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

SUBTITLE K - STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
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LEGISLATIVE HISTORY

OF

"ANTI-DRUG ABUSE ACT OF 1986"
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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   b. Bipartisan Compromise Measure S.2878, See Sec. 1302(1), ......32
      132 Cong. Rec. S13659 {daily ed. September 25, 1986}

   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

   a. Senate Republican Package S.2850, See Sec. 1302(2), 132......29
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   b. Bipartisan Compromise Measure S.2878, See Sec. 1302(2), 132 ......32
      132 Cong. Rec. S13659 {daily ed. September 25, 1986}

   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}
5. 1302(3) ADJUDICATION

a. Senate Republican Package S.2850, See Sec. 1302(3), 132 .... 29
   Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(3), .... 32
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6. 1302(4) PUBLIC CORRECTIONAL RESOURCES

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

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(4), .... 32
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7. 1302(5) ERADICATION PROGRAMS

a. Senate Republican Package S.2850, See Sec. 1302(5), 132 .... 29
   Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(5), .... 32
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8. 1302(6) DRUG DEPENDENCY

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   132 Cong. Rec. S13972, S14108 {daily ed. September 27, 1986}

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

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9. 1302(7) DEMONSTRATION PROGRAMS

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

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

d. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17, 1986}


10. Sec. 1303 APPLICATIONS TO RECEIVE GRANTS

a. As First Read In Senate, See Sec. 1305 {September 15, 16 1986}

b. Senate Republican Package S.2850, See Sec. 1303(a),(b), 132 Cong. Rec. S13459 {daily ed. September 24, 1986}

c. Bipartisan Compromise Measure S.2878, See Sec. 1303(a),(b), 132 Cong. Rec. S13659 {daily ed. September 25, 1986}

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

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11. 1303(1) STATE STRATEGY

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

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12. Sec. 1303(2)-(5) CERTIFICATION AND ASSURANCES

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

c. As Passed by House, 132 Cong. Rec. H9495-6 {daily ed. October 8, 1986}

d. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17, 1986}
13. **Sec. 1304a  REVIEW OF APPLICATIONS: REQUIREMENTS**
   
a. As First Read In Senate, See Sec. 1306 {September 15, 1986} 
   
b. See Gen. Sec. 1303, As Passed by Senate 132 Cong. Rec. ...48 S15217 {daily ed. October 6, 1986} 
   
c. As Passed by House, See Sec. 1304(a), 132 Cong. Rec. H9496 ...58 {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 ...58 {daily ed. October 8, 1986} 
   
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15. **Sec. 1304(c) REHEARING PROCEDURE**
   
a. As First Read In Senate, See Sec. 1306(c) {September 15, 1986} 
   
b. As Passed by House, See Sec. 1304(c), 132 Cong. Rec. H9496 ...58 {daily ed. October 8, 1986} 
   
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16. **Sec. 1305 ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS**
   
   
   
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17. Sec. 1306 REPORTS

a. Senate Republican Package S.2850, See Sec. 1304 (a), (b), ... 29
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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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d. As Passed by House, See Sec. 1306, 132 Cong. Rec. H9496 ... 58
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f. Views of Senator Sasser, 132 Cong. Rec. S14269 {daily ... 36
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18. Sec. 1307 EXPENDITURE OF GRANTS; RECORDS

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a. As First Read In Senate, See Sec. 1308 {September 15, 1986}

b. Senate Republican Package S.2850, See Sec. 1306, 132 Cong. Rec. S.13460 {daily ed. September 24, 1986}


d. As Passed by Senate, See Sec. 1306, 132 Cong. Rec. S15217 {daily ed. October 6, 1986}

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20. **Sec. 1309 DISCRETIONARY GRANTS**

a. As First Read In Senate, See Sec. 1309, 1310 {September 15, 1986}

b. As Passed by House, See Sec. 1309, 132 Cong. Rec. H9496 {daily ed. October 8, 1986}

c. As Enacted, 132 Cong. Rec. H11233 {daily ed. October 17, 1986}


21. **Sec. 1310 APPLICATION REQUIREMENTS**

a. As First Read In Senate, See Sec. 1311 {September 15, 1986}
b. As Passed by House, See Sec. 1310, 132 Cong. Rec. H9496....58
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c. As Enacted, 132 Cong. Rec. H11233 {daily ed. October 17,.....66
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22. Sec. 1311  ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

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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}

b. Bipartisan Compromise Measure S.2878, 132 Cong. Rec.......31
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   6689, 6724 {daily ed. September 12, 1986}

c. S. Amd. 3091, offered by Senators Hatfield and Stennis, 132....37
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e. As Enacted, 132 Cong. Rec. H11231 {October 17, 1986} ..........64

APPENDIX


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CITATION

TEMPORARY DRUG BILL CITE:
Anti-Drug Abuse Act of 1986, Subtitle K-State and Local Law
Enforcement Assistance Act of 1986 Pub. L. 99-570 (October 27,
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 California.

