“(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"DESCRIPTION OF DRUG LAW ENFORCEMENT DISCRETIONARY GRANT PROGRAM

"Sec. 1309. The Administrator of the Drug Enforcement Administration (hereinafter in this part referred to as the ‘Administrator’) is authorized to make grants under this part to States and to units of local government for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.). The Administrator shall have final authority over all grants awarded by the Administrator under this part.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY PROGRAM

"Sec. 1310. (a)(1) Subject to paragraph (2), of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for grants under section 1309 of this title in a special discretionary fund for use by the Administrator in carrying out such section. Grants made with funds reserved under this subsection may be made for amounts up to 100 per centum of the cost of the programs and projects contained in the approved application.

“(2) The amount reserved under paragraph (1)—
“(A) for fiscal year 1987 may not exceed $20,000,000, and
“(B) for fiscal year 1988 may not exceed $40,000,000.
“(b)(1)(A) Subject to subparagraph (B), of the total amount appropriated to carry out this part, 15 per centum shall be reserved and set aside for grants under section 1309 in a special discretionary fund for use by the Administrator in carrying out such section. The amount of any grant made with funds reserved under this subsection shall be equal to 50 per centum of the cost of the programs and projects specified in the approved application.
“(B) The amount reserved under subparagraph (A)—
“(i) for fiscal year 1987 may not exceed $15,000,000; and
“(ii) for fiscal year 1988 may not exceed $30,000,000.
“(2) In making grants under this subsection, the Administrator shall give consideration to the severity of the following drug law enforcement problems in the jurisdictions applying for such grants:
“(A) the unlawful importation of controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));
“(B) the unlawful production and processing
such substances; and
“(C) the unlawful diversion, distribution, and sa
of such substances.
“(3) In awarding grants under this subsection, the Ad
ministrator shall give priority to jurisdictions in which suc
grants will have the greatest national and regional impact co
combating illegal trafficking in such substances.
“(4) An applicant may not receive a grant made wit
funds reserved under this subsection unless such applica
certifies that funds required to pay the non-Federal portion ot
the cost of each program and project for which such grant
made shall be in addition to funds that would otherwise b
made available by such applicant for drug law enforcemen
“(5) Notwithstanding paragraph (1), the Administra
c may waive the non-Federal share requirement applicable to
grant made with funds reserved under this subsection if th
Administrator determines that the applicant for such grant is
financially unable to satisfy such requirement.
“APPLICATION REQUIREMENTS
“Sec. 1311. (a) No grant may be made pursuant to
section 1310 of this title unless an application has been sub
mitted to the Administrator in which the applicant—
“(1) sets forth a program or project which is eligi
ble for funding pursuant to section 1309 of this title
and
“(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out.

“(b) Each applicant for funds under section 1309 of this title shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administrator.

“LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

“Sec. 1312. Grant funds awarded under section 1309 of this title shall not be used for land acquisition or construction projects.

“ADMINISTRATIVE ASSISTANCE BY BUREAU

“Sec. 1313. The Bureau shall provide assistance to the Administrator in processing applications and administering grants authorized under section 1309 of this title.”.

(b) TECHNICAL AMENDMENTS.—(1) Subsections (a) and (b) of section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741) are each amended by striking out “part E” and inserting in lieu thereof “parts E and M”.

(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended—

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1 (A) by striking out "parts D and E" and inserting
2 in lieu thereof "parts D, E, and M'", and
3 (B) by striking out "part D" each place it appears
4 and inserting in lieu thereof "parts D and M'.
5 (3) Section 802(b) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is
7 amended by inserting "or M" after "part D".
8 (4) Section 808 of title I of the Omnibus Crime ControN
9 and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended
10 by inserting "or 1308, as the case may be," after "section
11 408".
12 (5) The table of contents of title I of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et
14 seq.) is amended by striking out the items relating to part M
15 and section 1301, and inserting in lieu thereof the following
16 new items:

"Part M—Grants for Drug Programs

"Sec. 1301. Function of Director.
"Sec. 1302. Description of drug law enforcement formula grant program.
"Sec. 1303. Federal portion of program.
"Sec. 1304. Eligibility.
"Sec. 1305. Applications.
"Sec. 1306. Review of applications.
"Sec. 1307. Allocation and distribution of funds.
"Sec. 1308. State office.
"Sec. 1309. Description of drug law enforcement discretionary grant program.
"Sec. 1310. Percentage of appropriation for discretionary program.
"Sec. 1311. Application requirements.
"Sec. 1312. Limitation on use of discretionary grant funds.
"Sec. 1313. Administrative assistance by Bureau.

"Part N—Transition; Effective Date; Repealer

"Sec. 1401. Continuation of rules, authorities, and proceedings."
(c) Authorization of Appropriations.—Section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking out “and L” and inserting in lieu thereof “L, and M”,

(B) by redesignating paragraph (6) as paragraph (7), and

(C) by inserting after paragraph (5) the following new paragraph:

“(6) There are authorized to be appropriated $660,000,000 for fiscal year 1987 and $695,000,000 for fiscal year 1988, to carry out the programs under part M of this title. Funds appropriated under this paragraph shall remain available until expended.”, and

(2) in subsection (b) by striking out “and E” and inserting in lieu thereof “, E, and M”.

SEC. 664. DEPARTMENT OF JUSTICE DRUG ASSET FORFEITURE FUND.

Section 524 of title 28, United States Code, is amended in subsection (c)—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting “(i)” after “(A)”,

after “(A)”,
the National Forest System, the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any other governmental agency or political subdivision in the investigation and enforcement of section 401 of the Controlled Substances Act (84 Stat. 1242, 1260, as amended; 21 U.S.C. 841, et seq.), or political subdivision included within the boundaries of the National Forest System.

S. 3564. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end thereof the following subsection:

"(e)(1) Any person found to be in possession of a firearm while manufacturing or transferring, or possessing, or selling, or using, or employing, or in or upon, or dealing in, or in the furtherance of, the manufacture or distribution of any controlled substance on federal property, shall be sentenced to a term of imprisonment for not more than five years and shall be fined not more than $5,000. If any person commits such a violation after one or more prior convictions for an offense punishable under this Act, the mandatory minimum term of imprisonment shall be doubled.

(b) There is authorized to be appropriated for the construction of Federal penal and correctional institutions.

(c)(1) There is authorized to be appropriated for fiscal year 1987 for the Attorney General, for the construction and maintenance of Federal buildings and facilities, $8,500,000.

(d) There is authorized to be appropriated for fiscal year 1987 for the Attorney General, for the operation of the Drug Enforcement Administration, $5,000,000.

(e) There is authorized to be appropriated for fiscal year 1987 for the Bureau of Alcohol, Tobacco and Firearms, $2,000,000, to carry out a pilot prison capacity program.

S. 3651. CONTROLLED SUBSTANCES PRODUCTION CONTROL.

Section 1764 of the Food Security Act of 1985 (21 U.S.C. 3122) is amended—

(1) by striking out each place it appears in paragraphs (1) and (2) (A) and inserting in lieu thereof "nine";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

"(e)(1) The Secretary shall pay a reward, in such amount as the Secretary shall determine, for information leading to the conviction of any person—

(a) who has a record of a prior conviction for an offense punishable under this Act; or

(b) who is subsequently determined to be ineligible for the benefit as a result of the conviction.

(2) The reward shall be paid out of funds not extended as the result of the ineligibility of the person for the program benefit under this section.

Subtitle O—State and Local Narcotics Control Program

S. 3701. SHORT TITLE.

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1986."

S. 3702. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 17112 et seq.) is amended—

(1) by redesignating part V as part VI;

(2) by redesignating section 1301 as section 1401;

(3) by inserting after part L the following new part:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"FUNCTION OF THE ATTORNEY GENERAL

"Sec. 1301. The Attorney General shall provide funds to eligible States and units of local government pursuant to this part.

"DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

"Sec. 1302. The Attorney General is authorized to make grants under this part to States for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

(1) provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehension;

(2) provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime labs), personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution.

(3) provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State laws, to pay operating expenses in connection with such adjudication.

(4) provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating State laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling provided to persons convicted of violating State laws; and

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

"APPLICATIONS TO RECEIVE GRANTS

"Sec. 1303. (a) To request a grant under section 1302, the chief executive officer of a State shall submit to the Attorney General an application at such time and in such form as the Attorney General may require.

Such application shall contain the strategy for the enforcement of State laws relating to the production, possession, and transfer of controlled substances. Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the application shall submit to the Bureau or to the State, as the case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

(b) Applications for a grant under this section shall include a certification that the State will expend from its own funds for the purposes for which the grant is made an amount equal to the amount of the grant.

"REPORTS

"Sec. 1304. (a) Each State which receives a grant under section 1302 shall submit to the Attorney General, for each fiscal year, a report which includes with respect to each State—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 1303, and

(2) such other information as the Attorney General may require by rule.

Such report shall be submitted in such form and by such time as the Attorney General may require by rule.

(b) Notices less than ninety days after the end of each fiscal year for which grants are made under section 1302, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) a summary of the activities provided pursuant to this section, and

(2) a summary of the information provided in compliance with subsection (a)(1).

"EXPENDITURE OF GRANTS

"Sec. 1305. (a) If any part of a grant made under section 1302 is used for any purpose

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other than the purpose for which such part is received by a State, or by a State or local government entity, then the State which received such part shall promptly repay to the Attorney General an amount equal to such part.

"(b)(1) Such State which receives a grant under section 1302 shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit.

"(2) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of State and local government entities which receive any part of a grant, made under section 1302 if, in the opinion of the Attorney General or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"STATE OFFICE

"Sec. 1306. (a) The chief executive of each participating State shall designate a State office for purposes of-

"(1) preparing an application to obtain funds under section 1302 of this title; and

"(2) reviewing and making disbursements under such section from the Bureau, including receipt, review, processing, monitoring, progress and financial report review, technical and budget adjustments, accounting, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"(1) Subsections (a) and (b) of section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741) are each amended by striking out "part E" and inserting in lieu thereof "parts E and M".

"(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1998 (42 U.S.C. 3781(b)) is amended—

"(A) by striking out "parts D and E" and inserting in lieu thereof "parts D, E, and M"; and

"(B) by striking out "part D" each place it appears and inserting in lieu thereof "parts D and M".

"(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1998 (42 U.S.C. 3782(b)) is amended—

"(A) by striking out "part D" and inserting in its place "part D"; and

"(B) by striking out "part D" and inserting in its place "part D and M".

"(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1998 (42 U.S.C. 3788) is amended by inserting "or 1306, as the case may be," after "section 408".

"(5) The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1998 (42 U.S.C. 3711 et seq.) is amended by striking out the items relating to part M and section 1301, and inserting in lieu thereof the following new items:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"Sec. 1301. Function of the Attorney General.

"Sec. 1302. Description of drug law enforcement grant program.

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports. 

"Sec. 1305. Expenditure of grants; records. 

"Sec. 1306. State office. 

"PART N—TRANSITION—EFFECTIVE DATE—REPEAL

"Sec. 1401. Continuation of rules, authorities, and proceedings.

"Sec. 1402. Expiration of grants.

"Sec. 1403. Application to receive grants.

"Sec. 1404. Reports.

"Sec. 1405. Expenditure of grants; records.

"Sec. 1406. State office.

"PART O—TRANSITION—EFFECTIVE DATE—REPEAL

"Sec. 1401. Continuation of rules, authorities, and proceedings.

"Sec. 1402. Expiration of grants.

"Sec. 1403. Application to receive grants.

"Sec. 1404. Reports.

"Sec. 1405. Expenditure of grants; records.

"Sec. 1406. State office.

"Sec. 1407. Continuation of rules, authorities, and proceedings.

"Sec. 1408. Expiration of grants.

"Sec. 1409. Application to receive grants.

"Sec. 1410. Reports.

"Sec. 1411. Expenditure of grants; records.

"Sec. 1412. State office.

"Sec. 1413. Continuation of rules, authorities, and proceedings.

"Sec. 1414. Expiration of grants.

"Sec. 1415. Application to receive grants.

"Sec. 1416. Reports.

"Sec. 1417. Expenditure of grants; records.

"Sec. 1418. State office.

"Sec. 1419. Continuation of rules, authorities, and proceedings.

"Sec. 1420. Expiration of grants.

"Sec. 1421. Application to receive grants.
BIPARTISAN COMPROMISE MEASURE
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SECRETARY
action arising out of
decision by the Attorney General or the
the custody of which was transferred

tary of the Treasury may order the
of forfeiture proceedings by
forfeiture proceedings are discontinued by
The foreign country shall, In the event of a

domestic
"(1) "(a)
"(j)
"(a)

forfeiture by any evidence otherwise

46. Forfeiture
Sec. 1397. If any provision of this Subtitle or any amendment made by this Act, or the
application thereof to any person or circumstances is declared invalid, the provisions of
each other part, and

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SEC. 1401. SERIOUS DRUG OFFENSES.
(a) The second sentence of subsection (a) of section 1022 of title 21 of the Controlled Substances Act and Safe Streets Act of 1968 (18 U.S.C. App. 1202(a)) is amended by striking
for 'robbery or burglary, or both,' and inserting in lieu thereof 'for a crime of violence or a serious drug offense, or both'.
(b) Subsection (c) of section 1022 of title 21 of the Controlled Substances Act and Safe Streets Act of 1968 (18 U.S.C. App. 1202(c)) is amended by inserting paragraphs (b) and (c) and inserting in lieu thereof:

"(b) 'Serious drug offense' means—


"(c) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.'

Subtitle J—Authorization of Appropriations for Drug Law Enforcement

SEC. 1451. AUTHORIZATION OF APPROPRIATIONS.
(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, $458,000,000 of which $15,000,000 shall be available under State law, for the construction of Federal penal and correctional Institutions.
(b) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, $908,997,000 of which $179,000,000 shall be for the construction of Federal penal and correctional Institutions.
Justice for Support of United States prisoners in Federal Institutions, $55,000,000.

(b) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the compensation of the United States Attorneys, $351,093,000.

Subtitle K—Controlled Substance Control Program

Subtitle L—State and Local Narcotics Control Assistance

S 1551. SHORT TITLE.

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1985".

S 1552. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712 et seq.) is amended—

(1) by redesignating section 1301 as section 1401, and

(3) by inserting after part L the following new part:

"PART H—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"FUNCTION OF THE ATTORNEY GENERAL

"Sec. 1301. The Attorney General shall provide funds to eligible States and units of local government in accordance with this title.

"DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

"Sec. 1302. The Attorney General is authorized to make grants under this part to States and units of local government to carry out this title. The Attorney General shall annually provide such grants in accordance with this part, and to—

(1) provide additional personnel, equipment, facilities, personnel training, and supplies for the enforcement of State and local laws and the production, possession, and transfer of controlled substances, and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons,

(2) provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime labs), personnel training and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution,

(3) provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws, and to pay operating expenses in connection with such adjudication, and to provide quickly temporary facilities in which to conduct adjudications of such cases,

(4) provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating such State laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling services to drug dependent persons convicted of violating State laws,

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted, and

(b) to conduct demonstration programs, in coordination with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenses by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

"APPLICATIONS TO RECEIVE GRANTS

Sec. 1303. (a) To request a grant under section 1302, the chief executive officer of a State shall submit to the Attorney General an application at such time and in such form as the Attorney General may require. Such application shall provide a statewide strategy for the enforcement of State laws relating to the production, possession, and transfer of controlled substances. Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau or the State, as the case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

Sec. 1304. (a) Each State which receives a grant under section 1302 shall submit to the Attorney General, for each year in which any part of such grant is expended by a State or local government entity, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 1303, and

(2) such other information as the Attorney General may require by rule.

Such report shall be submitted in such form and by such time as the Attorney General may require.

(2) Not later than ninety days after the end of each fiscal year for which grants are made under this section, and made under section 1302, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of such grants made to such State for such fiscal year;

(2) the amount of such grants expended for each of the five general purposes specified in section 1302;

(3) a summary of the information provided in connection with such report.

"EXPENDITURE OF GRANTS; RECORDS

Sec. 1305. (a) A grant under section 1302 may not be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any one of the five general purposes specified in section 1302. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b) Not more than 10 percent of a grant under section 1302 may be used for costs incurred in administering such grant.

(c) Each State which receives a grant under section 302 shall keep, and shall require to receive any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit. The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of State and local government entities which receive any part of a grant, made under section 1302.

(d) For the purpose of this section, the term "comptroller general" means the Comptroller General of the United States.

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Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741) are each amended by striking out "parts D and E" and inserting in lieu thereof "parts E and F".

(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended—

(A) by striking out "parts D and E" and inserting in lieu thereof "parts D, E, and F".

(B) by striking out "part D" each place it appears and inserting in lieu thereof "parts D, E, and F".

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by inserting "or M" after "E" and "1306, as the case may be," after "section 408."

(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3788) is amended by inserting "or M", after "E" and "1306, as the case may be," after "section 408.

(5) The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking out the items relating to part M and section 1301, and inserting in lieu thereof the following new items:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

Sec. 1301. Purpose of the Attorney General.

Sec. 1302. Description of drug law enforcement grant program.

Sec. 1303. Applications to receive grants.

Sec. 1304. Reports.

Sec. 1305. Expenditure of grants; records.

Sec. 1306. State office.

PART N—TRANSITIONAL EFFECTIVE DATE—REPEALER

Sec. 1401. Continuation of rules, authorities, and proceedings.

(c) Section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and 1" and inserting in lieu thereof "L and M", and

(B) by redesignating paragraph (6) as paragraph (7), and

(C) by inserting after paragraph (5) the following new paragraph:

"(D) There are authorized to be appropriated—

$15,000,000 for fiscal year 1987, $115,000,000 for fiscal year 1988, and $115,000,000 for fiscal year 1989, to carry out the programs under part H of this title and

(2) in subsection (b) by striking out "and E" and inserting in lieu thereof "E, and H".

Subtitle M—Study on the Use of Existing Federal Buildings as Prisons

Sec. 1601. STUDY REQUIRED.

(a) Within 90 days of the date of enactment of this Act, the Attorney General shall provide to the Attorney General—
the drug. This intense craving can occur in the absence of physical dependence on the drug. Studies have shown that two distinct sites in the brain can be identified, one controlling physical dependence on drugs, and another controlling drug-seeking behavior.

Knowledge of cocaine's actions has led us to explore a number of ways of treating cocaine's deleterious effects. First, we have focused on ways to counteract cocaine's effect on neurotransmitters and to replace deficiencies in neurotransmitters that can occur after chronic cocaine exposure. Some of these approaches appear to hold reasonable promise of success.

Of course, this brief summary can only touch upon the advances made in the neuroscience as they relate to drug abuse. I anticipate major expansions of knowledge and understanding in the near future. For example, we are seeking to develop narcotic antagonists that will block the effects of drugs for prolonged periods of time and we are developing new approaches to diminishing the intense craving and drug-seeking behavior that is a part of drug addiction. We are seeking to understand more about the biochemical nature of the brain and the relationship between the structure of brain chemicals and behavior. We will, in very real sense of the word, begin to understand the essence of what we are.

That is what this amendment is about, scientific research, not coming after the fact of punishment or during the fact in terms of law enforcement, but indeed to the best of our scientific abilities see that there is no problem to begin with or at least see that the problem is caught at its earliest stages. There is nothing very dramatic about this. It really makes us think rather than appreciate the violence of either the problem of the solution. As the long term, the subject matter of this amendment is far and away probably one of most important matters which we will include in this legislative process.

I move adoption of the amendment.

Mr. BIDEN. Mr. President, I wish to compliment the Senator from Connecticut. I think this is an excellent amendment and focuses research on new ways of solving drug abuse. Because, as was stated by the Senator when he first spoke on this bill before we even brought the bill to the floor, when he agreed to waive his rights to debate on whether or not we were going to bring up this bill, he spoke with some eloquence. And I hope the staffs and my colleagues will go back and dig out what he said, that unless we get to the point of dealing with, as our friend from New York, Senator Moynihan, has said, the pharmacology of this issue, we are not going to get to the question of whether or not we are going to be able to do much at all.

Any well-coordinated strategy on this issue requires an emphasis on new treatment approaches. I think the Senator from Connecticut knows a great deal about this area and makes a very significant contribution here because, as I say again, unless we find ways and means to help patients and on ways to deal with solving the drug abuse problem, all the courts, all the interception of interdiction, all the prosecution is not going to solve the problem.

I compliment my colleague from Connecticut.

Mr. WEICKER. I thank my distinguished colleague from Delaware for those very gracious remarks.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

Mr. THURMOND. I believe we have expressed our approval of the amendment. The PRESIDING OFFICER. The question is on agreeing to the amendment from Senator from Connecticut (Mr. Weicker).

The amendment (No. 3042) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3043

(Purpose: To provide funds for programs which identify the needs of drug-dependent offenders)

(1) striking "and" at the end of clause (5);

(2) striking the period at the end of clause (3) and adding at the end

(3) inserting "."

After the amendment is agreed to, the amendment to the amendment be disposed of.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask for immediate consideration of the amendment that I have sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The Senator from Delaware (Mr. Breslin). Mr. President, I propose an amendment numbered 3043.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Section 152(a)(3) of the bill is amended by amending proposed section 1302 of part M of title I of the Omnibus Crime Control and Safe Streets Act of 1986 by—

(1) striking "and" at the end of clause (5);

(2) striking the period at the end of clause (6) and inserting ","; and

(3) adding at the end thereof the following:

"(7) provide grants for programs which identify and meet the needs of drug-dependent offenders for treatment as provided in subsection (7) of section 3043(a)(1)."