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 "20" 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 "65 percentum of" subject to paragraph (2), of.

Page 221, line 2, insert the following: "The amount reserved under paragraph (1)—" (a) For fiscal year 1987 may not exceed 

$20,000,000.

(b) For fiscal year 1988 may not exceed 

$40,000,000.

Page 218, line 3, strike out "(b)(1) Of" and insert in lieu thereof "(b)(1) Subject to subparagraph (A), of.

Page 219, after line 9, Insert the following: "(A) The amount reserved under subparagraph (A)—" (i) For fiscal year 1987 may not exceed 

$15,000,000.

(ii) For fiscal year 1988 may not exceed 

$30,000,000.

Page 221, line 2, strike out line 2, and insert in lieu thereof the following: "$50,000,000 for fiscal year 1987 and $955,000,000 for"

Mr. RANGEL (during the reading). Mr. Chairman, I ask unanimous consent to have the amendment 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.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York (Mr. Rangel) will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

Mr. HUGHES. Mr. Chairman, I stand in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. Hughes) will be recognized for 10 minutes to speak in opposition to the amendment.

The gentleman recognizes the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Chairman, we are now really getting to the real substantive area of this omnibus package.

The real frontline troops in this war have to be our local law enforcement officials, and certainly in the bill that was passed out of committee I do not think we give them the equipment to work with.

All that my amendment would do is to take the amendment which the resolution is the bill, H.R. 526, the one that originally went before the Judiciary Committee, and increase the moneys available to the amount that was in the original bill. That is, in 1987 $660 million will be added to what was reported out, and in 1988 $695 million will be added, and we will go along with the discretionary grants that were in the original bill. The only other area where we make changes is to allow the local authorities to decide where they will use the money as it relates to building prisons.

Let me tell the Members that one of the major problems that we face today is not just the lack of local policemen and district attorneys and judges, but we are facing a lack of confidence in the local law enforcement officials. Why is this? It is because when people see drug trafficking taking place all around them and see the sales taking place outside the courtrooms, classrooms, outside the boardrooms, and the police looking at these sales and not making the necessary arrests and see people who are arrested returning to the streets quicker than the police can leave the court and come back to the streets, it means that we on the Federal level are calling it a local problem. Yet we know that none of these drugs are being processed or grown by local or State jurisdictions.

It seems to me that if we are serious, the Federal Government is going to have to extend a hand by providing the funds that are necessary to reinforce and to back up our local policemen who are doing the best they can with limited resources. But certainly if we take a look at what they have to look forward to in the Federal Estab- lishment, we have not increased the Drug Enforcement Administration in agents since 1974. Why, we have in the city of New York alone some 25,000 policemen who are on the front line, and when we take a look at what they have in Drug Enforcement, they have closer to 2,500 agents. We are making some 60,000 arrests in the city of New York spending some $318 million a year in trying to have a real war against drugs. You cannot tell me that when you go to Boston, Philadelphia, Newark, Los Angeles, and all the other areas that the committee has gone into, we are going to say that we have a war against drugs and not provide the tools to our mayors, to our district attorneys, and to our judges to really do the job that is necessary. I ask you just to take a look at some of the documents that the Conference of Mayors has produced, the documents that the National District Attorneys has produced, and the documents that the prosecutors of our country have produced, and you see that they want to get involved in this struggle. But we cannot convince them that they have to assume the full responsibility of protecting our borders and protecting our youth and protecting our communities when we refuse to unplug what is happening in many of the systems.

We have a system in which sometimes the police do not arrest because the district attorneys have a backlog. The city of New York has 1,500. We have a situation where the judges cannot sentence because there is no place to send them. I really suspect that if we take a look at the overall battle, we will find that the real troops we are concerned with will have to be the troops back home who will do the job if we will give them the tools to do their job.

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

Mr. RANGEL. I will yield to the ranking member of the Select Committee on Narcotics, but first let me say that I do not wish to have gone to any city in the United States, whether it was on the border or whether it was on the eastern coastline, that we did not listen to the police chiefs, to mayors, and to judges.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Gilman) in order that he may share his experience with this body.

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

Mr. GILMAN. Mr. Chairman, I rise in strong support of the amendment proposed by the distinguished chairman of the Select Committee, Mr. Hughes, and myself to increase the amount authorized for grants to State and local law enforcement to $660 million for fiscal year 1987, and $695 million for fiscal year 1988. In addition, the amendment reduces the matching requirement from 50 to 10.
percent, and provides for non-Federal prison construction.