Mr. KENNEDY. Mr. President, one of the key components of an effective antidrug program is treatment of drug abusers.

My amendment would authorize grants to State and local governments to fund the Treatment Alternatives to Street Crime (TASC) Program, which provides treatment to drug-abusing offenders. The grants would be part of the drug law enforcement grant program created by the Anti Drug Abuse Act of 1986.

The TASC programs are currently funded by grants from the Bureau of Justice Assistance, but the Senate version of the State, Justice, Commerce appropriations bill contains no funding for Bureau of Justice Assistance grants. These vital programs will go unfunded if this amendment is not adopted.

The TASC Program was designed as a response to a rapidly increasing property crime rate caused, in significant part, by drug offenders. Pretrial, probation, and parole clients are placed in treatment programs under close supervision to prevent their return to illicit drug use and crime. As of 1983, over $2,000,000 drug-abusing offenders had participated in 72 TASC programs. Savings had been realized from the program due to decreased correctional, court, prosecutorial, and probation workloads. For example, of those successfully completing the program, about one project, 91 percent had no subsequent arrests.

Although budget reductions have precluded comprehensive program evaluations since 1983, there is every indication that the TASC Program continues to be useful and effective. In 1986, Alabama, Alaska, Arizona, Delaware, Hawaii, Maryland, North Dakota, and Wisconsin used TASC as...
their primary Justice Assistance Act Program. There are currently 100 TASC programs in 36 States receiving $60,000 in Federal justice assistance funds.

It is essential, as part of our war against drugs, that we continue to fund these treatment programs. I urge my colleagues to adopt this amendment.

Mr. BIDEN. Mr. President, by way of explanation here—and I thank you for your indulgence, the patience while I fumble through my papers here. So many of my colleagues have come forth with amendments asking me to look at them and clear them that I lost the amendment in a pile of about 12 others that have been suggested.

Mr. President, I offer this amendment on behalf of Senator KENNEDY.

Mr. President, one of the key components of an effective antidrug program is the treatment of drug abusers. Senator KENNEDY's amendment would authorize grants to the State and local governments to fund what are called TASC programs, which provide treatment for drug abusers. The grants would be part of the Drug Law Enforcement Grant Program created by the Anti-Drug Abuse Act of 1988.

The TASC Programs are currently funded by grants from the Bureau of Justice assistance, and the Senate version of the State, Justice, and Commerce Appropriations Bill contains no funding for the Bureau of Justice assistance grants. These vital programs will now go unfunded if this amendment is not adopted. The TASC Program was designed as a response to a rapidly increasing crime rate caused, in significant part, by drug offenders.

And there is no doubt in anyone's mind that so much street crime, somewhere on the order of 50 percent of all the street crime in America is attributable to drug abuse. That is, when someone wants to go buy the cocaine or go buy the heroin or go buy the marijuana, they crack someone over the top of the head, take their wallet, take their purse, and half the time they are under the influence at the time.

I see my colleague from Arizona standing. I am happy to yield to him.

Mr. GOLDWATER. I was interested in what the Senator had to say about the cost of the dope habit. And I recall—I may be wrong—but I think I recall that England at one time sold narcotics at drugstores without prescriptions or anything else. I have often said that, and I wonder—whether that might not be a cure in our country. They are going to kill themselves eventually. Let them do it cheap.

Mr. BIDEN. Well, you know, Mr. President, we sometimes smile about that, but the Senator from Arizona has raised a question that in my view is very, very thoughtful and intelligent, and I thank you for your indulgence here, particularly Mr. EIDEN—my friend from Arizona not only has the insight to raise the tough questions, but has the courage to raise them.

Quite frankly, as my colleague from Arizona knows, most people would not even want to raise that question for fear that the作出的 proposal would run around saying, "Charlie Smith is for heroin, and Charlie Smith is for such and such." We need more of that kind of input into this question that we are dealing with here.

But I say to my friends from Arizona and the United States that it seems to me, I say to my friend from Arizona, we would be making such a statement about the addition of this country that it is something we could not live with, that if we as a country were to conclude that notwithstanding the fact we could reduce crime, the price at which we would reduce heroin is something that is patently immoral on its face, and legalize something that in fact we know will result in the death of thousands and thousands of Americans. Although on the other hand, the argument can be made we probably would have less crime, and we would have less of a pernicious impact on the part of organized crime, and we have a society opted not to do that. As usual—and I am not being societiously—my friend from Arizona not only has the insight to raise the tough questions, but has the courage to raise them.

I personally wish the Senator from Arizona was not leaving this body. He keeps us all straight. As I said once before, I will say it again, I have been in elective office 16 years. And the Senator from Arizona has more integrity in his little finger than most people I have met have in their whole body, and it is a great loss to this body that he will be leaving.

I will yield to my colleague from Florida. Then I would like to at some point finish my statement.

Mr. CHILES. On the question of this amendment before us, I wanted to say to the Senator from Delaware we have had some of these demonstration projects in Florida. They have worked extremely well. In fact, I have heard about those demonstration projects from the law enforcement people who say that the idea of having the counselors come in to the jail and counsel addicts that are there has been extremely beneficial.

I think part of the package that we are dealing with here recognizes that we are going to increase penalties, and going to the slammer if they are involved in drugs. At the same time, I think we want to give them some help while they are there so that they do not just stay
(g) Vessel, vehicle, or aircraft deemed public vessel, public vehicle or public aircraft of the United States, and shall not be deemed to be a vessel, vehicle, aircraft or radio station of the Customs Service, but shall not be counted against any limits expressed in subsection (a) or (b).

(h) Availability of Appropriations. — Appropriations of the Customs Service shall be available for the payment of compensation for personal expenses, such as uniforms and necessary traveling expenses, as well as subsistence or per diem for volunteer members of the Reserve who are assigned to authorized specific duties and for actual necessary expenses of operation of any vessel, vehicle, aircraft, or radio station or other special equipment when assigned to Customs Service duty, but shall not be available for the payment of compensation for personal services, incidental to such operation. The term "actual necessary expenses of operation," as used in this subsection, shall include expenses for fuel, oil, power, water, supplies, provisions, replacement or repair, or radio station where it is determined, under applicable regulations, to be necessary for the protection of revenue or property, loss, or damage necessitating such replacement or repair of equipment, or for the damage or loss to the actual, or reserve, aircraft, or radio station rests with the Customs Service.

2: Assignment and Performance of Duties. — No volunteer or member of the Reserve solely by reason of such volunteer status shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the Customs Service except that any such authority applicable to such volunteers, be assigned specific duties, which after appropriate training and examination, he has been found competent to perform, to effectuate the missions of the Customs Service. No volunteer or member of the Reserve shall be placed in charge of a vessel, vehicle, aircraft, or radio station assigned to Customs duty unless he has been specifically designated by authority of the Commissioner to perform such duty. Volunteers and Members of the Reserve, when assigned to specific duties as herein authorized shall, unless otherwise directed by the Commissioner, be vested with the same power and authority, in the execution of such duties, as members of the regular Customs Service are assigned to similar duty. When any volunteer or member of the Reserve is assigned to such duty he may, pursuant to regulations, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government.

3: Federal Employee Status for Volunteers. — (1) Employment status of volunteers. Employment as otherwise provided in this section of any such vessel, vehicle or aircraft as may be available to assist in drug enforcement and drug interdiction operations of the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service is hereby authorized.

(2) Tort claims and litigation. For the purpose of the tort claim provisions of title 28 of United States Code, and section 1302 of part M of title I of the Omnibus Crime Control and Safety Streets Act of 1988 by —

(1) striking "and" at the end of clause (5);
(2) striking the period at the end of clause (6) and inserting "", and"; and adding at the end thereof the following:

(7) provide grants for programs which identify and assist the needy drug-dependent offenders for treatment as provided in section 403(a)(8)."

DE Concini and Others Amendment No. 3044

Mr. De Concini (for himself, Mr. Dixon, Mr. D'Amato, Mrs. Hawkins, Mr. Mattingly, Mr. Wilson, and Mr. Levin) proposed an amendment which was subsequently modified, to the bill (H.R. 5484), supra; as follows:

At the end of title III insert the following new section:

Sec. 3062. Additional Department of Defense drug enforcement assistance.

(b) General Requirement. — (1) Within 90 days after the date of the enactment of this amendment, the Secretary of Defense shall make available to the United States Customs Service and submit to the Committees on Armed Services and Appropriations of the Senate and the Committee on Appropriations of the House of Representatives —

(A) a detailed list of all forms of assistance that shall be made available to civilian drug enforcement and drug interdiction agencies, including the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service;

(B) a detailed plan for promptly lending equipment and rendering drug interdiction-related assistance included on such list;

(c) The list required by paragraph (1) of this section shall include, but not be limited to, the following matters:

(A) Surveillance equipment suitable for detecting air, land, and marine drug transportation activities.

(B) Communications equipment, including secure communications.

(C) Support available from the reserve components of the Armed Forces for drug interdiction operations of civilian drug law enforcement agencies.

(D) Intelligence on the growing, processing, and transshipment of drugs in drug source countries and the transshipment of drugs between such countries and the United States.

(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction activities.

(F) Aircraft suitable for use in air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

(G) Marine vessels suitable for use in maritime detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies, including the Customs Service, the Immigration and Naturalization Service, and other Federal agencies having drug interdiction or drug eradication responsibilities, as authorized by law.

(b) Committee Approval and Final Implementation. — Within 30 days after the date on which the Committees referred to in subsection (a) receive the list and plan submitted under such subsection, the Committees shall submit their approval or disapproval of such list and plan to the Secretary. The
September 30, 1986

CONGRESSIONAL RECORD — SENATE

S 14269

OMNIBUS DRUG ENFORCEMENT
EDUCATION, AND CONTROL ACT

Mr. SASSER. Mr. President, I add my voice this afternoon to those supporting this important piece of legislation known as the Antidrug Abuse Act.

Those of us on the democratic wing of the Senate and we are urging a new with us much too long. We know concerns that I have voiced in the a piece-meal approach simply will not against drugs. For the first time, we are taking a major step in the battle work. We simply cannot operative study by Federal, and drug abuse in our society. We

my voice this afternoon to those bill.

time and care that went into drafting passage of this act.

The aircraft lands, there is a quick unloading, and it is gone. Or now they have perfected the technique where the aircraft does not even land. It simply does what is known as a touch and go, rolling down the airstrip, the bags of drugs are thrown off, and the aircraft is gone in a matter of seconds.

These airports and airstrips are a particular problem. As I indicated earlier, many are operated only in the daytime. At night, police are not there unattended and they are unmanned. They can be marked simply by automobile head lights being left on at one end of the airstrip and the other just to mark the both ends. And a skilled drug smuggler can land his aircraft with just that type of illumination at night. They are perfect landing sites for drug smugglers, and what we are seeing is smugglers flying over Florida and even over Georgia as efforts to interdict drugs have intensified there, landing in the eastern part of Tennessee and drugs actually being moved by automobile back down to the markets in Florida.

Second, throughout the education, prevention, and treatment actions of this bill we ensure that there will be a broad community involvement in the development of these programs. As I have talked to the people in my State who are involved in drug abuse treat ment and prevention, they have continuously voiced the need to involve all parts of the community if a program is to have any hope of success in dealing with drug abuse and drug treatment.

In addition to these important matters, the bill increases the penalties for drug crimes. It also includes crack as a schedule I drug—that is those that have no medical value. That is where crack belongs. It is as dangerous as any drug on the street and more addicts than almost all of them. The bill also provides assistance to State and local law enforcement agencies, and it provides increased resources for Federal agencies and the military to fight drug smuggling.

On the other side of the equation—that is, what to do to prevent the use of drugs—we provide grants for drug education, treatment, and prevention. We simply must convince our people—especially our young people—to avoid drugs. This portion of the bill will provide the resources desperately needed by our schools and community groups to provide education and treatment. We also increase funding for the regional training centers so that they may provide training and materials to teachers and school administrators.

So, Mr. President, what we have put together here is a comprehensive bill that gives us a real chance to make headway in our ongoing battle against this poison that is sapping the very vitals of our society. I am pleased that we have taken this step, and again I commend the efforts of all those who have helped draft this legislation.

Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

REMOVAL OF INJUNCTION OF SECRECY—TREATY WITH ICELAND TO FACILITATE THEIR DEFENSE RELATIONSHIP

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I ask unanimous consent to speak as in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from a Treaty between the United States and Iceland to Facilitate their Defense Relationship (Treaty Document No. 99-31), transmitted to the Senate today by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the Republic of Iceland to Facilitate their Defense Relationship, with related Memorandum of Understanding, signed at New York on September 24, 1986. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

Iceland is a vital United States ally that provides defense facilities of strategic importance to the defense of the United States and NATO. Recently, a troublesome issue has arisen concerning Iceland's transportation base to the base in Iceland, an issue that could impair the critical United States-Iceland defense relationship. Although for approximately 14 years such car-
Mr. HATFIELD. Mr. President, I ask unanimous consent that proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will come to order. The Senator from Oregon.

Mr. HATFIELD. Mr. President, could I inquire of the Chair what the parliamentary situation is at the moment?

The PRESIDING OFFICER. The pending business is the committee amendment and under the previous order of the Senate only two amendments are in order, one by the Senator from Oregon and the Senator from New Mexico, and the other by two other Senators.

Mr. HATFIELD. I thank the Chair.

AMENDMENT NO. 3091
(Purpose: To express the sense of the Senate with respect to the appropriation of funds to carry out this Act)

Mr. HATFIELD. Mr. President, I send an amendment to the desk, on behalf of the Senator from Mississippi (Mr. STENNIS) and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself and Mr. STENNIS, proposes an amendment numbered 3091.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

Sec. (a) The Senate finds that—

(1) there is an urgent critical need for funds to carry out the programs and activities provided for under provisions of this Act in order to ensure a drug free America.

(2) this Act is the result of a bipartisan effort to combat our national drug abuse problem and

(3) only the exceptional nature of the drug abuse problem warrants the expenditure of funds in excess of otherwise applicable budget limitations.

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

(1) amounts authorized to carry out the preceding provisions of this Act should be provided as new budget authority for fiscal year 1987 in H.J. Res. 738 (99th Congress, 2d Session)

(2) such amounts should not be provided through transfers from, or reductions in, any amount appropriated by such joint resolution for any other program, project, or activity for such fiscal year.

Mr. HATFIELD. Mr. President, let me put this amendment into context. Last week we were engaged in a discussion on a bill that would set up a drug program costing approximately $600 million. I raised the question at that time as to the course of funding that would be pursued to implement it, assuming the drug program authoriza—
September 30, 1986

CONGRESSIONAL RECORD — SENATE S 14273

Appropriation of Funds

In the meantime, we have discussed this matter with the President. I would like to leadership we have discussed it with the leadership of the Senate, and other interested parties, and this particular amendment is the Senate's and the Appropriators'. It is, in essence, a sense of the Senate resolution—saying in effect that the funding of any drug program that is authorized by the Senate at this time in the budget resolution is so to say, after the end of the session, will take place from additional resources that will be made available to the appropriators. We do not have any maneuvering room to fund any $600 million of a very important program should it be authorized relating to drugs. This merely sets the Senate on record as saying in effect that we will fund such programs out of additional budget authority for the fiscal year. We are not providing any resources. We are not specifying them. This merely sets the stage for the Appropriation Committee and the Senate Appropriators to be able to fund such programs out of additional budget authority for the fiscal year. We are not saying in effect that we will fund such programs out of national attention and, interestingly enough, before it ever goes to conference with the Senate, which has an authorizing bill pending at the desk. They have funded aspects of their drug bill in their appropriations bill.

We have been waiting around to pass it. It is an authorizing bill. We are in a very strange position. The House version of a drug bill has received a lot of national attention and, interestingly enough, before it ever goes to conference with the Senate, which has an authorizing bill pending at the desk, they have funded aspects of their drug bill in their appropriations bill.

We are now in a very strange situation, where we will not have a drug bill finished—or I do not think we will, I say to the chairman—before the CR is voted on in the Senate, that is, the omnibus CR has to be called upon, as U.S. Senators, to vote with a lot of vigor for a drug bill before we ever get a drug bill. Yet, we have to pay for some of it in a continuing resolution that is an appropriation bill that is basically pending before the Senate.

So, in working with the appropriators, I find the following, and I urge the Senate Appropriators to adopt this amendment.

Basically, what our appropriators will have done is taken the budget resolution that came out of conference between the House and the Senate, and that is the continuing resolution that is an appropriation bill that is basically pending before the Senate. We have been waiting around to pass it. It is an authorizing bill. We are in a very strange position. The House version of a drug bill has received a lot of national attention and, interestingly enough, before it ever goes to conference with the Senate, which has an authorizing bill pending at the desk, they have funded aspects of their drug bill in their appropriations bill.

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BASICALLY, we are at our wits' end. We have been waiting around to pass it. It is an authorizing bill. We are in a very strange position. The House version of a drug bill has received a lot of national attention and, interestingly enough, before it ever goes to conference with the Senate, which has an authorizing bill pending at the desk, they have funded aspects of their drug bill in their appropriations bill.

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We are now in a very strange situation, where we will not have a drug bill finished—or I do not think we will, I say to the chairman—before the CR is voted on in the Senate, that is, the omnibus CR has to be called upon, as U.S. Senators, to vote with a lot of vigor for a drug bill before we ever get a drug bill. Yet, we have to pay for some of it in a continuing resolution that is an appropriation bill that is basically pending before the Senate.

So, in working with the appropriators, I find the following, and I urge the Senate Appropriators to adopt this amendment.

Basically, what our appropriators will have done is taken the budget resolution that came out of conference between the House and the Senate, and that is the continuing resolution that is an appropriation bill that is basically pending before the Senate. We have been waiting around to pass it. It is an authorizing bill. We are in a very strange position. The House version of a drug bill has received a lot of national attention and, interestingly enough, before it ever goes to conference with the Senate, which has an authorizing bill pending at the desk, they have funded aspects of their drug bill in their appropriations bill.
Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. CHILES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I will be happy to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, as I understand, the distinguished manager on the Democratic side has no objection to the technical amendments.

Mr. BIDEN. No, there is no objection on this side.

Mr. THURMOND. Mr. President, I move the technical amendment be adopted.

The PRESIDING OFFICER. The amendment has not been presented.

AMENDMENT NO. 3092

(Purpose: To make certain technical corrections to sections 920, 924 and 3092 of the Controlled Substances Act)

Mr. BIDEN. Mr. President, I send the amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the amendment? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. Biden), for himself and Mr. Thurmond, proposes an amendment numbered 3092.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

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The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.
otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year;"

(4) by striking out "section 405" on page 2, line 12, and all that follows through "and thereafter" on page 2, line 10, and inserting in lieu thereof the following: "Section 405(a) of the Controlled Substances Act (21 U.S.C. 845(a)) is amended by adding the following at the end thereof: 'Except to the extent a greater minimum sentence is otherwise provided by section 845a, a term of imprisonment under this subsection shall not be less than one year.'"; and

(5) by striking out "Section 405" on page 2, line 12, and all that follows through "schedule" on page 2, line 20, and inserting in lieu thereof the following: "Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended by adding the following at the end thereof: 'Except to the extent a greater minimum sentence is otherwise provided by section 405(a), a term of imprisonment under this subsection shall not be less than one year.'"

Section 18. Amendment No. 3066 is further amended by deleting on page 5, lines 1 and 2 after the word "requester" the following: "(II) a requester is indigent and can demonstrate a **"**.

Amend section 2002:

Referring to section 481(h)(XIA) to read as follows:

"(h) (1) The Secretary may utilize by agreement, with or without reimbursement, the personnel services of any Federal, tribal, State, or local government agency to the extent he deems necessary and appropriate for effective enforcement of any Federal or tribal laws or regulations in Indian country. The Secretary may commission law enforcement personnel of such agencies to exercise such of the authorities set out in subsection (a) of this section as the Secretary deems appropriate. Appropriately representative offices of Federal agencies are hereby authorized to enter into and carry out such agreements with the Secretary or with duly authorized tribal officials.

(2) While acting in the capacity of a person commissioned by the Secretary pursuant to this section, any person who is not otherwise a Federal employee, shall be deemed a Federal employee for purposes of--

(A) section 3744(c)(2) of title 5, United States Code, and

(B) sections 111 and 1114 of title 18, United States Code.

(3) For purposes of subsection (b) of section 3744 of chapter 25 of title 18, United States Code, an employee of a State, or local government agency shall be considered an eligible officer while acting in the capacity of an officer commissioned pursuant to this subsection--".

The PRESIDING OFFICER. The question is on agreeing to the amend­ment.

The amendment (No. 3092) was agreed to.

Mr. THURMOND. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if I may proceed for 1 minute, there is a technical amendment in the process of being cleared. It has not been cleared thus far. We have a number of Members who are in conferences in about nine other places. I think what we ought to do is to go ahead and vote. That amendment will be made. We have been waiting for 30 or 40 minutes. Perhaps we can take care of it afterward.

Mr. DOLE. Mr. President, if I may proceed for 1 minute, there is a technical amendment in the process of being cleared. It has not been cleared thus far. We have a number of Members who are in conferences in about nine other places. I think what we ought to do is to go ahead and vote. That amendment will be made. We have been waiting for 30 or 40 minutes. Perhaps we can take care of it afterward.

Mr. DOLE. Mr. President, I send a request for its immediate consideration.

The Assistant Legislative Clerk reads as follows:

The Senator from Kansas [Mr. Dole] proposes an amendment numbered 3093.

Mr. DOLE. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment is so ordered.

The amendment is as follows:

Amend subsection 421B(b) to read as follows: "(c)(1) The Secretary may utilize by agreement, with or without reimbursement, the personnel services of any Federal, tribal, State, or local government agency to the extent he deems necessary and appropriate for effective enforcement of any Federal or tribal laws or regulations in Indian country. The Secretary may commission law enforcement personnel of such agencies to exercise such of the authorities set out in subsection (a) of this section as the Secretary deems appropriate. Appropriately representative offices of Federal agencies are hereby authorized to enter into and carry out such agreements with the Secretary or with duly authorized tribal officials.

(2) While acting in the capacity of a person commissioned by the Secretary pursuant to this section, any person who is not otherwise a Federal employee, shall be deemed a Federal employee for purposes of--

(A) section 3744(c)(2) of title 5, United States Code, and

(B) sections 111 and 1114 of title 18, United States Code.

(3) For purposes of subsection (b) of section 3744 of chapter 25 of title 18, United States Code, an employee of a State, or local government agency shall be considered an eligible officer while acting in the capacity of an officer commissioned pursuant to this subsection--".

The PRESIDING OFFICER. The amendment (No. 3093) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The substitute amendment (No. 3034), as amended was agreed to.

Mr. DOLE. Mr. President, I rise today to express strong support for the Anti-Drug Abuse Act of 1986. The work of the bipartisan group that put this bill together combines the essential elements to make it work. We have introduced on both sides of the aisle. I was a co-sponsor of the bill drafted by the Senate Democratic Task Force. It contained the key elements needed to attack the problem of drug abuse. The bill now before us builds on that effort and will make a major attack on drug abuse in this country.

Drugs are a scourge in our society. They are ruining the lives of too many of our young people. Drugs distort people's values, sap their energies, and steal their futures. The ready availability of drugs on the streets of our cities is a shocking disgrace. The blatant selling and use of illegal drugs in the open is a slap in the face to law-abiding citizens and an open expression of contempt for the majority of our society. And drugs increase the wave of urban crime that plagues resi­dents of all our State.

To fight this scourge, we need to make the costs of drug dealing unaccep­table to those who exploit our young in a cynical and sickly pursuit. Drugs cannot be tolerated. Those who would sell them illegally must be stopped. And those who turn to them, either out of unhappiness or from other causes, must be treated. Our young people, at a very early age, must be taught to say no to drugs.

The Anti-Drug Abuse Act recognizes the need to decrease the demand for drugs. It increases the authorization for treatment and rehabilitation programs. It also establishes a new grant program for education programs. This, and other elements in the bill, will raise the visibility and viability of programs to educate young people to the dangers of drugs and to assist those who wish to free themselves of drugs. This is a crucial aspect of any antidrug fight.

But demand is only half of the equation. Supply must also be addressed. Illegal drugs are a big business. An enormous amount of money is to be made in this business, starting with the
September 30, 1986

CONGRESSIONAL RECORD — SENATE

S 14281

One would think that Americans would be aware of the potential health hazards of alcohol abuse. However, in a recent survey of substance abusers, 57 percent of Americans had even heard of fetal alcohol syndrome. A recent National Center for Health Statistics study indicates that Americans know less about the adverse effects of alcohol on health than they do about the harmful effects of smoking.

Mr. President, I believe that it is time for a concerted national effort to educate the American people about some of the serious consequences of alcohol use. For many years, it has been my opinion that health warning labels on alcoholic beverages would assist in this educational process.

The resolution which has been included in this legislation requests the Public Health Service to conduct studies on the most effective ways of providing such education. The Public Health Service is requested to include in their report to Congress findings on the impact of health warning labels on alcoholic beverages and recommendations for specific language for such labels.

This study would be a valuable step in our efforts to educate the American people on the serious health consequences of alcohol abuse. I urge my colleagues who may serve on the conference committee for this legislation to maintain these provisions in the conference report.

RESPONDING TO THE CRISIS OF DRUG ABUSE

Mr. RIEGLE. Mr. President, I rise today to support S. 2878, the Anti-Drug Abuse Act. I am pleased that the Senate was able to craft this bipartisan package which is a critical first step in addressing the critical problem of drug abuse which scourges our Nation.

Drug abuse is a real and growing national tragedy. The economic consequences—ranging from lost productivity to bad decisions, to crimes and accidents—cost our country an estimated $60 billion a year. The human costs are beyond measure and can be seen in all age, economic, social, and ethnic groups in our country. No family or neighborhood is safe from the epidemic.

The bill before us is a broad-based approach to address our drug problem. It strengthens penalties and creates new criminal offenses for those who profit from the illicit drug trade in this country. It takes needed steps to stem the flow of illegal drugs into our country by reducing smuggling and by interdicting efforts with additional resources for our Coast Guard, Customs Service, and Drug Enforcement Administration. It provides more assistance to our local police to help fight drug abuse. It expands education and rehabilitation programs and expands treatment programs in schools and clinics. It covers a broader range of drugs and tougher penalties for drug pushing.

I am pleased that the legislation addresses the problem on both fronts—enhanced interdiction and enforcement efforts to reduce the supply of drugs available in this country and expanded education and rehabilitation programs and expanded treatment programs in schools and clinics.

Mr. President, I believe that the demand for drugs can only be curtailed through major new education and treatment efforts. As a former chairman of the Alcoholism and Drug Abuse Subcommittee, I believe that we can continue to make important strides in reducing drug abuse by working together and making it very difficult to obtain drugs and unacceptable to use them.

Mr. President, it is important that the Senate has turned its attention to a scourge which has infected every community in our country. The Anti-Drug Abuse Act of 1986 is a bipartisan package of provisions that are important means to reduce recidivism of drug-dependent individuals, to make our communities safer, and to get better results on this front. But individual efforts by themselves will not be sufficient. Government must also play a larger role. And I believe that the bill before us will authorize new and expanded drug education and treatment programs in schools and clinics, tougher and more expansive interdiction efforts at the borders, more expansive international efforts to try to slow down drug production and shipment of drugs and tougher penalties for drug pushing.

I applaud the excellent bipartisan work done on both sides of the aisle and in both Houses of Congress. In particular, I commend the Senate Democratic task force led by Senator Byrd, Senator Boren, and Senator Chiles, which produced the far-reaching bill introduced 2 weeks ago with 47 cosponsors.

I strongly support the positive initiatives in the core package now before us to strengthen our arsenal in the war against drugs. The bill introduced last Thursday was a good start, and it has been improved by amendments to limit nondisclosure of information by the Government and provide for fee waivers for reporters and public interest groups seeking access to materials pursuant to the Freedom of Information Act. The Senate has accepted an amendment to include treatment for drug offenders as part of the drug law enforcement State and local assistance grant program. This is a critically important means to reduce recidivism of drug offenders.

We now have a strong antidrug bill unencumbered by proposals that would seriously undermine civil liberties, such as the death penalty, limitations on the exclusionary rule and the availability of habeas corpus. I urge my colleagues in the Senate to support the bill. I hope the House will accept

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the Senate bill, so that we can enact a tough antidrug law this year.

We have a responsibility to act now to provide the tools necessary to eradicate narcotics trafficking and drug abuse.

The widespread use of illegal drugs is one of the most pressing problems facing our Nation. Illegal drugs are killing children and destroying families. Vast profits from the sale of illegal drugs have created a new criminal underworld which promotes violence and feeds on death. The illness, lost productivity, and crime associated with illegal drugs costs society $60 billion a year. But there is no way to put a dollar value on the agony school seniors smoke marijuana at least once a month. Four to five million Americans use cocaine each month. Twenty-six percent of high school seniors have tried cocaine.

And the problem extends far beyond illegal drugs. Twelve million adults exhibit symptoms of alcoholism. One high school student in five is drunk at least once a month. And one American family in three has suffered problems from alcohol abuse. Overall, alcohol abuse costs the American economy in excess of $100 billion a year.

There are three essential elements in an effective program to reduce drug abuse: education, treatment, and prevention. I am hopeful that the legislation we are debating today will make an important contribution in all of these areas.

**EDUCATION**

The best way for a person to avoid becoming a drug abuser is never to try illegal drugs. There are a number of obvious steps that should be taken to encourage young people not to take drugs—greater focus in schools on the harmful consequences of drug abuse; education in testing the peer pressure that is such a potent force for adolescents; more open lines of communication between parents and children; and most of all, a change in social attitudes toward drug abuse.

In Massachusetts, pioneering efforts to control drug abuse have been implemented through the Governor's Alliance Against Drugs. Drug users and addicts who are well concerned with education, health, and law enforcement have joined forces with the business community and the media to produce a coordinated campaign. Effective curricula have been implemented in the schools, and communities and the media have worked to ensure that the message of drug abuse is heard at the schools as well. A 5-year plan to expand and improve the alliance have been produced.

Federal programs to fight this growing menace must include all sectors of our society in a similar coordinated, long-term campaign. The bill before us provides substantial additional funds to schools and communities to launch such broad-based education programs.

**TREATMENT**

No program of education will ever be 100 percent effective. Accordingly, it is essential that treatment and rehabilitation programs are in place for those who abuse drugs and wish to stop. In every section of the country, treatment programs are filled to capacity. In the District of Columbia, there are 15,000 people in need of treatment, but only 3,000 places for treatment. Even where there are places available, those who need treatment often lack insurance coverage or resources to cover the cost of care.

Every day, parents face the dilemma of discovering that a child is abusing drugs, convincing the child to accept treatment, and then finding that the treatment programs have no vacancy or the cost is not affordable.

Despite the lip service which the administration has paid to the importance of the drug problem, it has cut back funds for treatment under the alcohol, drug abuse, and mental health block grant. Those funds are the major Federal effort in this area—but today's funding was only 70 percent of the resources available in 1980 after adjustment for inflation. The proposal we are debating today will help restore those unconscionable reductions.

Even more important than direct Federal funds for treatment is the need for health insurance programs to provide coverage for treatment. Such coverage has proven cost-effective in the area of alcoholism, and will be equally effective in drug abuse. It is essential that addicted Americans have access to treatment programs.

**PREVENTION**

Our law enforcement officials need more effective tools to combat the explosion of drug trafficking and drug abuse. This bill provides many essential weapons in the war against drugs. It enacts enhanced penalties and fines aimed at drug syndicates and drug traffickers. It also updates the Controlled Substances Act to include new and devastating drugs like "crack" and designer drugs.

One of the most critical roles for the Federal Government in the war against drugs is assistance to State and local law enforcement. Most drug offenses are prosecuted at the State or local level. This bill provides assistance to these jurisdictions to repeal the invasion of drugs in our neighborhoods and homes. There are State and local programs in place to combat drug abuse. The federal government has a responsibility to support those programs.

I urge the Senate to approve this measure promptly.

**DRUGS: TERRORISM WITHIN OUR BORDERS**

Mr. DOMENICI. Mr. President, when terrorists kill Americans abroad, we rightly feel a sense of outrage at the act. We take what steps we can to punish the terrorists.

Yet, faced with a threat that can only be termed terrorist from within our border, we waffle. We avoid the issue, and we fail to confront it head-on.

I am talking about drugs, drugs that undermine our society, threaten our way of life, and kill Americans just as surely as the bombs tossed by terrorists do.

The use of illicit drugs is clearly one of the biggest threats facing our society. It destroys lives. It saps the minds and lives of our young people.

We must meet this threat and eliminate it.

The extent of illicit drug use in this country is terrifying. Sixty-six percent of all young adults 18 to 25 have used illicit drugs at one time or another. Fifty-four percent of high school seniors have tried marijuana. Twenty-six percent have used stimulants. Seventeen percent have used cocaine. Eleven percent have used tranquilizers. Five percent have used pcp. Twenty-five percent of adults over 26 have used illicit drugs. In 1984, Americans smoked 9,200 tons of marijuana, snorted 76 tons of cocaine, and injected 8 tons of heroin into their veins.

We cannot attack this problem piecemeal. We need an all-out assault...
Fifth, provide assistance for State and local law enforcement agencies.

There are, of course, other provisions that have included in this bill. I believe inclusion of the death penalty, a limitation on the exclusionary rule and habeas reform would have further improved this fine legislation. I commend Congressman Lummus and Clekas and those Members in the House who valiantly and successfully struggled to include such provisions in the House bill.

There are many who have put forth substantial efforts to make this drug package a reality. I want to thank the able majority leader for his outstanding leadership and enormous contribution to this legislation. Sheila Burke and Jim Whittinghill of his staff have worked tirelessly to put this package together. I applaud them for their dedication to this achievement.

I express my appreciation to Senator Hawkins who has long been active in the campaign against drugs. She has made significant contributions to this antidrug package. I thank John Dunlavy and Roberta Shonitz of her staff for their participation.

I wish to acknowledge the contributions of Senator Denton for his promotion of important provisions of this bill.

I thank Senator Rudman and his staff person Santal Manos.

On the other side, I commend the able minority leader for his participation and wish to note the efforts of his staff person Sally Mernissi.

I appreciate Senator Biden's diligence in making this bill possible. His staff members Scott Green and John Bentigulio deserve credit for their contributions.

I thank Senator Chiles for his participation in bringing about this compromise package and commend Debbie Kilpatrick of his staff for her contributions.

Finally, I recognize Dennis Shedd, Diana Waterman, Terry Wooten, Mike Regan, Cindy Blackburn, Mike Tong, Kathy Mearhead of my staff who contributed greatly to the success of this package.

In closing, illicit drugs have ruined untold numbers of lives. The cancer of drug abuse has continued to grow as colossal drug dealers profit from the addiction of others. The potency of this bill is that drug dealers who have profited in the past will be thrown harshly in the future. I believe this powerful legislation will be effective in helping to rid this country of its destructive drug problem.

In concluding, Mr. President, I rise today to express my enthusiastic support for the bipartisan drug package that we vote on today. If passed, the Anti-Drug Abuse Act of 1986 will be the most encompassing revision to our approach to drug abuse since the comprehensive Drug Abuse Prevention and Control Act was passed some 16 years ago.

I call attention to the 1970 act because it highlights an important issue that has accompanied our recent efforts on the drug fronts. The 1970 act was signed at the time as a virtual solution to drug abuse in America. And while it enacted into law important provisions relating to drug control, it is clear that the legislation passed 16 years ago did not stop drug abuse in this Nation. Drug abuse remains a national problem of overwhelming proportions. And that is why we are here once again, to enlist the Federal Government in an aggressive campaign to decrease this Nation's seemingly insatiable demand for narcotics and other dangerous drugs.

And just as the 1970 act did not solve the drug problem, the legislation we have before us today will not solve that is a very good piece of legislation. The Anti-Drug Abuse Act of 1986 takes many positive and long overdue steps to decrease narcotics abuse, but we must avoid the political temptation to overstate our case. America will not be cured overnight, or in the next year or even in the next decade.

The struggle to move this country toward a drug-free society, will require a consistent and steady attitude about drug use. We must be honest with the American people in these efforts, encouraging them with our victories, and being honest in our defeats. Most of all, we need to act carefully, and reasonably, always mindful of the enormous responsibility we have in responding to the drug epidemic in America.

Before speaking to the merits of this bill I would like to say that I am very proud of the Members of this body who put politics aside, and crafted a bill that is a very good piece of legislation. From the outset, many of us urged this body to act responsibly in crafting a Senate drug bill, to handle "this package with care" as the Washington Post so appropriately put it in a recent editorial.

I must confess, there are certain important initiatives that I support that are not a part of the bill now before us. And there are other Members of this body who would have included additional provisions if the crafting of this bill was left solely to their discretion.

But as is so often the case, when we are dealing with problems that affect this Nation in such a profound, and in this case pernicious way, it is impossible for every Member of this body to agree on every specific provision. Instead, in responding to the threat that drug abuse poses to this Nation's health and the health of our young people, we must leave the larger battles for another day, so that we may move those initiatives upon which we all can agree and which can move us closer to our goal, in this case a drug-free America.

I would like to return to the merits of this legislation. Any effective proposal to decrease drug abuse must involve strategies to both reduce the supply and demand for drugs. This legislation addressed both of these aspects.

On the supply side, this package provides for stronger new penalties for most drug related crimes, including mandatory minimum penalties for the king pins of the drug syndicates and for those who sell their poisons to our children. In addition, this package contains provisions aimed at striking at the financial underpinnings of organized crime and drug trafficking syndicates, through the use of forfeiture of substitute assets provisions and a new crime against money laundering, both of which will assist law enforcement agencies in seizing the proceeds of drug traffickers.

Finally, in regards to domestic law enforcement, $115 million is provided to directly assist State and local law enforcement agencies for drug law enforcement. Most of the fight against drug traffickers is waged, not by the Federal Government, but by State and local agencies. 

In addition to combating drug trafficking in the streets of our cities and communities, we must also stem the flow of drugs across our borders. This bill increases by one-third the current level of funding for Operation Tailwind at the border, including additional personnel and equipment for the Coast Guard and the Customs Service. Moreover, this bill assigns Coast Guard law enforcement teams to Navy ships to bring the Department of Defense more actively into the fight against drug trafficking.

This legislation also provides for supply reduction efforts on the international side of the drug control equation. Almost $75 million is provided for additional crop eradication and substitution programs, including funds for a new project like the recent 60-day general eradication effort in Bolivia, where the cocaine processing networks have been significantly disrupted.

In addition, this legislation revamps present law governing foreign assistance, favorable U.S. votes in multilateral development banks, and generalized system of preferences tariff benefits for drug producing and transit countries. Under these provisions, benefits will be denied all major illicit drug producing countries, unless the President certifies each year that the countries are cooperating fully with the United States in combating narcotics production, trafficking, and narcotics money laundering. This combination of increased assistance and narcotics related sanctions will provide important new incentives for drug producing countries to cooperate fully with the United States and clearly focus our foreign policy efforts to de-
crease the supply and distribution of drugs in the international community.

What I believe to be the most important provisions of this bill, however, are those aimed at reducing the demand for drugs in this country. The fact is that the insatiable demand for drugs fuels the drug trade in America. If there were no demand for drugs, we simply would not have a drug problem. But there is a demand for narcotics and other dangerous drugs, an enormous demand. This bill provides $175 million to State and local drug abuse treatment programs, both public and private, to help provide essential services to those who need help. Drug addicts prey on innocent victims to finance their uncontrollable habits. Study after study has shown that a large proportion of drug users are children that must provide the resources necessary to wean addicts off of their addiction, so that they may rebuild their ability to work, contribute, and lead constructive and productive lives.

And finally, we must educate our young about the perils of drug use. Young people are this country's most precious resources. We can ill afford the truth of the talents and abilities of the destructive effects of drug abuse. This legislation would commit the Federal Government, for the first time, to a long-term campaign to educate our young people about the consequences of drug use. Last year, we spent almost $1.4 billion on drug law enforcement in this country, while only $150 million was available for education programs nationwide. This bill provides $150 million in grant money to State and local school districts for drug abuse education. The purpose of this legislation is to ensure that every child in this Nation, in both public and private schools, receives objective and credible information about the consequences and dangers of drug abuse.

Mr. BOREN. Mr. President, I rise in support of a provision in the omnibus anti-drug bill pertaining to the voluntary rating system of the Motion Picture Association of America. I had intended to offer this provision, together with my distinguished colleague from South Dakota, as a floor amendment to this legislation. After we made known our intentions to offer the amendment, I am pleased to say the floor managers agreed to incorporate it in the committee bill. I appreciate their willingness to work with us in including our proposal in the committee bill, and I urge them to work on its behalf in the conference committee.

Mr. President, there are many things that can, and should, be done in the national effort to address the growing drug abuse problem. Individuals, civic groups, churches, schools, and Government must join together if we are to succeed. This resolution calls upon the motion picture industry to take a leadership role by virtue of the tremendous influence it has over the developmental values among our children and youth.

As every Member of this Senate is keenly aware, the Motion Picture Association has demonstrated that it takes this responsibility very seriously. Its decision to establish the voluntary movie rating system in 1968 has proven to be a model of private sector initiative at its best. The information provided through the voluntary rating system has proven tremendously helpful to parents in guiding their decisions on the kinds of movies viewed by their children.

Inclusion of a "D" subcategory in the rating system will give parents, and their children, another useful tool in making informed decisions about movie subject matter. We realize that no rating system is perfect, and that any such system is subject to varying opinions as to how it should be designed and the criteria for film designations should be. Our resolution calls upon the MPAA to promote discussion of this issue among its membership, and then exercise its leadership in developing appropriate standards to identify movies which portray drugs in a glamorous or attractive manner. To those who question the feasibility of determining such standards, our answer must be that the drug abuse problem requires no less determination, judgment, and movie industry concern than went into establishment of the original voluntary rating system. The MPAA has shown its ability to wrestle with such difficult tasks. Our resolution calls upon it to continue this effort in the fight against drug abuse.

Mr. President, in some countries an aggressive national effort to combat drug abuse might well include increased government regulation, perhaps even censorship, over the contents of such things as films and books. I am proud that in this Nation it is guarded against such interference on the part of government. This resolution in no way prevents the motion picture industry from exercising total creative control over the contents of the films it produces. Rather it provides that movie makers do their part in helping parents guide the viewing habits of children.

Mr. HATCH. Mr. President, I want to clarify an issue with regard to title IV, the demand reduction provisions. This legislation will do more than simply assist States in addressing their drug abuse problems, and the intent of Congress that the additional treatment and prevention money be carefully allocated and targeted in a manner that will permit thorough evaluation of the effectiveness of alternative treatment and prevention modalities on specific types of drug/alcohol abusers, and evaluation of voluntary, private sector programs established in our schools.

Our intent is that the Secretary of the Department of Health and Human Services would evaluate these programs and activities as an integral part of the treatment and prevention activities established as a result of this bill. In this manner, future decisions regarding the financing and efficacy of such programs can be based upon the sound evidence that result from rigorous evaluation of alternative prevention and treatment modalities, patient screening and treatment techniques, and voluntary education programs. Thank you, Mr. President.

Mr. KERRY. Mr. President, I welcome this effort by the U.S. Senate to come to grips with the drug problem in America. I am glad that we are finally taking the problem seriously. Drugs are a continuing crisis in America, one that has not been addressed decisively and forthrightly by this administration in the past 6 years. I hope that that will now change.

But the drug problem in America is not going to be solved by a "quick fix." It is not going to be resolved by the passage of a bill, or by rhetoric and tough speeches. Slogans are not an answer to the drug problem in America. And "Just Say No" is just not enough to solve the problem.

It is going to take all of us, working together, in a long-term commitment to solve this problem. It is not going to happen overnight.

The drug problem has been with us for many years. It is a many-faceted problem, and there are no simple solutions. I hope that our commitment as a nation to deal with this problem will extend beyond Election Day. I hope that we will commit ourselves not to a "quick fix," but to solve this problem if we are to succeed. This resolution calls upon the motion picture industry to take a leadership role by virtue of the tremendous influence it has over the developmental values among our children and youth.
Mr. LEAHY. Mr. President, I rise to express the strongest support for this major new piece of legislation to fight drugs. I am especially proud to have been appointed to the task force that drafted major portions of this bill. It is truly a remarkable achievement, and I want to thank and congratulate Senators BIDEN and CHILES who coordinated the effort on this side of the aisle, and the leaders of both parties for producing this package.

I believe this is the most comprehensive, hard-hitting antidrug bill ever written. Its 250 pages and $1.4 billion price tag reflect the magnitude of the problem we face. The fact that we are going to pass a bill of this size is a tribute to Congress' ability to respond to the heightened public awareness of the drug problem, and to the new momentum to combat it. This bill takes a full swing at the drug problem from every angle—at the source, at the border, in enforcement, education, treatment, and prevention.

Drug trafficking and drug and alcohol abuse have infected this country. Drug abuse among young people has reached epidemic proportions. More and more children from all income levels, from rural as well as urban communities, are smoking marijuana, using cocaine and experimenting with other dangerous drugs.

There are half a million heroin addicts in this country. Between 4 and 5 million Americans regularly use cocaine. Seventeen percent of high school seniors have tried cocaine. Requests for treatment for cocaine use have increased 600 percent in the past 3 years. My own State of Vermont is not immune from this plague.

Last year, the Vermont State Police investigated over 400 cases involving the sale or manufacture of illegal drugs. There were 83 investigations of the possession of regulated drugs. Many of the crimes involving young people in Vermont, including burglaries, robberies, and assaults are directly related to drugs.

Illegal drugs are a growth industry. Its price is addiction, misery, ruined lives, and death.

Drug merchants are now pushing a new craze that is sweeping the Nation. Crack is available to the young, and it will be in the schools this fall. I have heard stories of children as young as nine who are already crack users. The sellers also use these children as lookouts and as workers in houses that manufacture crack. One hit costs just $10. Users say addiction can begin after only the second use of crack.

As a member of the Judiciary Committee, I have supported bills to address specific aspects of the drug problem. Two years ago we strengthened the bail law to permit pretrial detention of drug traffickers. We amended the forfeiture statutes to deprive them of the profits of their crimes.

Despite these efforts, the drug problem has gotten worse. This year I supported bills to combat money laundering and new designer drugs, which have been incorporated into this package. But these address very specific problems. We desperately need a comprehensive strategy that attacks drugs from their source to their victims.

That is what this bill does. I will not take the time to describe the many provisions of this bill. Other Senators have already done a fine job of this, and I will limit myself to mentioning the sections which I am especially pleased about.

The first is the new section on forfeiture. Fighting drugs is expensive. The other important sections we passed 2 years ago provide for the seizure and forfeiture of the profits of the drug trade and property used in connection with it—businesses, airplanes, and so forth. But under those laws, no more than $20 million of forfeited assets can be used to fund antidrug programs. This bill removes that cap, and requires the Customs and Justice Departments' forfeiture funds after paying administrative costs, be used to fund Federal and State drug programs—for law enforcement, treatment, and rehabilitation. This program is expected to net $150 million in 1986, to help pay the cost of this bill.

The bill also closes a loophole in the current law, by permitting the seizure and forfeiture of substitute assets if a drug trafficker has transferred his profits to a third party or placed them beyond the jurisdiction of the court. A major part of this bill involves deterrence. Of special importance to a former State prosecutor such as myself is a $115 million matching grant program for State and local law enforcement for each of the next 3 years. These grants will be available to States that have demonstrated their own strategies for prosecuting, punishing, and treating drug offenders.

Two years ago I supported the Armed Career Criminal Act which provided for enhanced penalties for dangerous repeat offenders. This bill expands the scope of that act to include a mandatory 15 year minimum sentence for drug offenders who have three prior convictions for crimes of violence.

It also includes mandatory sentences of 20 years to life for major drug traffickers. It creates a new offense with enhanced penalties for using children to traffic drugs, and for manufacturing illegal drugs within 1,000 feet of a school.

These penalties are appropriately aimed at the drug kingpins. They will
deter any would-be trafficker who is capable of being deterred. I want to make special mention of the other parts of this legislation that deal with education, treatment, and rehabilitation.

We need to stop the demand for drugs, as well as the supply. The Administrator of DEA has called prevention the long-term solution to the Nation's drug problem. I agree. I support longer jail sentences for traffickers and better equipment to catch them. But for too long we have neglected what I believe should be the cornerstone of our fight against drug abuse—education of our children about the dangers of alcohol and drugs, and treatment for those who are hooked.

This bill attacks these monumental tasks head on. It establishes a new $150 million State-administered grant program to establish drug-free schools and communities. That is fifty times what we are currently spending. Eighty percent of these funds would be divided among the States to teach children about the dangers of drugs and alcohol, and to train parents, teachers, and law enforcement officials to take an active part in that process.

It also provides for model programs for young people who are particularly at risk of becoming drug or alcohol abusers—leading school dropouts, pregnant teenagers, and the children of drug abusers.

Education is vital—parents, teachers, and school administrators have to intervene between children and drugs. We need to act before the drug problem begins. The do drugs message school children receive from their peers, and the easy access to drugs in our society, must be stopped. We need to send a stronger message to our children—drugs kill.

One thing we can expect from this era of electronic mail is a wave of new customers for drug treatment programs. Thousands of drug addicts are on waiting lists because of this administration's cuts in funding for drug treatment and rehabilitation. Everywhere I go I hear stories of children on drugs who are waiting to get help, whose families cannot afford the high cost of treatment. The American public wants treatment, and this bill reauthorizes the Alcohol, Drug Abuse and Mental Health Services Block Grant Program at higher funding levels, $675 million. Eighty percent will be used for alcohol and drug treatment and rehabilitation services.

Mr. President, Americans consume 60 percent of the world's illegal drugs. Cheaper drugs of greater purity have boosted rates of addiction and death. Sophisticated drug rings will reap profits of $100 billion from the sale of illegal drugs this year.

We are going to win this war we have to fight it on every front. Turning this country off of drugs will take a massive effort. Not just by government, but also by the private sector, the medical community, religious institutions, by teachers and school administrators, and most importantly, by parents. We have launched a strong effort with this bill, and I am very pleased to have played a part in writing it.

Mr. President, I would also like to discuss two amendments of mine which were adopted on Saturday night.

I am very pleased that the Senate adopted the Leahy-Mathias communications privacy legislation as an amendment to the Anti-Drug Abuse Act of 1986. This legislation is good for law enforcement. It strengthens the Federal wiretap statute and sets clear standards for law enforcement agencies to obtain access to electronic communications and an electronic communications system's records.

It is good for American businesses because business people need to know their proprietary and other business communications are secure.

It is good for private citizens who are using new technology like cellular telephones and computer links every day.

It is good for America's high technology industry because it will encourage continued technological innovation.

That is why this legislation is supported by a broad coalition which includes everyone from the Justice Department to the ACLU to America's leading telecommunications and computer companies.

This legislation is needed because right now the laws designed to protect the security and privacy of business and personal communications do not cover data transmissions, computer-to-computer links, and a wide variety of other new forms of telecommunications and computer transmissions.

Let me just pose a few examples to illustrate my point. In the first example, two business people are discussing their company's financial data over the telephone. They do not know it, but a member of a competitor company is listening in on their conversation by means of a phone tap. Across town, a drug enforcement agent has a hunch that Jane Doe is involved in drug trafficking. He goes to the Post Office and tells postal officials that he wants to open and read Ms. Doe's mail and then request and delivered. In the third, third, two reporters are working together on a fast-breaking story. One picks up the telephone and calls the other with some new information. That call is intercepted by means of a wiretap.

I think all of my colleagues would agree that in each example, the eavesdropper's conduct is wrong. It is also illegal.

Now let me change my examples just a little bit to bring them into the 1980's.

In the first case, instead of discussing financial matters over the telephone, the two business people use a video teleconference system which displays their proprietary data on their video screens. Again, their competitor picks up that data. In the second case, the drug enforcement officer goes to an electronic mail company. Ms. Doe is a user of that electronic mail system, and the drug enforcement officer asks to see all of her messages. In the third case, rather than speaking on the telephone, the reporter uses a computer keyboard to type a message to his colleague who picks it up on his terminal screen. Again, that message is intercepted.

In each case, the eavesdropper's conduct is wrong. It is also illegal. The Leahy-Mathias Electronic Communications Privacy Act, which is now a part of the Senate drug package, updates the Federal wiretap statute to include computer mail and computer-to-computer data transmissions, remote computing services, and private video teleconferencing. At the same time, it protects legitimate law enforcement needs. The Justice Department wants it because it will be particularly helpful in our fight against drug trafficking and drug abuse.

Let me point out that a summary of the Leahy-Mathias communications privacy amendment has been printed in the Congressional Record on Saturday, September 27. The relevant legislative history is the Senate Judiciary Committee's report on S. 2975.

Finally, let me discuss the provisions concerning the Freedom of Information Act in the bill, and the Leahy-Hatch-Denton amendment to that section of the bill.

Section 1801 of the bill amends paragraph (b)(7) of the FOIA to specify the scope of the exemption for law enforcement records, codify certain explanatory case law, and clarify congressional intent with respect to the definition of the term law enforcement in the Freedom of Information Act in the bill, and the Leahy-Hatch-Denton amendment to that section of the bill.

The language of these amendments is identical to that proposed in section 10 of S. 774, proposed FOIA reform legislation which passed the Senate, but was not acted upon in the House, during the 98th Congress. The meaning and intended effect of the amendments was carefully examined in the report of the Senate Judiciary Committee on S. 774; Senate Report 98-221. This report sets out the legislative history which should be consulted to determine the scope of the section we are adopting in this bill.

The Congressional Research Service of the Library of Congress recently analyzed the proposed amendments
Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 74 after line 10, add the following:

TITLE II.—OMNIBUS DRUG SUPPLEMENTAL APPROPRIATIONS ACT OF 1987

CHAPTER I—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

Salaries and expenses, United States attorneys...

For an additional amount for "Salaries and expenses, United States attorneys", $30,000,000.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for support of United States prisoners in non-Federal institutions, $20,000,000.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984 and the Anti-Drug Abuse Act of 1986, as passed in the Senate on September 30, 1986, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund.

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses...

For an additional amount for "Salaries and expenses", $4,000,000.

DRUG ENFORCEMENT ADMINISTRATION

salaries and expenses...

For an additional amount for "Salaries and expenses", $18,000,000.

FEDERAL PRISON SYSTEM

salaries and expenses...

For an additional amount for "Salaries and expenses", $20,000,000.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $50,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance", $117,000,000, to remain available until expended, for grants for drug law enforcement for the purpose of being used only to carry out provisions of section 1302 (1), (2), (3), (5), and (6), of Title I of the Omnibus Crime Control and Safe Streets Act of 1986, as amended by H.R. 5484, as passed in the Senate on September 30, 1986: Provided, That $2,000,000 shall be available only to carry out a prison capacity expansion program.

THE JUDICIARY COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender services", $18,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $7,000,000, to remain available until expended.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

salaries and expenses...

For an additional amount for "Salaries and expenses", $2,000,000, to be available only for drug education programs abroad...

CHAPTER II.—FOREIGN ASSISTANCE

BILATERAL ECONOMIC ASSISTANCE

funds appropriated to the President...

For an additional amount to carry out chapter 1 of part I of the Foreign Assistance Act of 1981...

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For an additional amount to carry out the provisions of section 481 of the Foreign Assistance Act of 1981...

PROVIDED, That these funds shall be used pursuant to section 125(b)(2) of the Foreign Assistance Act of 1961 for additional activities aimed at increasing awareness of the adverse effects of production and trafficking of illicit narcotics on source and transit countries...

DEPARTMENT OF JUSTICE

OPERATIONS OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $43,000,000, to be made available only in accordance with the provisions of section 2001(2) of H.R. 5484, as passed in the Senate on September 30, 1986: Provided further, That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations.

CHAPTER III—DEPARTMENT OF INTERIOR

BUREAU OF INDIAN AFFAIRS

operation of indian programs...

For an additional amount for "Operation of Indian programs", $5,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

FOREST SERVICE

national forest system...

For an additional amount for "National forest system", $20,000,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES AND RESOURCES ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", $16,000,000: Provided, That funds made available to tribes and tribal organizations through grants or contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1986.

DEPARTMENT OF TRANSPORTATION

COAST GUARD

operating expenses...

For an additional amount for "Operating expenses", $5,000,000, to remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", $119,000,000, to remain available until September 30, 1991, of which not to exceed $5,000,000, may be expended for design and engineering work in relation to construction of a docking facility in the Bahamas.

FEDERAL HIGHWAY ADMINISTRATION

MOTOR CARRIER SAFETY GRANTS

[Highway Trust Fund]

For an additional amount to carry out the provisions of section 104(g) of Public Law 92-424...

$30,000,000, to be derived from the
AS PASSED BY SENATE
October 6, 1986
The Drug Enforcement Administration of the Department of Justice is hereby au-
thorized to plan, construct, renovate, main-
tain, remodel and repair buildings and pur-
chase equipment incident thereto for an All 
Southeastern Regional Metropolitan Police Force. 
Furthermore, that of the funds authorized to be appropri-
ated under this section, $7,000,000 shall be for the 
procurement of secure voice radios for the Drug Enforcement 
Administration.

There is authorized to be appropriated for 
fiscal year 1987 for the Department of Justice 
for the procurement of secure voice radios 
for the Drug Enforcement Administration.

There is authorized to be appropriated for 
fiscal year 1987 for the Department of Justice for 
the Office of Justice Assistance, $2,000,000 to carry out a pilot prison capac-
ty program.

There is authorized to be appropriated for 
fiscal year 1987 for the Department of Justice for 
support of United States prison-
ers, $1,000,000.

There is authorized to be appropriated for 
fiscal year 1987 for the Department of Justice for the 
Offices of the United States Attorneys, $6,000,000.

Authorization of appropriations for 
fiscal year 1987 contained in this section are in addition to those contained in H.R. 5161, as reported to the Senate by the Committee on Appropriations on September 3, 1986.

In addition to any other amounts that 
may be authorized to be appropriated for 
fiscal year 1987, the following sums are au-
thorized to be appropriated to procure 
secure voice radios:

Federal Bureau of Inves-
tigation............................................ $4,000,000
Secret Service..................................... $5,000,000.

Subtitle L—State and Local Narcotics Control 
Assistance

SEC. 1304. SHORT TITLE.

This subtitle may be cited as the "State 
and Local Law Enforcement Assistance Act of 1986".

SEC. 1305. OFFICE OF JUSTICE ASSISTANCE Drug 
GRANT PROGRAM.

(a) Title I of the Omnibus Crime Control 
and Safe Streets Act of 1968 (42 U.S.C. 3712) 
el seq.) is amended—
(1) by redesignating part M as part N;
(2) by redesignating section 1301 as sec-
tion 1401, and
(3) by inserting after part L the following 
new part:

"Part M—Grants for Drug Law Enforcement 
Programs"

FUNCTION OF THE ATTORNEY GENERAL

"Sec. 1301. The Attorney General shall 
provide funds to eligible States and units of local 
government pursuant to this part.

DESCRIPTION OF DRUG LAW ENFORCEMENT 
GRANT PROGRAM

"Sec. 1302. The Attorney General, through the 
Bureau of Justice Assistance, is author-
ized to provide under this part grants to States for the 
purpose of enforcing State and local laws that establish offenses similar to of-
fenses established in the Controlled Sub-
stances Act (21 U.S.C. 801 et seq.), and to—

(1) provide additional personnel, equip-
ment, facilities, personnel training, and 
supplies without the apprehension of persons, who violate State laws relating

to the production, possession, and transfer 
of controlled substances and to pay operat-
ing expenses in connection with the purchase of evi-
dence and information incurred as a result of apprehending such persons,

(2) provide personnel, equipment, facili-
ties, personnel training, and supplies without the apprehension of persons accused 
of violating such State laws, and to pay operat-
ing expenses in connection with such pros-
ecution

(3) provide additional personnel (includ-
ing judges), equipment, personnel training, 
and supplies without the apprehension of cases of involving persons accused of 
violating such State laws, and to pay operating 
espenses in connection with such adjudica-
tion, and to provide quickly temporary facili-
ties in which to conduct adjudications of such cases,

(4) conduct programs of eradication aimed 
at destroying wild or illicit growth of plant species from which controlled sub-
stances may be extracted,

(5) conduct programs of eradication aimed 
at destroying wild or illicit growth of plant species from which controlled sub-
stances may be extracted,

(6) conduct demonstration programs, in 
connection with law enforcement officials, in areas in which there is a high inci-
cidence of drug abuse and drug trafficking to be followed by the production of major drug def-
fenders by providing additional resources, such as investigators and prosecutors, 
to identify major drug and offenders and move offenders expeditiously through the 
judicial system; and

(7) provide grants for programs which 
éntly meet and the fitness of drug-depend-
ent offenders for treatment as provided in section 403(a)(4).

This program shall be administered by the 
Bureau of Justice Assistance pursuant to 
Part D of Title I of the Omnibus Crime 
Control and Safe Streets Act of 1968 (42 U.S.C. 3741–3749), the minimum allot-
ment under Part M of the Omnibus Crime Control 
and Safe Streets Act of 1968, as amended

APPLICATIONS TO RECEIVE GRANTS

"Sec. 1303. To request a grant under 
section 1302, the chief executive officer of a State shall mail to the Attorney General 
an application at such time and in such 
form as the Attorney General may require. 
Such application shall include a statewide strategy for the enforcement of State laws 
relating to the production, possession, and transfer of controlled substances. Such strat-
egy shall be prepared after consultation with State and local officials whose duty it is to 
 enforce such laws. Such strategy shall in-
clude an assurance that following the first 
 fiscal year covered by an application and each 
 fiscal year thereafter, the applicant shall sub-
mit to the Bureau or to the State, as the 
 case may be, a performance report con-
cerning the activities carried out pursuant to 
section 1302 of this title.

REPORTS

"Sec. 1304. (a) Each State which receives a 
grant under section 1302 shall submit to the 
Attorney General, for each year in which 
any part of a grant is made to a State or local 
government entity, a report which contains—

(1) a summary of the activities carried out 
under the grant, a statement of the impact of such activities on meeting the 
needs identified in the State strategy submitted under section 1303, and

(2) other information as the Attorney 
General may require by rule.

Such report shall be submitted in such form 
and by such time as the Attorney General may 
require by rule.

(b) Not later than ninety days after the 
end of each fiscal year for which grants are 
made under section 1302, the Attorney Gen-
erg shall submit to the House of Represen-
tatives and the President pro tempore of the Senate a report that includes 
with respect to each State—

(1) the aggregate amount of such grants 
made to such State for such fiscal year,

(2) the amount of such grants expended 
for each of the purposes specified in section 1302, and

(3) a summary of the information provid-
ed in compliance with subsection (a).

EXPENDITURE OF GRANTS; RECORDS

"Sec. 1305. (a) A grant made under section 
1302 may not be expended for more than 
75 per centum of the cost of the identified 
uses, except that the amount of each grant 
is authorized to be carried out any one of the five genera-
purpose specified in section 1302. The 
Attorney General may require by 
rule to facilitate an effective audit.

(b) The Attorney General and the Com-
troller General of the United States shall 
have access, for the purpose of audit and ex-
amination, to any books, documents, and 
records of any entity which receives grants, and of 
State and local government entities which receive any part of a grant, made under sec-
tion 1302, in the opinion of the Attorney General or the Comptroller General, such 
books, documents, and records are related to 
the receipt or use of any such grant.

"Sec. 1306. (a) The chief executive of each 
participating State shall designate a State 
officer for purposes of—

(1) preparing an application to obtain 
unds under section 1302 of this title; and

(2) administering funds received under 
such section from the Bureau, including re-\nview, processing, monitoring, progress and financial report review, techni-
cal assistance, grant adjustments, account-
ing, auditing, and fund disbursements.

(b) An office or agency performing other 
functions within the executive branch of 
a State may be designated to carry out the 
functions specified in subsection (a).

Subsections (a) and (b) of section 401 of 
title I of the Omnibus Crime Control 
and Safe Streets Act of 1968 (42 U.S.C. 3741) 
are each amended by striking out "part E" 
and inserting in lieu thereof "parts E and 
M."

Section 8010b of title I of the Omnibus 
Crime Control and Safe Streets Act of 
1968 (42 U.S.C. 3782(b) is amended—

(1) by striking out "parts D and E" and 
therein in lieu thereof "parts D, E, and 
M, and

(2) by striking out "part D" each place 
"part D" appearing and inserting in lieu thereof "parts D and M."

Section 8020b of title I of the Omnibus 
Crime Control and Safe Streets Act of 1968 
(42 U.S.C. 3783(b) is amended by inserting 
"M" after "part D."

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shall study Federal drug law enforcement efforts and make recommendations as provided in paragraph (a). The Board shall report to Congress within 180 days of enactment of this subtitle on its findings and conclusions. The report shall include recommendations on:

1. The means of improving the Nation’s drug interdiction efforts.
2. The relative effectiveness and efficiency of various law enforcement strategies, including interdiction.
3. Ways to optimize coordination and cooperation among Federal, State, local drug law enforcement agencies; and
4. Ways to enhance coordination and cooperation between the several Federal agencies involved with drug interdiction, along with a recommendation on the transfer of mission from one agency to another.

Subtitle P—Narcotics Traffickers Deportation Act

SEC. 1751. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) is amended by striking out “any law or regulation relating to” and all that follows through “addiction-sustaining opiate” and inserting in lieu thereof “any such controlled substance”.

(b) Section 421(a)(11) of such Act (8 U.S.C. 1181(a)(11)) is amended by striking out “any law or regulation relating to” and all that follows through “addiction-sustaining opiate” and inserting in lieu thereof “any such controlled substance”.

(c) Section 241(a)(11) of such Act (8 U.S.C. 1181(a)(11)) is amended by striking out “any law or regulation relating to” and all that follows through “addiction-sustaining opiate” and inserting in lieu thereof “any such controlled substance”.

SEC. 1752. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

Subsection (c) of section 511 of the Controlled Substances Act (21 U.S.C. 811(c)) is amended by—

1. inserting after “(e)” the following: “(f)”;
2. redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and
3. striking out the matter following subparagraph (D), as redesignated, and inserting in lieu thereof the following:

“(D)(1) The proceeds from any sale under subparagraph (B) of paragraph (1) and any moneys forfeited under this title shall, to the extent provided in appropriations Acts, be used to pay—

(a) all expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs; and

(b) awards of up to $100,000 to any individual who provides original information which leads to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

SEC. 1753. OFFENSE.

Subsection (a) of title 18, United States Code, is amended by inserting after the first sentence of paragraph (1), the following:

“Police,俸, enforcement officers, and officers of the United States shall be fully protected in the performance of their duties.”

SEC. 1754. DEFINITIONS.

“(A) an individual who—

(1) has committed a felony offense under United States law, or

(2) has been convicted by an court of a felony offense under United States law; and

(B) who has been paroled, released on supervised release, or granted executive clemency in connection with any felony offense under United States law.

SEC. 1755. PRESCRIPTIONS.

Subsection (a) of title 18, United States Code, is amended by inserting after “by the Attorney General” the following:

“or the Attorney General of the United States, as the case may be.”

SEC. 1756. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

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Any award paid for information concerning the killing or kidnapping of a Federal drug law enforcement officer, as provided in subsection (1), shall be paid at the discretion of the Attorney General.

The Attorney General shall forward to the Treasurer of the United States for deposit at the following:

“PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

Sec. 1301. Definition of the Attorney General.

Sec. 1302. Description of drug law enforcement grant programs.

Sec. 1303. Applications to receive grants.

Sec. 1304. Reports.

Sec. 1305. Expenditure of grants: records.

Sec. 1306. State offices.

PART N—TRANSITION—EFFECTIVE DATE—REPEALER

Sec. 1401. Continuation of rules, authorizations, and procedures.

Sec. 1402. Definitions.

Sec. 1403. Table of contents.

Sec. 1404. Alternate date for the bulk of the Act.


Sec. 1406. Table of contents.

Sec. 1407. Amendments made by this Act.

Sec. 1408. Continuation of State offices.

Sec. 1409. Expiration of the Act.

Sec. 1410. Savings provisions.

Sec. 1411. Severability.

Sec. 1412. Paperback publication of the Act.

Sec. 1413. Relationship to other laws.

Sec. 1414. General provision.

Sec. 1415. Appropriations.
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bill is to attack the importers of illegal substances, not legitimate importers. The intent was not to include legal importers in the definition of controlled substances.

The intent of this legislation is to control the importation and trafficking of illegal drugs into this country and within this country. That is its purpose. That is what the bill deals with.

Mr. WYDEN. One other question, if I might, just very briefly, that would be very strongly with respect to customs practices as well. Mr. Leader, that the customs law with respect to legitimate goods would not be changed as well?

Mr. WRIGHT. That clearly is the intent of this legislation. You have pointed out a problem that was never intended by the drafters of this bill. Search and seizure authority should be treated on a par with the importers of illegal drugs.

Mr. WYDEN. I thank the leader for his graciousness. I think it is an excellent bill. I urge its passage.

Mr. QUINLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Lewis].

Mr. LEWIS of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this very, very important piece of legislation. I want to share with my colleagues my own personal view that this is perhaps one of the more significant demonstrations of what the House is able to do about important changes in the law if they move toward those changes by way of a bipartisan effort.

I have become involved in the legislation because I had a task force dealing with drugs on one side of the aisle. Jim Watcrr has provided the leadership on his side of the aisle in our effort to put together a bipartisan package.

The way the initial bill moved from the House, there was a clear reflection of that bipartisan work. The bill was structured in the form from the Rules Committee that allowed a number of amendments to take place on the floor, and as a result of those amendments, the bill reflected two basic thrusts. The first was a reflection of our concern that to fight with the war on drugs we have got to be able to impact the demand side of drugs on our society. The need for educational efforts, rehabilitation efforts, treatment programs, et cetera.

On the other side, the second thrust involved the very real concern of many Members that in order to effectively import where drugs come from, those who traffic in drugs and those who use it that one must be willing to be tough on the repeat offender. So there were changes in the bill that provided for such considerations as significant adjustments in the exclusionary rule. We provided for the death penalty under certain circumstances for people who are repeat violators in our war on drugs.

It was very apparent that the House was concerned about those who sell drugs or around school campuses. This was America. The law was very tough. The Senate took out a number of provisions that we were concerned about and as the bill has come back to us, this rule is most of those tough portions of the bill.

As we have the bill before us today, however, while I am very concerned about the fact that the exclusionary rule is not affected by this bill, the inclusion of the death penalty is a very significant item that indicates to those who would traffic in drugs out there that if they are going to be in that business they are going to have to pay the piper eventually.

Mr. Speaker, this is not an ideal bill from my perspective but it is a significant change in the law; it is a step forward in our war on drugs in our society. I urge my colleagues to support the measure.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Missouri. (Mr. Hughes asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, the gentleman yielded.

Mr. HUGHES. I yield to the gentleman from Missouri.

(MR. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule.

When will the Members of this body stop playing petty politics with serious societal problems? It is passing a crucial piece of legislation designed to fight the pervasive use of drugs in this Nation. When the bill was unanimously voted out of several House committees, it was a realistic bipartisan effort to launch a preemptive strike against those who deal in illegal trafficking of narcotics.

But, Mr. Speaker, when the busybodies of this House finished kludging with undue amendments, the end product resembled a game of Trivial Pursuits. The original bill was carefully crafted to interdict, arrest, and prosecute those merchants of death who engage in drug smuggling and distribution. It was also mindful of basic constitutional protections against excessive Government intrusion into the lives of individuals. The House, in its imagined wisdom, attached amendments to impose capital punishment; authorize use of the military to deploy equipment and personnel of the Armed Forces, for the first time, to enforce civil laws; and waive constitutional protections against searches and seizures.

Today, this bill is before us again after the Senate has stripped it of these sinister assaults on the U.S. Constitution. I hope, Mr. Speaker, cooler heads in this body will quiet the raging storm of misguided solutions, some with suspect motives, which threaten to kill our effort to combat drug trafficking, by insisting on their nongermane, irrelevant additions. Hopefully, we will accept the Senate version of this bill and avoid applying 18th-century solutions to 21st-century problems.

I urge my colleagues to defeat the rule and reject inclusion of the death penalty in this legislation.

Mr. HUGHES. I thank the gentleman for yielding me this time.

Mr. Speaker, seven bills developed by the Subcommittee on Crime make up the "new" bill, the Senate version of this package. Those bills were carefully developed since the beginning of this Congress by the Subcommittee on Crime, which I chair, and were reported out by the Judiciary Committee. Those provisions of this title were not hastily developed for this bill but reflect careful consideration by the Crime Subcommittee.

Those provisions, building upon the Comprehensive Drug Penalty Act which we wrote in the last Congress, provides appropriately stiff penalties that will seriously hurt the henchmen of drug trafficking syndicates.

The Designer Drug Enforcement Act builds upon the emergency scheduling authority to control designer drugs as the Crime Subcommittee developed in the last Congress. This title will close the loopholes that have permitted criminal chemists to manufacture and distribute deadly designer drugs. This will be a strong deterrent to the next generation of dangerous drugs in their tracks.

We have created, for the first time, a crime of money laundering, that will enable us to prosecute the henchmen of drug traffickers who specialize in laundering their enormous criminal profits. This is a profoundly important new law enforcement tool that will enable us to wipe out those who are bankrolling major drug deals.

We have agreed to the penalties in the bill from the other body that are substantially higher than the mandatory minimum prison sentences for career drug traffickers in our bill.

We have strengthened the Armed Career Criminal Act by expanding its coverage to drug crimes and violent crimes other than just robbery and burglary.

We have provided mandatory sentences for those who sell drugs to juveniles or sell drugs at or near schools.

From the other body, we have taken a provision making it a crime to operate a crack house or a stash house for drugs.

We have authorized calling a White House Conference on Drug Abuse and Control to develop an effective national strategy to combat drug abuse in the 1980's.

We have provided vitally needed assistance to State and local drug enforcement activities. The bill has a $75-25 matching grant program for State and local units of government to beef
up drug enforcement. We have provided for $350 million for the next 5 fiscal years.

We have provided authorization for almost 400 more drug enforcement agents to investigate drug traffickers. We are increasing the DEA-State and local drug task forces by 50 percent from cities to 45 cities. We are providing 362 new positions for the Diver­ sion Control Program which addresses the traffic in drugs which cause two thirds of the deaths and injuries due to drug abuse, legitimate prescription drags.

We are authorizing 200 additional assistant U.S. attorneys to take them to trial, and we have provided for 140 million for the construction of new prisons so that judges will have a place to sentence over 2,200 drug traffickers to long terms of imprisonment.

We have modified further the provi­ sions adopted by the other body concern­ing the use of the military for the enforcement of the drug laws. This ex­ pands the role of the military in a sen­ sible fashion, far preferable to the ex­ treme and unworkable approach of the amendment we adopted on the floor of the House during initial consider­ation.

Mr. Speaker, there often is a lot of discussion about sending signals to drug traffickers. This bill doesn’t just send signals; this bill provides major new tools for prosecuting drug traf­ fickers. Tackling this problem requires the banking agencies to take them to.os.

Vote for this rule. The rule, in my opinion, is well established that the President’s Commission on Organized Crime, in its testimony before the Banking Sub­committee on Financial Institutions confirmed that drug dealers have to have access to financial institutions in order to carry out the illicit sales of drugs in the United States, conserv­ atively estimated to be between $50 and $75 billion a year.

Title I. subsection H of the omnibus drug bill, slams the door shut on the per­ formance of this country. The President’s Commission on Organized Crime, in its testimony before the Banking Sub­committee on Financial Institutions confirmed that drug dealers have to have access to financial institutions in order to carry out the illicit sales of drugs in the United States, conserv­ atively estimated to be between $50 and $75 billion a year.

Mr. Speaker, I offer the following amendment:

Mr. Speaker, I urge the passage of this bill.

Mr. Speaker, I rise in strong support of the Omnibus Drug Enforcement, Education, and Control Act of 1988, and in particular, I strongly support the language in the amendment of­fered today that establishes new re­quirements and procedures in order to combat money laundering. The House Banking Committee reported this leg­islation last July by an overwhelming vote of 47 to 0. I would recognize the role of Chairman St. Germain for keeping this section of the bill a truly bipartisan effort.

Of utmost concern to the Banking Committee is the fact that drug traf­ fickers are using our Nation’s financial institutions to launder the phenome­nal profits generated from drug sales—profits estimated to exceed $80 billion annually. While the language adopted by the Senate does an admirable job of addressing the problem of money
laundering. I believe that our provisions are superior in several respects. How will the Banking Committee's title to this omnibus antidrug bill help in the fight against drugs? By stopping the money laundering through our Nation's financial institutions, we will hurt the drug traffickers where they care the most—in their pocketbooks. Money laundering, we must use all reasonable means at our disposal to stop crime and I believe this bill goes a long way toward this goal.

Mr. QUILLLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Speaker, I certainly support this rule and support this omnibus drug package. I think this is an excellent work product, but I do not think we ought to kid ourselves. It is not perfect. No one piece of legislation, as some of us have stated a number of times in this debate, is going to solve the drug issue. We have a drug war that has to be on everybody, including all of the American people who are required, in thing they can in their drug equation.

I must remind my colleagues again that for years, some of us have been here: my good friend, the gentleman from New York (Mr. Rangel), a lot of the Members from south Florida, a lot of the Members, the major leader, telling the country about the scourge of drugs.

We have had help over the last few years. The gentleman from Ohio (Mr. Ensign) has helped the people in south Florida. The gentleman from New Jersey (Mr. Huchus) and the chairman of the Subcommittee on Narcotics of the Committee on Appropriations from Florida (Mr. Fasceal), all of these who have been involved in trying to formulate a total overall policy.

This is a unique opportunity to make that total overall drug policy come true. As the chairman of the International Task Force Against Drugs on Foreign Affairs, we have had a good portion of input in this bill. We are very proud of what is in the bill that this rule will allow to come to the floor. It is important. It concentrates our efforts from experiences over the years, and what is very important is that it integrates the foreign policy options with all the other options on drug awareness, drug rehabilitation, drug interdiction, and drug law enforcement.

For the first time ever we address the five legs against drug trafficking and against drugs. Eradication at the source, interdiction on the high seas, law enforcement at home, including prisons; rehabilitation and education, which has been so sorely lacking. We have all that in this bill.

The American people are now aware, painfully aware, maybe due to crack designer drugs, that this is the time to act. We have been criticized for not having acted and then we get criticized for acting. Now is the time to do what we must do and if we do it, we will make a dent on the war against drugs.

Mr. QUILLLEN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Pannaz). (Mr. PARRIS asked and was given permission to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control and as a member of the Drug Task Force which had a part in drafting the original drug legislation, I rise in strong support of this amendment.

I regret that the Hunter amendment which was removed from this package, this most important amendment, but it is not as effective in my view as that amendment would have been.

I also regret that the House version of the exclusionary rule was dropped from this compromise package; but on the whole I think it is a good bill. I urge its support.

Mr. QUILLLEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Huizenga).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding this time.

Let me say that I am going to support this package, but I want to remind my colleagues in the House that we voted for an interdiction package that would use military assets to establish radar coverage of the southern border now. The facts are that we now have 300,000 pounds of cocaine flown in to our children in the next 12 months, primarily across the southern border.

The package that we have provides for 300,000 pounds of cocaine, but six E-2's now going to domestic agencies will help a little bit, but those balloons will not be built, according to their manufacturer, until approximately 1988.

Over the next 12 months we can expect 300,000 pounds of cocaine to come across.

I would join with my colleague, the gentleman from California (Mr. Lungren) who saw his clear exclusionary rule provision omitted from that, to say that we will continue to work on this, because the only way we can interdict narcotics coming across the southern border of the United States is to have radar coverage. We have no radar coverage.

In my State of California, Customs officers caught by aerial interdiction a single drug plane, although dozens come across every night.

I am sorry to see that the leadership excluded the provision that provides for radar coverage across the southern
Mr. Speaker, I want to express a concern about the allocation formula for the territories in section 4002 of this legislation, a provision of the Alcohol and Drug Abuse Prevention and Treatment Act of 1986. The original bill that passed the House set aside 2.5 percent of the allotments for States under this program for the territories; this substitute effectively sets aside 10 percent of that amount.

I understand that the chairman of the Subcommittee on Health and Environment, our colleague Henry Waxman, agrees with me that this formula may not provide adequate funding for the territories. Along with the insular legislators, we will work together to rectify this deficiency.

One way to address the program would be to provide additional prevention and treatment technical assistance to the insular areas under both titles IV and V of this legislation. Another way would be to adjust the formula in title XIX of the Public Health Service Act in future consideration of this legislation or in reconsideration of this bill. Mr. Richardson. Mr. Speaker, I rise in support of this agreement on H.R. 5484. The epidemic of drug abuse sweeping this country must be brought under control. This agreement, although not as strong as the House-passed version of the omnibus drug bill, is the cornerstone of the war on drugs. It is an important initiative and one which is worthy of our support. The future of the young people of this Nation is dependent upon the success of these antidrug endeavors—we must all work together to conquer this drug abuse monster which threatens to destroy our very future.

If Puerto Rico is included, the Department of Justice for drug abuse and alcohol related problems of Puerto Rico and $4 million for the Virgin Islands.

Finally, Mr. Speaker, the future of these antidrug endeavors—we must work together to conquer this drug abuse monster which threatens to destroy our very future.
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deal with countries that are particularly uncooperative with U.S. narcotics control efforts.

Section 1010 of the House substitute represents perhaps the most significant difference from the Senate amendment. This section amends the so-called Mansfield amendment, which prohibits U.S. officials from being present at drug arrest actions overseas. H.R. 5484 contained a carefully crafted provision which allowed U.S. officials to be present at such actions in foreign countries if the Secretary of State determined that it would be in the national interest and would not harm U.S. relations. The Senate amendment went much further, allowing the President to waive virtually any restrictions on the activities of U.S. officials, and in fact would have permitted DEA agents to make arrests in foreign countries. We have therefore excluded this section from the House substitute. The first addresses the need for better interdiction of illicit coca production before economic targets of violent narco-terrorist attacks, particularly in Colombia.

We have expressed our desire that administration of justice funds be used to help protect those who have put their lives on the line by helping us in the fight against narcotics. The second provision expresses the sense of the Congress that existing authorities be used to offer an information reward on Jorge Luis Ochoa Vasquez, a notorious Colombian drug kingpin who recently escaped judicial proceedings in this country.

The final significant difference from the Senate amendment relates to the role of the intelligence community in our antinarcotics efforts overseas. At the request of the executive branch, we have deleted a Senate provision on this subject with the understanding that the cost of aerial surveys on foreign narcotics production will henceforth be borne by appropriate federal agencies instead of from the very limited budget of the Bureau of International Narcotics Matters at the State Department.

Mr. Speaker, the changes contained in the House substitute for lack of foreign aid area are quite modest. They have the support of our minority. I urge my colleagues to support this important legislation.

Mr. WAXMAN. Mr. Speaker, I want to express my appreciation in making in order the House amendment to H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986. The proposal reflects a legitimate compromise between the House and Senate-passed drug abuse control initiatives.

Recent actions by the Congress reflect a bipartisan determination to get serious about curtailing the incidence and impact of drug and alcohol abuse. The legislation before us is designed to urge the executive branch to act by any means necessary to achieve some of the objectives of the Omnibus Drug Enforcement, Education, and Control Act.

Equally important, the legislation recognizes that the abuse of alcohol, particularly among the young, has a significant public health impact and must be addressed in a comprehensive national drug abuse policy. The legislation takes note that the abuse and addiction to alcohol, like the abuse or addiction to illicit and illicit drugs, requires the attention of every parent, school official and health professional.

The legislation before us is urgently needed. The extent of alcohol abuse among the young, indeed among all population groups, is significant. Americans are using illicit drugs and abusing alcohol and prescription medicines in greater numbers than ever before. We know this from the mortality statistics. We know this from admissions to hospital emergency rooms. We know this from reports of drug treatment centers forced to turn patients away. We know this from the reports of drug treatment centers forced to turn patients away.

Mr. Speaker, in 1986 we have reached a point at which children are coming into contact with drugs and alcohol at frighteningly young ages. To parents the age of their children is critical. The legislation before us is designed to urge the executive branch to act by any means necessary to achieve some of the objectives of the Omnibus Drug Enforcement, Education, and Control Act.

All the confiscation and law enforcement efforts will not curb this plague as long as it is kept alive by public acquiescence. We must now go beyond efforts aimed only at affecting the supply of drugs. We must act not only on supply, but demand.

On September 15 the President announced the administration's proposed initiatives for achieving a "Drug-Free America." Additional funds were proposed to assist States in expanding the number of treatment programs available for those in need. Additional funds were proposed to expand research into better understanding what forms of treatment work best. Additional funding was proposed to assist in the development of community-based drug abuse prevention programs.

Mr. Speaker, I'm pleased to say that the public health control initiatives authorized in title IV of the pending legislation reflect the goals and principles embodied in the President's proposal. There are differences—most notably in the level of funding—but that is not a surprise. What is important is that the Congress and the administration are working in recognizing the importance of demand reduction—of reducing public willingness to abuse drugs.

It is increasingly clear that law enforcement alone cannot effectively deal with a public health crisis as complex and intractable as drug abuse.

The legislation before us carries forward on the President's call for a fundamental change in public attitudes toward drug abuse. It will have an impact on the citizens of this Nation and will have an impact on the citizens of this Nation.

Since 1980, Federal support for alcohol and drug abuse treatment and prevention services has declined by 45 percent. We currently spend $230 million for support of State drug abuse control initiatives. It is clear that we must act to reverse this trend. The legislation authorized an additional $200 million in Federal support for drug and alcohol treatment and prevention programs. Each State will be eligible to receive a portion of these additional funds to increase the availability of treatment services and initiate community-based prevention programs.

Additional funds for treatment will be allocated in accordance with a formula which considers a State's relative population and per capita income. In this regard, the Subcommittee on Health and the Environment worked closely with the Intergovernmental Relations Group of the General Accounting Office's Human Resources Division in developing the most equitable formulas for allocating funds to the States under this legislation. On behalf of the Subcommittee, I want to extend our appreciation for the timely and expert guidance this talented agency provided to our efforts.

Mr. Speaker, at this time I want to note the priority and importance placed by this legislation upon the prevention of alcohol and drug abuse. Six initiatives characterize this effort.

First, existing drug and alcohol abuse prevention programs within the Department of Health and Human Services are consolidated...
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into a new Agency for Substance Abuse Prevention [ASAP]. The ASAP will be located within the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). These activities are currently underfunded, lacking direction and have suffered in recent years from administrative neglect.

Second, the ASAP will initiate a clinical training program to train health professionals in better understanding the symptoms and proper treatment of drug and alcohol abuse as well as to assure the availability of qualified drug and alcohol abuse treatment counselors.

Third, the ASAP is charged with the development of model, innovative community-based programs to discourage the development of new resources for drug and alcohol abuse prevention programs to discourage the abuse of drugs and alcohol in their neighborhoods.

Fourth, the legislation establishes a President's Media Commission on Alcohol and Drug Abuse Prevention. This new Commission will bring together the creative talents and ingenuity of our Nation's communications industries for the purpose of developing new programs and national strategies for disseminating information to prevent alcohol and drug abuse. The active participation of television media, radio media, motion picture media, cable media, print media, recording industry, advertising industry, business community, and professional sports organizations will be instrumental in developing an effective national campaign to discourage the use of alcohol and drugs. I want to acknowledge the leadership and contribution of the chairman of the Subcommittee on Communications, Consumer Protection and Finance, the gentleman from Colorado [Mr. Wirth], in the development of this important provision.

Fifth, the legislation requires the President to convene a White House Conference on Drug Abuse and Control. One of the principal purposes of the conference will be to review the impact of drug abuse on American education with particular attention to the role of colleges and universities in discouraging the illegal use of drugs by student athletes. The gentleman from Ohio [Mr. Lukens] is a senior member of the Subcommittee on Health and the Environment and has been active in focusing attention upon the relationship between drug abuse by student athletes and collegiate athletic and educational policies. This is an important issue because the actions of student athletes are often viewed as role models for other students. I want to commend the gentleman from Ohio for his concern and commitment to focusing national attention and the attention of the academic community on this serious problem.

Finally, $47.5 million is authorized for a block grant program to assist States in developing and implementing substance abuse prevention programs at the State and local level. The block grant program will be administered by the Agency for Substance Abuse Prevention.

The principal feature of title IV is the authorization of $282 million for activities to reduce the demand for drugs.

The $228 million would be allocated among four priority areas.

First, $142.5 million in assistance to States through the State Grant for drug and alcohol abuse treatment. These additional funds will permit States to expand their drug abuse treatment systems and eliminate the waiting lists of drug abusers seeking treatment.

Second, $54.5 million to assist States to a block grant for drug and alcohol abuse prevention. This is the first time the Federal Government has ever committed large resources to a national drug and alcohol abuse prevention policy.

Third, $28 million for better administration and coordination of substance abuse prevention programs at the national level through establishment of a National Substance Abuse Prevention. These programs would include development of public service announcements, prevention literature, providing technical assistance to States and localities, and supporting clinical training of health professionals including drug and alcohol abuse counselors.

Fourth, $10 million for the development and evaluation of drug and alcohol abuse treatment programs to determine which forms of treatment work best.

Mr. Speaker, title IV of the legislation also contains a number of other provisions which I would like to note.

Part III of title IV contains provisions relating to the Alcohol, Drug Abuse and Mental Health Administration and the reauthorization of existing drug abuse research programs. The provisions of part III reflect the provisions of H.R. 5259, the "Alcohol, Drug Abuse and Mental Health Amendments of 1986," which were passed by the House on September 18, 1986, and reported by the Committee on Energy and Commerce on August 15, 1986 (House Committee Report 99-802). With the exception of minor, technical or conforming amendments, part III is identical to H.R. 5259 with the following exceptions.

First, expiring drug and alcohol abuse research activities are extended through fiscal year 1987 at a level of "such funds as may be necessary." The original House bill (H.R. 5259) extended the authorization of appropriations for 3 fiscal years.

Second, the provisions of advisory councils for the ADAMHA are revised to increase from six to nine the number of appointed members with health and scientific backgrounds.

Part IV of title IV will strengthen Federal quality control and manufacturing standards for infant formula. The provisions were originally contained in the Senate amendment to H.R. 5484 and enjoyed the support of consumer groups and the infant formula industry. Mr. Speaker, at this time I want to praise the efforts of the senior Senator from Ohio, HOWARD METZENBAUM, for his tireless efforts to assure that the formula meets the highest standards of safety and nutritional quality. These provisions were included in the Senate bill through the efforts of the distinguished chairman of the Senate Committee on Labor and Human Resources, Orrin Hatch, and the ranking minority member of that committee, EDWARD KENNEDY. They and Senator Metzenbaum deserve special recognition for their personal commitment to ensuring the nutritional quality of infant formula.

Mr. Speaker, section 4045 of the legislation closes a loophole in Federal drug abuse law and stops the sale of "Poppers," a widely abused drug containing nitrites, which are often sold to the public under the pretense of being a room odorizer. While the substance is sold as a room odorizer, it is widely used as an inhalant for its euphoric effects. Section 4045 of the legislation requires the Food and Drug Administration to treat alkyl nitrites and their isomers as a "drug" unless the alkyl nitrites and their isomers are not manufactured, processed, distributed or sold by individuals.

Mr. Speaker, I urge support for the legislation and, without objection, request the following explanation of several provisions in title IV be printed in the Record at this point.

Analysis of H.R. 5481—Title IV—Demand Reduction

SECTION 4001. SHORT TITLE

The first section cites the Act as "Alcohol and Drug Abuse Prevention and Treatment Act of 1986."

PART I—FINANCIAL ASSISTANCE TO STATES AND COMMUNITIES

Section 4002 adds a Part C—"Emergency Substance Abuse Treatment Prevention" to Title XIX of the Public Health Service Act. The new Part C contains four new sections 1921-1924.

Section 1921 (Authorization of Appropriations) authorizes $228 million in Fiscal Year 1987 for the allotments authorized under section 1914 and 1921 of the demonstration program evaluations section 1923, and the activities of the Agency for Substance Abuse Prevention.

Section 1922 (Agency for Substance Abuse Prevention) provides that of funds appropriated for the purposes specified by section 1921, $28 million shall be made available for the Agency for Substance Abuse Prevention (ASAP). The ASAP is established by Section 507 of the Public Health Service Act, as amended by Section 4003 of this legislation. The legislation requires that the Secretary allocate the first $28 million appropriated under Section 1921 for support of national activities sponsored by the ASAP. All funds appropriated in excess of $28 million must be allocated pursuant to sections 1921, 1924 and 1925.

Section 1923 (Treatment Program Evaluations) provides that five percent of funds appropriated under section 1921 and which remain after funds are made available under section 1922 shall be based upon the purposes specified by section 1921 and the activities of the Agency for Substance Abuse Prevention. Section 1924 (Block Grant Program) provides that of funds appropriated under section 1921 and which remain after funds are made available under section 1922 shall be made available for the purposes specified by section 1921 and the activities of the Agency for Substance Abuse Prevention.

Subsection (a) provides that three-fourths of funds appropriated under section 1921 and which remain after funds are made available under section 1924 shall be allotted to each state for the purpose of providing alcohol and drug abuse treatment and rehabilitation services. Funds will be allotted to each state pursuant to a formula prescribed by the Secretary of Health and Human Services. The formula will be based equally on the population of each state (ages 15-65) and on the population of each state (ages 15-65) weighed by its relative per capita income.

The General Accounting Office (GAO) worked closely with the Congress in developing the formula which the Secretary should use to allocate funds under this section.

The formula allocates available funds to states based on two factors: (1) the population of states, and (2) the relative income factor which provides relatively more aid to low income states. The population at risk for a state is defined as the number of state residents ages 15 through 64 as reported by the
combat drug abuse—we need to confront both the supply and demand to win the war on drugs, and I believe that the enforcement and education aspects of this bill provide us a vehicle to begin this endeavor. Therefore, Mr. Speaker, I support the measure before us and urge my colleagues to join me in the battle against drug abuse in this country.

Mrs. LLOYD. Mr. Speaker, I rise today in strong support of the rule for further consideration of the omnibus drug bill of 1986. This legislation is an affirmation of the strongest intent of the U.S. Congress to deal with drugs. This is a comprehensive package which must be embraced to strike a serious blow against this $100 billion industry. Although there are differences between the House and Senate versions of the bill, this compromise was crafted to embrace the best provisions of each bill.

This legislation preserves most of the critical House provisions including increased penalties for drug-related offenses and adequate funding for the Coast Guard and Customs Service. The measure includes language contained in the House bill. But not in the Senate version, that authorizes the use of the death penalty for persons who knowingly cause the death of a law enforcement officer in an ongoing criminal enterprise. It instructs the Defense Department to complete an inventory of equipment, intelligence, and personnel which could be made available for drug interdiction activities and permits the use of such assistance. It also contains language similar to that in the House bill which clarifies standards for the use of military personnel in drug interdiction.

I believe that this bill will be a major improvement in our arsenal in the war against drugs and that its enactment will send a signal to the world that drug activity will no longer be tolerated within our borders. I urge my colleagues to join with me in strongly supporting this legislation.

Mr. VENTO. Mr. Speaker, I rise in support of the conference report to H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986, with a reservation.

Let me say first of all that most of the substantive provisions of this legislation represent a solid attempt to address the serious problems related to drug abuse which are prevalent in our country today. Drug abuse is a problem which cuts across all social and economic lines and is a clear and present threat to the health and well-being of our society. This measure represents a bipartisan consensus on how to attack this problem.

This measure provides $350 million over 3 years in Federal Grants to State and local governments for drug-related law enforcement activities. It also provides authorization for $254 million for drug abuse treatment, and $250 million over a 3-year period for drug abuse education and prevention programs. This is an important commitment which is but a first step in what must be a concerted, cooperative effort between the Federal Government and State and local governments and law enforcement agencies in coming to grips with this problem.

I must express my opposition, however, to the provision of this legislation permitting the imposition of the death penalty. I voted against the Gekas amendment to the bill when it was considered last month and wish to restate my opposition to this provision which is not essential to this legislation.

I believe that there are several very serious problems with the death penalty provision in this legislation, not the least of which is that it may well be unconstitutional. The distinguished chairman of the Judiciary Committee, Mr.强壮um, previously pointed out some of the problems. First, the amendment allows the imposition of the death penalty against a defendant regardless of whether the defendant actually killed the victim, attempted to kill the victim, or intended that the victim be killed. Second, it is not at all clear what “conduct during the course of a continuing criminal enterprise” is. Third, this provision would permit a jury to convict a defendant on the basis of information presented at the sentencing hearing regardless of its admissibility under the rules of evidence governing admissibility at criminal trials. Finally, the provision weakens rather than strengthens what is otherwise a commendable bipartisan effort to address this serious problem in an effective manner.

Mr. LEVINE of California. Mr. Speaker, this is an historic occasion—the passage of comprehensive legislation to combat the scourge of illicit drug use which is infesting our Nation. According to the National Institute on Drug Abuse, the United States has the highest rate of teenage drug abuse of any industrialized nation in the world. Thus, with this legislation, we are establishing a comprehensive policy in the war on drugs.

This legislation provides for new education programs to teach and warn our children about the dangers involved with drug use, and for drug use treatment programs for those enmeshed in drug addiction, additional support for Federal law enforcement efforts against drug pushers, and stiffer penalties for drug trafficking. I am very pleased to see these provisions in this legislation.

Also included in this bill are two provisions which I sponsored—a ban on the mail order sales of drug paraphernalia, and a ban on the interstate sale of illicit nitrite inhalants, or “poppers.”

I am very pleased that Congress is acting decisively to put an end to the importation and mail order sale of drug paraphernalia. The open and legal sale of drug paraphernalia glamorizes and legitimates the use of dangerous and addictive drugs. Advertisements tout drug paraphernalia to ignore the serious consequences of drug use—health risks, addiction, progression to stronger drugs—and instead paint only a rosy picture that drug use is acceptable—safe and free.

I believe that this legislation permitting the use of the death penalty is not acceptable—legal and constitutional. The death penalty will have few if any deterrence effect on those who commit victimizing victim crimes. The imposition of the death penalty will allow a few manipulators to profit from paraphernalia sales, at the expense of victims of drug abuse.

Thirty-eight States and the District of Columbia have addressed this problem by banning or restricting drug paraphernalia sales. However, in spite of the State and local efforts, paraphernalia sales continue. Drug paraphernalia dealers are selling through the mail the same items that can no longer be sold at the corner record store. Mail order drug paraphernalia sellers deliberately circumvent State and local law enforcement efforts to control the sale of paraphernalia and fight drug abuse. My legislation provides for prison terms of up to 3 years and fines of up to $100,000 for drug paraphernalia peddlers. In addition, my language provides for the seizure and forfeiture of drug paraphernalia sold in violation of this law.

The legal sale of “poppers” is another important issue addressed by this bill. Poppers, the street name for alkyl nitrite inhalants, are sniffed or inhaled by teens and adults for a rush of high or for "room odorizers" or "liquid incense" to avoid FDA regulation. In fact, they actually have a foul smell which make them undesirable for their stated purpose. In reality, these products are used as affordable, legally obtainable drugs. Poppers are marketed in record stores and head shops, which cater to a teenage clientele, and in some bars and bookstores.

A number of studies have examined the health consequences of poppers use. Side effects include: facial dermatitis, eye irritation, delirium, confusion, headaches, nausea, vertigo, weakness, tolerance, profound hypotension, and transient electrocardiographic changes. A more serious side effect of poppers use is methemoglobinemia, an impairment of the blood to carry oxygen to the brain and tissues. Methemoglobinemia, induced by the ingestion of poppers has resulted in the death of a Washington, DC, man in 1980.

Several States and locals including Connecticut, Georgia, Massachusetts, Tennessee, Utah, Delaware, Arkansas, and Maryland have banned or restricting sales of various alkyl nitrite products. It is time that these dangerous products also receive Federal Government regulation. I am very pleased that this bill takes that step.

Drug abuse is one of the most serious problems facing our Nation. It is a drain on our economy. It contributes to violent crime. It ruins the lives of our young people. I want to commend the House leadership and Members on both sides of the aisle who have joined forces to craft this important legislation.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move to the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. AUNINSKIO). The question is on the resolution.

The question was taken, and the SPEAKER pro tempore declared that the ayes had it.
AS PASSED BY HOUSE
October 8, 1986
SEC. 1431. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, $60,000,000: except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(b) The Drug Enforcement Administration of the Department of Justice is hereby authorized to publish, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident thereto for an All Source Intelligence Center.

(c) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, $18,000,000, of which the Attorney General is hereby authorized to use for the construction of Federal penal and correctional institutions and $28,000,000 shall be for salaries and expenses.

(d) There is authorized to be appropriated for fiscal year 1987, for the Judiciary for Defender Services, $18,000,000.

(e) There is authorized to be appropriated for fiscal year 1987, for the Office of the United States Attorneys, $31,000,000.

(f) There is authorized to be appropriated for fiscal year 1987, for the Department of Justice for the Office of Justice Assistance, $2,000,000 to carry out a pilot prison capacity program.

(g) There is authorized to be appropriated for fiscal year 1987, for the Department of Justice for Support of United States prisoners in non-Federal institutions, $2,000,000.

(h) There is authorized to be appropriated for fiscal year 1987, for the United States Marshals Service, $20,000,000.

(i) Authorization of appropriations for fiscal year 1987 in this section are in addition to those amounts contained in H.R. 5161, as reported to the Senate by the Committee on Appropriations on September 3, 1986.

(j) In addition to any other amounts that may be authorized to be appropriated for fiscal year 1987, further expenses for purposes authorized to be appropriated to procure secure voice radio facilities are authorized to be appropriated.

Subdivision I—Drug Law Enforcement

Subdivision II—State and Local Narcotics Control Assistance

SEC. 1651. SHORT TITLE.

This subdivision may be cited as the "Drug Enforcement Enhancement Act of 1986".

SEC. 1652. DESCRIPTION OF GRANTS PRODUCED BY THE DIRECTOR.

"(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1986 (42 U.S.C. 3712 et seq.) is amended—

(1) by redesignating part M as part N,

(2) by redesignating section 1301 as section 1401, and

(3) by inserting after part L the following new part:

Full title to be Drug Law Enforcement Assistance.
"(4) A certification that funds required to pay the non-Federal portion of the cost of each project included for which such grant is made shall be in addition to funds that would otherwise be made available for such purpose by the recipients of grant funds.

"(4) An assurance that the State application described in this section, and any amendment thereto, has been submitted for review to the State legislature or its designated body (for purposes of this section) and such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or such amendment made within the 60-day period beginning on the date such application or amendment is so submitted; and

"(5) An assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups. Such application shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such application shall describe in detail the funds requested for the fiscal year covered by such application, the fiscal year for which such funds are requested, the uses to which such funds will be put, the manner in which such funds will be administered, and any material change from the prior year application. Such application shall be accompanied by a statement of the purposes for which such funds are requested and a description of the activities carried out pursuant to section 1302 of this title.

"(6) A statement of the nature and extent of participation by the State and local governments in administering such funds under this title; and

"(7) A statement identifying the specific uses for which such funds are requested and a statement of the purpose for which such funds are requested.

"SEC. 1304. (a) The Bureau shall provide financial assistance to each State applicant under section 1302 of this title to carry out the purposes of projects submitted by such applicant upon determining that—

"(1) the application or amendment thereto is consistent with the requirements of this title; and

"(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 1303 of this title.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved in principle by the Bureau not later than sixty days after its receipt unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) Funds awarded under section 1302 of this title shall not be used for land acquisition or construction projects, other than those for correctional institutions.

"(c) The Bureau shall not disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

"SEC. 1305. (a) Of the total amount appropriated for this part in any fiscal year, 80 per centum shall be set aside for section 1302 and allocated to States as follows:

"$50,000,000 shall be allocated to each of the following entitled States:

"(1) Alaska, Hawaii, District of Columbia, the Virgin Islands, and Guam.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be set aside for States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the total amount of funds requested for each State bears to the population of all the States.

"(b) Each State which receives funds under subsection (a) in a fiscal year shall submit to the Bureau a report describing the use by such State of funds received under section 1302 of this title.

"(c) Of the amounts of such grants awarded under section 1302 of this title, 80 per centum shall be reserved and set aside for each grantee for the purpose of carrying out the purposes specified in section 1302 of this title.

"(d) Each grantee shall allocate such funds in accordance with the purposes specified in section 1302. Such plans shall be developed by the grantee in consultation with the Bureau and shall be in conformity with the purposes specified in section 1302.

"(e) The grants awarded under this section shall be used for the purposes specified as follows:

"(f) Such grants shall be used for the purposes specified in section 1302. Such plans shall be developed by the grantee in consultation with the Bureau and shall be in conformity with the purposes specified in section 1302.

"(g) Such plans shall be developed by the grantee in consultation with the Bureau and shall be in conformity with the purposes specified in section 1302.

"(h) Such plans shall be developed by the grantee in consultation with the Bureau and shall be in conformity with the purposes specified in section 1302.

"SEC. 1306. (a) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains:

"(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the goals of the strategy submitted under section 1303 of this title;

"(2) a summary of the activities carried out in such grant is received under section 1303 of this title by such State; and

"(3) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

"(b) Not later than ninety days after the end of each fiscal year for which grants are made under section 1306 of this title, the Director shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes a summary of information provided in compliance with paragraphs (1) and (2) of subsection (a).

"APPENDIX I: GRANTS: RECORDS

"SEC. 1311. Grants made under section 1302 of this title may not be expended for more than 75 per centum of the cost of the identified uses, in the aggregate, for which such grants are received to carry out any purposes specified in such section, and any such grants which are distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary in the case of such grants distributed to any other State or local government) in the case of such grants distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary in the case of such grants distributed to any other State or local government) in the case of such grants distributed to any other State or local government as the Secretary determines to be necessary for any program or project, the amount of such grant shall be equal to 100 per centum of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

"(b) Not more than 10 per centum of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

"(c) Each State which receives a grant under section 1302 of this title shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.

"(d) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and any units of local government which receive any part of a grant made under section 1302, if in the opinion of the Director or the Comptroller General of the United States, such access is necessary for an effective audit of the allocations of such funds, and records are related to the receipt or use of any such grant.

"STATE OFFICE

"SEC. 1308. (a) The Executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under section 1302 of this title; and

"(2) administering funds received under such section from the Director, including receipt, review, processing, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions with the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"DISCRETIONARY GRANTS

"SEC. 1309. The Director is authorized to make grants to public agencies and private nonprofit organizations to support purposes specified in section 1302 of this title. The Director shall have final authority over all grants awarded under this section.

"APPLICANT REQUIREMENTS

"SEC. 1310. (a) No grant may be made under section 1309 of this title unless an application is submitted to the Director in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to section 1309 of this title; and

"(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out.

"(b) Each applicant for funds under section 1309 of this title shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

"SEC. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for section 1309 of this title in a special discretionary fund for use by the Director in carrying out the purposes specified in section 1302 of this title. Grants under section 1309 may be made for amounts up to 100 per centum.
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centum of the costs of the programs or projects contained in the approved application.

"LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS"

"Sec. 1312. Grant funds awarded under subsection (a) of this title shall not be used for land acquisition or construction projects."

(1) Subsections (a) and (b) of section 461 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) are each amended by striking out "part E" and inserting in lieu thereof "parts E and M".

(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking out "parts D and E" and inserting in lieu thereof "parts D, E, and M".

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by inserting "or M" after "part D".

(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by inserting "or 1308, as the case may be," after "section 408".

(5) The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking out the items relating to part M and section 1301, and inserting in lieu thereof:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"Sec. 1301. Function of the Director."

"Sec. 1302. Description of drug law enforcement grant program."

"Sec. 1303. Applications to receive grants."

"Sec. 1304. Review of applications."

"Sec. 1305. Distribution of funds under formula grants."

"Sec. 1306. Reports."

"Sec. 1307. Expenditure of grants; records."

"Sec. 1308. State office."

"Sec. 1309. Discretionary grants."

"Sec. 1310. Implementation."

"Sec. 1311. Allocation of funds for discretionary grants."

"Sec. 1312. Limitation on use of discretionary grant program."

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER"

"Sec. 1401. Continuation of rules, authorities, and programs of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—"

(a) in paragraph (3) by striking out "and L" and inserting in lieu thereof "L, and M";

(b) by redesignating paragraph (6) as paragraph (7);

(c) by inserting after paragraph (5) the following new paragraph:

"(6) to appropriate $350,000,000 for fiscal year 1987, $350,000,000 for fiscal year 1988, and $350,000,000 for fiscal year 1989, to carry out the programs under part M of this title; and"

(2) in subsection (b) by striking out "and E" and inserting in lieu thereof "E, and M".

Subtitle L—Study on the Use of Existing Federal Funds for Prisons

SEC. 1901. STUDY REQUIRED.

(a) Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide to the Attorney General a study on the jurisdiction of the Department of Defense including facilities beyond the excess and surplus property beyond the excess and surplus property that shall not or a portion thereof could be used, or are being used, as detention facilities for felons, especially those who are a Federal responsibility such as illegal alien felons and major narcotics transgressors.

(b) A statement of fact on how such facilities could be used as detention facilities with regard to the actual daily percentage of use; their capacities or rated capacities; the time periods they could be utilized by the facilities; the cost of converting such facilities to detention facilities; and, the cost of maintaining them as such;

(c) In consultation with the Attorney General, a statement showing how the Department of Defense and the Department of Justice would administer and provide staffing responsibilities to convert and maintain such detention facilities.

(d) Copies of the report and analysis required by subsection (a) shall be provided to the Congress.

Subtitle M—Narcotics Traffickers Enforcement Act of 1986

"SEC. 1311. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT." (a) Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(23)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))";

(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance";

(b) Section 241a(11) of such Act (8 U.S.C. 1251a(11)) is amended by striking out "any record or return relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))";

(c) The amendments made by subsections (a) and (b) of this section shall apply to convictions occurring on, or after the date of the enactment of this section, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this section.

(d) Section 287 of the Immigration and Nationality Act (8 U.S.C. 1252(k)(1)) is amended by adding at the end the following new subclause:

"(B) in the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official for another official—"

(1) has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,

(2) expeditiously informs an appropriate officer or employee of the Service who is designated by the Attorney General of the arrest and of facts concerning the status of the alien, and

(3) requests that the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service determines whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the officer or employee of the Service shall effectively and expeditiously take custody of the alien.

(1) From the sums appropriated to carry out this Act, the Attorney General, through the investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to carry out or improve upon the responsibilities of the local offices of the Service and of local law enforcement agencies to respond to identifying felons subject to arrest or conviction for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States for the protection of areas which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the effect of the investigative Division.

(2) At the end of the first year of the pilot program, the Attorney General shall report to the Congress on the effectiveness of the program and the report shall report on whether the pilot program should be extended or expanded.

Subtitle N—Freedom of Information Act

"SEC. 1801. SHORT TITLE."

This subtitle may be cited as the "Freedom of Information Reform Act of 1986".

"SEC. 1802. LAW ENFORCEMENT."

(a) EXEMPTION.—Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information would reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to due process of law, or (c) would reasonably be expected to endanger the life or physical safety of any individual;"

(b) EXEMPTION.—Section 552(b)(7) of title 5, United States Code, is amended by redesignating subsections (e), (d), and (e) as subsections (d), (e), and (f) respectively, and by inserting after subsection (b) the following new subsection:

"(e)(1) Whenever a request is made which involves access to records described in subsection (b) or (e) or to those described in this section, and...

"(A) the investigation or proceeding involves a possible violation of criminal law; and

"(B) there is reasonable to believe that the subject of the investigation or proceeding is not aware of its pendency, and (ii) the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings, the agency may, upon a showing that enforcement proceedings...

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enemy within—the drug crisis. We will make no progress on educating our youth as long as drugs dominate their culture. We will make no progress in protecting our citizens as long as drugs motivate crime.

We will make no progress in improving the quality of life for our fellow citizens as long as they are threatened by the ravages of those in search of their selfish pleasures. We will not be able to build the police force, or build the new institutions that the drug culture will put there. Well I say to them, if our prisons are not to be used for drug peddlers, what do we have cells for? If our funds are not to be used to build prisons to keep drug dealers out of circulation then why do we spend money on law enforcement? The fundamental crisis that confronts America and American values is narcotics. Its causal and triggers all of the other problems we face.

If we only give the death penalty or mandatory minimum sentences for those who are the effects of crime, the symptoms of crime—the murderers; the rapists; the robbers; the burglars, but we do not give out equivalent punishment to those who cause those crimes—the producers of those drugs. Then where is the justice in that system?

There are those who say that we are spending too much money on education and drug prevention programs. But, I ask you if we do not spend billions of dollars today to explain the evils of drugs to our children and deter them from becoming ensnared in the drug culture, then of what use are the tens of billions of dollars spent on public education?

Why should we pay a teacher, pay for the construction of the school building; pay for a principal; pay for custodians and pay for school buses all to transport students to class when their minds are all befuddled by narcotics? Of what use is it possibly to approve higher education standards when the students who cannot possibly focus on the subject matter if they are too high on drugs.

The money that we are spending on drug education today is a prerequisite to all other programs that are committed to education. It represents a fundamental trigger which must be pulled if the other money that we are putting in education at the State, local, and Federal level is going to be effective.

Finally, I hear those today who say that we must turn away from a program of drug testing. That we have no right to ask all Government workers to take drug tests. I ask them, if we have no right to ask that workers for the Federal Government are straight and sober and not high, then what do we have a right to ask them? If we have no right to ask them when we pay them, we pay them to give their efforts fully to their jobs as opposed to dividing those efforts between the eradication of drug addiction and their jobs. Finally, American Government must take the initial step of providing help to those who are afflicted by the drug culture.

Unless we do that, and unless we are able to provide rehabilitation to those who commit mass murder workers we find ourselves ensnared in drugs then the American Government is failing its duty to its employees and in turn failing its duty to the American people.

The central issue that we face today is that the U.S. Senate is going to take drugs seriously, or if we will continue to let it off with a slap on the wrist and give something less than a major national commitment to the effort. We were at war with a foreign power, we would harness our military and our educational system, or criminal justice system and everything we were capable of, to defeating that enemy, that is the equivalent that I call for in the drug war.

Mr. HATCH. Mr. President, I would like to clarify the intent of the formula for distributing new treatment funds. The need criteria will be measured at the state level, not the local level. That is, any state that does not have a State may have. It is not our intent that new funds be made available only to those States who have comprehensive data collection systems. We recognize that there is a great need for treatment funding and the extent of that need may not be fully documented. However, it is our hope that States will develop the capacity to measure the demand for such services.

Mr. MOYNIHAN. Mr. President, I agree with my colleague the Senator from Utah, with respect to his concern that States develop data collection techniques for purposes of documenting need under the treatment formula. I would add that those States most in need of additional treatment and rehabilitation resources because of a high incidence of drugs and alcohol abuse are more likely to have such data-collection procedures in operation. It is our desire to ensure that the portion of funds to be distributed on the basis of need criteria are used just for that—those States which are experiencing the greatest difficulty in accommodating the demand for treatment and rehabilitation services by drug and alcohol abusers.

Mr. President, the Omnibus Drug Enforcement Act of 1986, marks an important turning point in the war against drug abuse in this country. At last, we have turned from talk to action.

I have been involved in the drafting of this bill ever since my colleague, the minority leader, Senator Byrd, appointed me to the Democratic Working Group on Drugs in early August. And I note, Mr. President, that the law enforcement provisions, and the treatment and rehabilitation provisions of this legislation are based on S. 15, the bill I introduced on the first day of the 99th Congress. I am pleased that as we draw near to the end of this session, the provisions of this bill will indeed become law.
The law enforcement provisions of this bill will assist State and local authorities in combating drug trafficking. In particular, the legislation we consider today is designed to be distributed in the form of grants to State and local governments to assist them in apprehending, prosecuting, and incarcerating drug pushers and traffickers.

I have personally heard from many of these local authorities, ranging from the Erie County sheriff's department to the New York City mayor's office, thanking me and my colleagues for finally giving them the ammunition with which to wage this long and continuous battle.

Even though the largest portion is only half of the armaments needed in the war against drugs, treatment is just as critical in any effort to combat illegal drug use. We must treat people who need help and we must do so with the most recent and effective methods available. Thus we must give them in apprehending, prosecuting and incarcerating drug traffickers.

We must treat people who need help and we must do so with the most recent and effective methods available. Thus we must give them the tools that we are serious, and committed to curing the plague of drug abuse that infects every sector of our society.

COMMENDING STEVEN GERSTEN, A STUDENT AT THE UNIVERSITY OF SOUTHERN California, FOR HIS EFFORTS AGAINST DRUG PARAPHERNALIA

Mr. WILSON. Mr. President, I rise today in support of the bill, the Anti-Drug Abuse Act of 1986.

Among the bill's important provisions is a section containing the text of a bill that I introduced last year, S. 713, which will ban the import, export, and interstate shipment of drug paraphernalia.

Since introducing the Mail Order Drug Paraphernalia Control Act, community groups and public officials from across the country, including a number of Governors, have contacted me to express their support for this legislation. Among those supporting the bill is the Governor of my own State of California, Gov. George Deukmejian, as well as Californians for Drug-Free Youth and the California Parents and Teachers Association.

I am extremely pleased that the bill has been included in the anti-drug abuse legislation now before us.

Thirty-eight States have laws to regulate the sale of drug paraphernalia at local "head shops" or to regulate the sale of such items to minors. But these laws often are to no avail, because young people can order drug paraphernalia through magazines and mail order catalogs. My bill, as incorporated in this omnibus legislation, will prohibit such mail order sales of drug paraphernalia, which have grown drastically in recent years.

Catalogs and publications promoting the drug use, such as catalogues which, as a recent study has reported a circulation of approximately 4 million, advertise numerous types of drug paraphernalia, including so-called bongs and cocaine spoons. These products glorify the use of drugs, thereby serving to undermine efforts to educate young people about the real dangers of drug abuse. By eliminating mail order sales of drug-related paraphernalia, this legislation will help discourage drug abuse among teenagers and young adults.

Mr. President, I would like to express my sincere thanks to Steven Gersten of Los Angeles, CA, who first brought the mail order paraphernalia problem to my attention. Steven is a junior at the University of Southern California, majoring in political science and minoring in chemistry. He is active in a number of organizations concerned about drug abuse, including Californians for Drug-Free Youth, the National Federation of Parents for Drug-Free Youth, and Tough on Drugs.

Steven's involvement in the antidrug movement began through his work as a reporter for his high school newspaper. When a fellow student offered drugs to Steven, he turned down the offer and asked the other student if he would be willing to grant an interview. Through the interview, Steven became aware of the drug paraphernalia industry and its advertising. Realizing the potential of the mail order drug paraphernalia had on his fellow student, Steven decided to investigate the industry further. During what became a 5-year study, Steven made some frightening discoveries. Most significantly, he became aware of the deceptive methods used by drug paraphernalia companies in their attempts to communicate to our Nation's youth that getting high is "cool," normal and even lawful.

Mr. President, these parasitic, unscrupulous merchants are preying on our young people. Their products enhance and aid consumption of illegal drugs, glorify their usage, and enrich those who would victimize our youth through mind-destroying drugs. If we are to curb the drug abuse problem in this country, we must outlaw such devices. By attacking the drug paraphernalia industry, we are effectively attacking the abuse of drugs.

Mr. President, Steven Gersten, by pressing for the need for drug paraphernalia legislation both with the Congress and officials throughout the country, has proven once again that a single individual, young or old, can make a difference in the legislative process and in the fight against drugs.

Mr. BIDEN. Mr. President, I rise today in support of the forfeiture amendment. As the author of the provisions establishing the new special forfeiture fund, I believe that the amendment will in no way undermine or hinder the effectiveness of the forfeiture provisions included in this bill.

In establishing the new special forfeiture fund, our intent was to provide that the proceeds from seized and forfeited assets be used to fund a major portion of the Nation's Drug Control Program. Under existing law, the Department of Justice and the Customs Service each has a forfeiture fund. These funds are used to reimburse the service for expenses associated with forfeiture and seizure operations. In this way, agencies have an incentive to
time to time, as I made mention the other night in our tribute to the Speaker, that word between Members is something extra special. And when we can trust one another of what we have agreed to on a handshake or a verbal commitment across that table that is going to be bound in cement or gold or whatever, that is what really counts. To find, if we do, that that has been violated unbeknownst to us, then there is the tendency to shake that confidence between the Members.

So I wanted to join in making with the distinguished majority leader in making these comments, because I think it has shown that when we put out hearts and minds together on both sides of the aisle and on both sides of the Capitol, what wonders we can beheld.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN asked and was given permission to revise and extend his remarks.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule, H.R. 5484, pertaining to the Omnibus Drug Enforcement, Education, and Control Act of 1986. I want to commend our distinguished leadership: Speaker O'NEILL, Majority Leader WRIGT, our Republican Minority Leader Mr. MICHELI, the chairman of the rules committee, Mr. PEPPE, the chairman of our Narcotics Select Committee, with whom I have had the pleasure of serving as the ranking minority member, the gentleman from New York Mr. RANGAZ, the chairman of the Republican Research Committee Mr. LEWIS, the chairman and ranking minority members of our 12 subcommittees, and all my colleagues who have worked so diligently in helping to craft this omnibus drug measure and who have helped bring this measure to the floor.

Mr. Speaker, the House has a historic opportunity to enact one of the most comprehensive drug prevention and control measures crafted by the Congress, and we should not forget that this measure is truly a congressional initiative representing the best efforts by this Chamber and the other body in formulating a strong drug measure that provides significant funding, approximately $1.7 billion in State and Local drug enforcement assistance, $63 million in international narcotics control efforts, along with additional funding for Coast Guard and assistance from our Department of Defense. Mr. Speaker, we can recognize that this is not a perfect bill, few measures of such complexity are ever enacted that receive unanimous approval. It contains elements of this bill to their disagreement, but I must say to my colleagues that on balance, this is a sound bill, and it is one that will enable our Federal Government to more effectively combat the complex problem of drug trafficking and drug abuse both here in our Nation and throughout the world. So, I say if we truly say about waging war on drugs, then let us support this rule. Let us provide the troops in our front line of law enforcement, of prevention, treatment, and rehabilitation agencies with the resources, Manpower and Equipment they so sorely need to do the job.

Accordingly, Mr. Speaker, I urge my colleagues to give the wholehearted support that this rule deserves.

Mr. PEPPER, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. TORRES).

Mr. TORRES. I thank the gentleman for yielding me this time.

Mr. Speaker, indeed this House and its bipartisan leadership has done a credible job, and that this anti-drug bill is the best we can have at this late hour in the session. Late hour or not, the plain truth is that this bill is deficient. The other body has deleted from the Senate's report, section 508, which would put an end to the way drug traffickers launder huge cash profits through our banks.

Our banks are the unwitting partners in criminal activity. Every day, in hundreds of banks and savings institutions across this country, drug traffickers take their cash profits to unsuspecting tellers in amounts of less than $10,000. They exchange the cash for cashier's checks, which they then take to other banks or send out of the country. This is called money laundering, which is the production of drugs. Why less than $10,000? Because the drug traffickers know that at $10,000 they have to fill out a report on a cash transaction.

The money laundering provision passed by this House as a part of H.R. 5484 was very carefully written to put a stop to money laundering. I am not going to vote against this bill today, even though it does not have the money laundering provision in it. But I am not going to give up either. I am going to continue pressing for a money laundering law. The bankers can fight against me if they wish, but I would rather have the bankers with me, and together, we can fight drug trafficking.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS asked and was given permission to revise and extend his remarks.

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the proposed rule.

My fellow colleagues, twice this body has sent to the other body tough legislation to deal with the drug crisis facing our country and destroying our youth. The first time we passed over-the-counter a bill with weak enforcement teeth that every drug dealer in America felt the bite of. The second time we passed a bill by an even more overwhelming margin with only a few nays, but certainly with its most important one—the death penalty—still intact. We were presented on its return to this body an alternative that lacks even that—it had become a bill with no teeth—only gums.

The latest version of the bill passed by the Senate not only lacks the death penalty provision this body enacted so decisively, its place has been taken by a tragically comic provision claiming to provide a death penalty without parole for drug dealer kingpins who would only apply at those banks, or in those areas, where the Secretary of the Treasury believed there was a problem.

When this simple money laundering provision was sent to the other body as part of H.R. 5484, the banking industry lobbyists went into high gear. Arguing that it would be an administrative burden, they succeeded in getting it deleted from the Dole substitute. They did so by working the back rooms. The other body never voted to delete the money laundering section. It was already deleted by the banking lobby through stealth.

I do not want to believe that the bankers of this country wish to be a part of the drug trafficking industry, but I do want to believe that the bankers of this country want to keep their teller windows open to criminal activities. Almost every part of our society has failed to do their part to fight the drug war. Educators, network executives, employers, public officials, sports figures—they have all joined in the fight. Have bankers opted out? Are they not with us? Are they going to look the other way?

I challenge the bankers to come to me with an effective proposal we can write into law to put a stop to money laundering. I am not going to vote against this bill today, even though it does not have the money laundering provision in it. But I am not going to give up either. I am going to continue pressing for a money laundering law.

The bankers can fight against me if they wish, but I would rather have the bankers with me, and, together, we can fight drug trafficking.

I urge my colleagues to give the wholehearted support that this rule deserves.
murder under current Federal law requires imposition of life imprisonment without the extensive procedural requirements appropriate only to a capital offense.

The Senate amendment would require a bifurcated sentencing hearing before a jury, consideration of aggravating and mitigating factors, extensive appellate procedures—none of which are required for even the most heinous of homicides under the law that exists either now or will exist when sentencing guidelines go into effect. It will actually be harder to sentence a murdering drug kingpin to life imprisonment than for any other category of homicide—and for no explainable reason. This is a result over which the public and law enforcement could justifiably be chagrined—particularly considering the focus the death penalty has gained in the public mind.

Americans beset by a drug problem at its door demand the swiftest and sternest measures to drive that threat to its door. The American people know that death penalty is the only vote that will open wide and allow the American will to be spoken in the other body.

The SPEAKER pro tempore (Mr. Kitty). The gentleman from Tennessee (Mr. Quillen) has 14 minutes remaining, and the gentleman from Florida (Mr. Peffer) has 11 minutes remaining.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the able gentleman from New Jersey (Mr. Hughes) to detail the work of the gallant fighters in this battle.

(Mr. Hughes asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, with your leadership and that of the majority and minority leaders, we were able yesterday to meet with our counterparts in the other body to reach agreements that will open this important drug package.

First the leadership of the two bodies worked out the framework for ending the Ping-Pong match which saw this bill cross from one side of the Capitol to the other, four times. That framework is embodied in the rule before us.

Following this overall agreement, Members representing committees which contributed legislation to the package sat down with their counterparts from the other body and quickly worked out these issues. I have been in many conferences in my dozen years here. In none have I seen a better atmosphere and determination to reach agreement on a final product. I believe this was a result of a recognition by Members of both bodies of the critical need to get this legislation passed.

I am proud to have been a part of that process and to have joined Chairman Rodino, Bill McCollum, and Dan Lungren in working with the chairman and ranking minority member of the Judiciary Committee of the other body to resolve differences in title I, which contains important new tools and resources for drug enforcement in the battle against drugs.

Let me list the highlights of title I, which parallels in the area of drug abuse, what we did for the fight against crime generally in the Comprehensive Crime Control Act of 1984.

This legislation, like its counterpart in the last Congress, is unprecedented in scope and importance. These highlights are:

Still penalties that will seriously hurt the organizers of drug trafficking syndicates.

The Designer Drug Enforcement Act which will close the loopholes that have permitted criminal chemists to manufacture and distribute deadly designer drugs.

A new crime of money laundering, that will enable us to prosecute the henchmen of drug traffickers who specialize in laundering their enormous criminal profits.

We have strengthened the Armed Career Criminal Act by expanding its coverage to drug crimes and violent crimes other than just robbery and burglary.

Mandatory sentences for those who sell drugs to juveniles or sell drugs at or near schools.

We have authorized calling a White House conference on drug abuse and control to develop an effective national strategy to combat drug abuse in the '90s.

We have provided vitally needed assistance to State and local drug enforcement activities.

Authorization for almost 400 more drug enforcement agents to investigate drug traffickers.

Two hundred additional assistant U.S. attorneys to take them to trial.

For the construction and operation of new prisons, $125.5 million.

A sensible expansion of the role of the military in the enforcement of drug laws.

It is a good package and deserves your support.

Mr. Quillen. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. Lagomarsino).

(Mr. Lagomarsino asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of this legislation.

Mr. Quillen. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. Shaw).

Mr. SHAW. Mr. Speaker, obviously, on this floor today, no one has to convince anybody of the wisdom of this particular bill. But I think it is very important to note, as other speakers have, the moment that we have seized upon in a bipartisan way to set aside partisan bickering, and to do that only weeks before an election and come up with a bill that the American people deserve and the American people have demanded.

This will truly go down as one of the House's finest moments, and not only with this bill, or this pair of bills gets to the deep pit at the other end of the hall, that it will be passed and signed into law within the next week.
AS ENACTED BY CONGRESS
October 17, 1986
respect to that country for that fiscal year under paragraph (2) of that section.

(2) This subsection shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including property which is not forfeitable under the laws of the United States, but which is seized as evidence of a crime committed in the foreign country.

(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a subject to forfeiture under this section and was determined by such court to be the subject to forfeiture under this section and any certified record of an order or judgment of forfeiture described by law; or

(4) A certified order or judgment of conviction by a court of competent jurisdiction concerning any violation of a treaty with a foreign country or the laws of a foreign country, drug activity which gives rise to forfeiture under this section and any certified record of such conviction or judgment described by law; or

(5) An offense under State law, involving the manufacture, distribution, or possession with intent to manufacture or distribute, a controlled substance, which is an offense under any controlled substances Act (21 U.S.C. 801 et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; and

(6) The term 'serious drug offense' means—

(A) an offense described by law; or

(B) a serious drug offense, as defined in clause (2) of the Controlled Substance Act (21 U.S.C. 801 et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; and

(7) The term 'violent felony' means any crime punishable by imprisonment for a term exceeding one year that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves the use of explosives, or otherwise involves a serious potential risk of physical injury to another.

Subtitle J—Authority for Appropriation for Drug Law Enforcement

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS

(1) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice, for the Drug Enforcement Administration, $4,000,000, except that notwithstanding section 1401(b) of title 21, of the United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration for the fiscal year 1987 may be used for travel, transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(2) The Drug Enforcement Administration of the Department of Justice is hereby authorized to plan, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident hereto for the All Source Intelligence Center: Provided, That the existing El Paso Intelligence Center shall remain in Texas.

(3) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, $124,500,000, of which $86,500,000 shall be for the construction of Federal penal and correctional institutions and $28,000,000 shall be for salaries and expenses.

(4) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Defense Services, $16,000,000.

(5) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Judges and Commissioners, $7,500,000.

(6) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Office of Justice Assistance, $5,000,000 to carry out a pilot prison capacity program.

(7) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for support of United States prison institutions, $12,000,000.

(8) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Office of the United States Attorneys, $31,000,000.

(9) There is authorized to be appropriated for fiscal year 1987 for the Defense Department for the Department of Justice for the United States Marshals Service, $17,000,000.

(10) Authorization of appropriations for fiscal year 1987 contained in this section are in addition to those amounts agreed to in the conference agreement reached on Title I of H.R. Res. 738.

(11) In addition to any other amounts that may be authorized to be appropriated for fiscal year 1987, the following sums are authorized to be appropriated for each year of such fiscal year to provide secure voice radio equipment.

Federal Bureau of Investigation

$2,000,000

Secret Service

$5,000,000.

Subtitle K—State and Local Narcotics Control Assistance

SEC. 1412. SHORT TITLE

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1986.

SEC. 1551. REPEAL OF JUSTICE ASSISTANCE DRUG GRANT PROGRAMS

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. 3712 et seq.) is amended—

(b) by redesignating part M as part N;

(c) by redesigning section 1301 as section 1401, and

(d) by inserting after part L the following new part:

PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"FUNCTION OF THE DIRECTOR

"Sec. 1301. The Director shall provide to eligible States and units of local government pursuant to this part,

DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

"Sec. 1302. The Director is authorized to make grants, loans, and contracts to the States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses described in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

(1) provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of such apprehension;

(2) provide additional personnel, equipment, facilities (including upgraded and additional drug law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution;

(3) provide additional personnel (including judges, equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State and local laws, to pay operating expenses in connection with such adjudication, and to provide quick tempo-
ratory facilities in which to conduct adjudications of such cases;

(4) provide additional public correctional assets to prevent or deter the detention of persons convicted of violating State laws or regulations relating to the production, possession, or transfer of controlled substances, and to facilitate the improvement and rehabilitation of persons convicted of violating State and local laws;

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plants from which controlled substances may be extracted;

(6) provide programs which identify and meet the needs of drug-dependent offenders; and

(7) conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

"APPLICATIONS TO RECEIVE GRANTS"

"SEC. 1303. To request a grant under section 1302 of this title, a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances;

(2) a certification that Federal funds made available under section 1302 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities;

(3) a certification that funds requested to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds;

(4) an assurance that the State application described in this section, and any other State application or amendment thereto that has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed by the State legislature or such body does not review such application or amendment within the 60-day period following the date of such application or amendment is submitted); and

(5) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent it is provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

Such a policy shall be designed to further the establishment of a system of intercommunication with State and local officials whose duty it is to enforce such law. Such strategy shall be designed to ensure that following the first fiscal year covered by an application, and each fiscal year thereafter, the applicant shall submit to the Director or to the State the same case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

"SEC. 1304. (a) The Bureau shall provide financial assistance to each State applicant under section 1302 of this title to carry out the activities set forth by such applicant upon determining that—

(1) the application or amendment thereto is consistent with the requirements of this title; and

(2) before the approval of the application and any amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved, in whole or in part, by the Bureau not later than sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(3) Grant funds awarded under section 1302 of this title shall not be used for land acquisition or construction projects, other than that which bears the same ratio to the amount of remaining funds described in this paragraph as the population of the State bears to the population of all the States.

(b) (1) Each State which receives funds under subsection (a) in any fiscal year shall distribute among units of local government, or combinations of units of local government in such State for the purposes specified in section 1302, in such State—

(1) an amount of funds expended by the State and all units of local government in such State for criminal justice within the preceding fiscal year to the aggregate amount of funds expended by the State and all units of local government within such State for criminal justice in such preceding fiscal year;

(2) any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved;

(3) for purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used; and

(4) if the Director determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to comply with any condition imposed upon the grant funds under section 1302 of this title, or that a State chooses not to participate in the program established under such section, such portion shall be reallocated by the Director to the State or States that are able to comply with the conditions imposed upon such grant funds, and their giving priority to those jurisdictions with greatest need.

"Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 1309 of this title.

"REPORTS"

"SEC. 1306. (a) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 1303 of this title;

(2) a summary of the activities carried out in such year with any grant received under section 1309 of this title by such State; and

(3) such other information as the Director may require by rule.

Such reports shall be submitted in such form and by such time as the Director may require by rule.

(b) Not later than ninety days after the end of each fiscal year for which grants are made under section 1302 of this title, the Director shall submit to the Speaker of the House of Representatives and to the Committee on Appropriations of the Senate a report for such fiscal year which—

(1) states the amount of such grants made under sections 1302 and 1309 of this title to such State for such fiscal year;

(2) states the amount of such grants expended for each of the purposes specified in section 1302; and

(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a).

"EXPENDITURE OF GRANTS: RECORDS"

"SEC. 1307. (a) A grant made under section 1302 of this title may be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any purpose specified in section 1302, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such funds, and no other portion of the expenditures for such uses shall be paid in cash.

(b) Not more than 10 percent of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

(c) Each State which receives a grant under section 1302 of this title shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.

(d) The Director submitted the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which participate in the expenditure of funds under section 1302 of the Federal programme on drug law enforcement, or any part of such grant made under section 1302 of this title, and shall require the Director of the Comptroller General, such books, documents, and records are related to the receipt and use of any such grant.

"STATE OFFICE"

"SEC. 1308. (a) The chief executive of each participating State shall designate a State office to administer the grant funds under section 1302 of this title and

(1) preparing an application to obtain grant funds under section 1302 of this title and

(2) administering funds received under such grants and review of the operation of the grant program, processing, monitoring,
progress and financial report review, technical assistance and personnel training, including assistance in accounting, and fund disbursements.

(b) An office or agency performing other functions shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws.

paragraph (f) by inserting after paragraph (e) the following new paragraph:

"(5) in subsection (b) by striking out "and in lieu thereof "E, F, and M".

S. 1314. Discretionary grants.

SEC. 1310. No grant may be made under section 1308 of this title unless an application has been submitted to the Director in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to section 1309 of this title and

"(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out.

(b) Each applicant for funds under section 1308 of this title shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws.

SEC. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per cent shall be reserved and set aside for special discretionary funds to be used in a special discretionary fund for use by the Director in carrying out the purposes specified in section 1309 of this title.

SEC. 1312. Limitation on use of discretionary grant funds.

SEC. 1313. Allocation and distribution of funds under formula grants.

SEC. 1305. Allocation and distribution of discretionary grant funds.

SEC. 1306. Reports.

SEC. 1309. Discretionary grants.

SEC. 1310. Application requirements.

SEC. 1311. Allocation of funds for discretionary grant programs.

SEC. 1312. Limitation on use of discretionary grant funds.

PART N—TRANSITION—EFFECTIVE DATE

SEC. 1401. Continuation of rules, authorities, and proceedings.

SEC. 1001 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in subsection (a)—

"(A) by striking out "and in lieu thereof "L, and M", (B) by redesignating paragraph (b) as paragraph (c), and

"(2) in subsection (b) by striking out "and in lieu thereof "E, F, and M".

S. 1315. Study required.

SEC. 1314. Limitation on use of discretionary grant funds.

SEC. 1315. Amendment to the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(D) In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official for another official—

"(1) has reason to believe that the alien may have been lawfully admitted to the United States or otherwise is not lawfully present in the United States, and

"(2) expeditiously inform an appropriate office or employee of the Service authorized and designated by the Attorney General of the followings

SEC. 1316. Includes.

SEC. 1317. Definitions.

SEC. 1318. Study to be made.

SEC. 1319. Allocation of funds.

SEC. 1320. Grounds for award of grants.

SEC. 1321. Limitation on use of discretionary grant funds.

SEC. 1322. Study required.

SEC. 1323. Limitation on use of discretionary grant funds.

SEC. 1324. Study required.
APPENDIX
PROVIDING FOR CONCURRING IN THE SENATE AMENDMENT TO THE BILL H.R. 5484 WITH AN AMENDMENT

OCTOBER 7, 1986.—Referred to the House Calendar and ordered to be printed

Mr. Peppé, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 576]

The Committee on Rules, having had under consideration House Resolution 576, by nonrecord vote, report the same to the House with the recommendation that the resolution do pass.
Mrs. Gildenhorn is currently cochairman, Washington Committee for the Endowment of the John F. Kennedy Center for the Performing Arts. Previously she was president of Bristol Antiques, 1973-1984. She graduated from the University of Maryland (B.A., 1953). Mrs. Gildenhorn is married, has two children, and resides in Bethesda, MD. She was born January 14, 1932, in Baltimore, MD.

Marine Mammal Commission

Designation of Robert Elsner as Chairman. October 27, 1986

The President today announced his intention to designate Robert Elsner to be Chairman of the Marine Mammal Commission. He would succeed William Evans. Since December 12, 1984, Dr. Elsner has been a member of this Commission. He currently is professor of marine science, Institute of Marine Science, University of Alaska in Fairbanks, a position he has held since 1973. Dr. Elsner graduated from New York University (B.A., 1950), the University of Washington (M.S., 1955), and the University of Alaska (Ph.D., 1959). He is married, has three children, and resides in Ester, AK. Dr. Elsner was born June 3, 1920, in Boston, MA.

Anti-Drug Abuse Act of 1986

Remarks on Signing H.R. 5484 Into Law. October 27, 1986

Well, today it gives me great pleasure to sign legislation that reflects the total commitment of the American people and their government to fight the evil of drugs. Drug use extracts a high cost on America: the cost of suffering and unhappiness, particularly among the young; the cost of lost productivity at the workplace; and the cost of drug-related crime. Drug use is too costly for us not to do everything in our power, not just to fight it, but to subdue it and conquer it.

The magnitude of today’s drug problem can be traced to past unwillingness to recognize and confront this problem. And the vaccine that’s going to end the epidemic is a combination of tough laws—like the one we sign today—and a dramatic change in public attitude.

We must be intolerant of drug use and drug sellers. We must be intolerant of drug use on the campus and at the workplace. We must be intolerant of drugs not because we want to punish drug users, but because we care about them and want to help them.

This legislation is not intended as a means of filling our jails with drug users. What we must do as a society is identify those who use drugs, reach out to them, help them quit, and give them the support they need to live right.

Let me take a moment here and salute a special person who has turned the fight against drug abuse into a national crusade. She started long before the polls began to register our citizens’ concern about drugs. She mobilized the American people, and I’m mighty proud of her. I know the work Nancy’s been doing has been appreciated.

And Nancy’s made a special commitment to assist young people who are just getting started to quit and to prevent others from starting in the first place. One young person asked her advice about what to do if offered drugs. And she came up with a bit of simple, yet profound, wisdom. She said, “Just say no.” And today there are thousands of Just Say No clubs all over America.

In all of our endeavors here in Washington, we’re striving for a world where our young people can live happier, more opportunity-filled lives. Our goal in this crusade is nothing less than a drug-free generation. America’s young people deserve our best effort to make that dream come true.

In the last few years, we’ve made much progress on the enforcement end of solving the drug problem. Interdiction is up, drug crops are being destroyed while still in the fields all over the country and overseas, organized crime is being hit and hit hard, cooperation between governments is better than ever before. This legislation allows us to do even more.
Nevertheless, today marks a major victory in our crusade against drugs—a victory for safer neighborhoods, a victory for the protection of the American family. The American people want their government to get tough and to go on the offensive. And that’s exactly what we intend, with more ferocity than ever before. But as I’ve said on previous occasions, we would be fooling ourselves if we thought that new money for new government programs alone will solve the problem.

Let’s not forget that in America people solve problems, and no national crusade has ever succeeded without human interest. So, at the same time that government sends a long, loud, clear message, I ask each American to be strong in your intolerance of illegal drug use and firm in your commitment to a drug-free America. United, together, we can see to it that there’s no sanctuary for the drug criminals who are pilfering human dignity and pandering despair.

There’ve been some real champions in the battle to get this legislation through Congress: Senators Bob Dole, Robert Byrd, and Strom Thurmond; Congressmen Bob Michel, Jim Wright, Benjamin Gilman, Charles Rangel, and Jerry Lewis.

I’d like to single out Senator Paula Hawkins in particular. She took this battle to the public and has been a driving force behind the effort to rid our society of drug abuse. Like Nancy, she made her commitment to fighting drugs long before it was the popular thing to do. This kind of honest, hard-working leadership is what makes all the difference. And now, Paula, if you and your colleagues will join Nancy and me, we will get on with the signing of that bill, making it the law of the land.

Note: The President spoke at 2:39 p.m. in the East Room at the White House.

As enacted, H.R. 5494 is Public Law 99-570, approved October 27.

Implementation of the Comprehensive Anti-Apartheid Act

Executive Order 12571. October 27, 1986

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Comprehensive Anti-Apartheid Act of 1986 (Public Law 99-440) ("the Act"), and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Implementation of the Act. All affected Executive departments and agencies shall take all steps necessary, consistent with the Constitution, to implement the requirements of the Act.

Sec. 2. Functions of the Department of State. The Secretary of State shall be responsible for implementing Sections 208, 302 (to the extent it relates to temporary imports), 303(b), 307(a)(2), 317, 318, 401(b)(2), 501(b), 504, 506, and 508 of the Act. Responsibility for transmitting the report required by Section 509 of the Act is delegated to the Secretary of State.

Sec. 3. Functions of the Department of the Treasury. The Secretary of the Treasury shall be responsible for implementing Sections 301, 302 (to the extent it relates to permanent imports), 303, 305, 308, 309, 310, 319, 320, 323(a)(2), and 510 of the Act.

Sec. 4. Functions of the Department of Commerce. The Secretary of Commerce shall be responsible for implementing Sections 304, 321, and 502(b) of the Act.

Sec. 5. Functions of the Department of Defense. The Secretary of Defense shall be responsible for implementing Section 322 of the Act.

Sec. 6. Functions of the United States Trade Representative. The United States Trade Representative shall be responsible for implementing Sections 323(a)(2) and (b) of the Act and Section 402 (except for the imposition of import restrictions).

Sec. 7. Functions of the Agency for International Development. The Administrator of the Agency for International Development shall be responsible for implementing Sections 210 (to the extent of determining the existence of food shortages only) and 505 of the Act.

Sec. 8. Functions of the Department of Transportation. The Secretary of Transportation shall take the steps specified in Sections 306(a)(2) and (3).

Sec. 9. Definition of Strategic Minerals. The Secretary of State shall be responsible,
National Security Act of 1947 will be repealed. I also view those provisions of the bill that set forth the policy of the Congress as advisory and not binding on me as President.

Despite these concerns, I believe that this legislation as a whole represents another positive step toward fulfilling our commitment to strengthen our nation's foreign intelligence capabilities.

Note: As enacted, H.R. 4759 is Public Law 99-569, approved October 27.

Anti-Drug Abuse Act of 1986

Statement on Signing H.R. 5484 Into Law. October 27, 1986

As I stated in my remarks at the signing ceremony for this bill, I am pleased to sign the Anti-Drug Abuse Act of 1986.

One other matter concerning the act is worthy of note. This act contains several important provisions reforming the Freedom of Information Act (FOIA) that will considerably enhance the ability of Federal law enforcement agencies, such as the Federal Bureau of Investigation and the Drug Enforcement Administration, to combat drug offenders and other criminals. My administration has been seeking such reforms since 1981.

These FOIA reforms substantially broaden the law enforcement exemptions in that act, thereby increasing significantly the authority of Federal agencies to withhold sensitive law enforcement documents in their files. The statutory language changes make clear, for example, that any Federal law enforcement information relating to pending investigations or confidential sources may be withheld if its disclosure could reasonably be expected to cause an identified harm. The act also includes, for the first time, special exclusions whereby certain law enforcement records would no longer be subject to the requirements of the FOIA under particularly sensitive, specified circumstances.

Additionally, this act makes several changes with respect to the charging of fees under the FOIA. Agencies will now be able to charge and recover the full costs of processing requests for information under the FOIA, consistent with the Federal user fee concept, in the large number of cases in which FOIA requests are made for commercial purposes, a term that has been broadly construed in other contexts of the FOIA. At the same time, the act will somewhat limit the fees applicable to noncommercial educational or scientific institutions and to bona fide representatives of established news media outlets. It is important that no such special treatment is accorded to organizations engaged in the business of reselling government records or information.

Finally, the bill improves the standard governing the general waiver of FOIA fees, by mandating that such waivers be granted only where it is established that disclosure is in the "public interest" because it is likely to "contribute significantly to public understanding" of the operations or activities of the Government. This standard is intended to focus upon benefits to the public at large, rather than upon the interest of a particular segment of the public, and thus clarifies the type of public interest to be advanced.

Note: As enacted, H.R. 5484 is Public Law 99-570, approved October 27.

Government Securities Act of 1986


I have signed H.R. 2032, the Government Securities Act of 1986. This important piece of legislation, which represents the culmination of 18 months of cooperative, bipartisan efforts by the Congress and the administration, will help assure the continued safety and efficiency of the markets for United States Treasury and other government-related debt.

The Government Securities Act, for the first time, establishes requirements for registration, financial responsibility, customer protection, recordkeeping, and audit of brokers and dealers who transact business solely in government securities. It will be
Index of Authorities

I. Volume 132 Congressional Record.

Daily Editions:

September 12, 1986
September 24, 1986
September 25, 1986
September 27, 1986

October 3, 1986
October 6, 1986
October 8, 1986
October 15, 1986 (Part II)
October 17, 1986

II. H.R. 5484, 99th Cong., 2d Sess., As First Read in Senate (September 15, 1986).