The bill under consideration here today was necessitated by the fact that drug abuse and drug abuse have reached epidemic proportions in this Nation. Despite many efforts to increase our interdiction and enforce ment capabilities, local enforcement personnel are being overwhelmed by drug trafficking abuse and related criminal activity. Caseloads for these crimes are so overloaded that justice is not being served for offenders; would many cases not being handled because of a lack of time and resources.

The House Judiciary Committee, however, has authorized only one billion for fiscal 1987 and $200 million for fiscal 1988 for such grants. Of these amounts, 65 percent would be set aside for formula grants to States and the remainder proposed 50 percent aside for DEA to make discretionary grants to States, not only to continue support for successful enforcement efforts but to assist in furthering efforts in areas experiencing severe drug problems.

The amendment Chairmen Rangel and I are proposing would have to correct this shortcoming while providing the discretionary amounts proposed in the bill. First, the formula grant authorization level would be restored to $626 million as proposed in the original H.R. 526, the local and Local Narcotics Control Assistance Act as proposed by Chairman Rangel and myself. In drafting that bill we considered this amount to be a minimum sum that could have a significant impact on the severe problems confronting our Nation. Second, the matching funds requirement for States would be reduced from the Judiciary Committee's proposed 5 percent to the 10-percent figure in H.R. 526. Third, the $35 million discretionary funds included in the omnibus drug bill would be maintained. In all, $600 million would be authorized for formula and discretionary grants for fiscal year 1987. For fiscal year 1988, the omnibus drug bill would authorize $200 million, of which $70 million would be discretionary grants. We believe this amount is insufficient to combat narcotics trafficking. Accordingly, we have proposed $695 million for fiscal year 1988; which would contain $70 million in discretionary grants of the omnibus drug bill and include $525 from our original bill.

Mr. Chairman, hearings held around the country have clearly disclosed that State and local law enforcement agencies are under tremendous pressure and in desperate need of a substantial amount of assistance. In addition, the amount proposed in this amendment have the strong support of Governors, mayors, and State and local enforcement officials around the country. I believe that our amendment far more adequately recognizes and deals with that need. Accordingly, I urge my colleagues to give this measure their strong support.

Let us bear in mind that we cannot fight a $100 billion criminal activity of narcotics trafficking with mere words. We cannot wage a narcotics war with pleasewho.

Mr. Rangel. Mr. Chairman, I yield myself such time as I may consume, and I yield the gentleman from New York (Mr. McGarvey).

(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, come the hearings in my district. In my district, a gentleman from New York [Mr. Romano].

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

Mr. Rodino. Mr. Chairman, this amendment is probably the amendment that I think is the most sense in this effort to fight the war against drugs.

For a long period of time local municipalities and also in support of the war on drugs. This has been established by the Select Committee and by our own committee in my own district and around the country. Regrettably, our Committee on the Judiciary voted down this amendment by a one vote margin. Unless we are genuinely interested in fighting this war and helping those on the frontline fighting this problem on a 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, 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 Municipalities which stated that those "men and women who are closest to the problem 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.

This amendment will, in my judgment, enable us to put a dent in this fight against drug abuse and I urge my colleagues' support.

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

The CHAIRMAN. The gentleman from New York (Mr. Rangel) has 1 minute remaining.

The Chair recognizes the gentleman from New Jersey (Mr. Hughes).

Mr. Hughes. Mr. Chairman, I yield myself 3 minutes.

(Mr. Hughes asked and was given permission to revise and extend his remarks.)
in fiscal year 1987 and $130 million in fiscal year 1988 to $625 million each year. This tenfold increase in fiscal years 1987 and 1988 cannot be justified in the present Federal budget crisis, nor can it be reconciled with the careful approach to Federal aid to State and local criminal justice reflected in the ongoing Justice Assistance Act of 1984. Second, too soon. $625 million is authorized for formula grants in fiscal year 1987, which will begin before this authorization becomes law, and long before any supplemental appropriation based on the authorization. State and local governments have not planned or budgeted for 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 wasted with little or no guidance or limitation.

Third, too small a match. The amendment would reduce the State and local matching fund requirement from 50 percent to 10 percent. This would again repeat the errors of LEAA, where we found that, as a practical matter, a 10-percent match is too low to insure a real commitment to the purposes for which the money is being spent. It is, in reality, free Federal money.

Fourth, too much incentive to spend all the money on prison construction. No one in this body is more committed to helping law enforcement combat drug trafficking than the gentleman from New York. The reality is, however, that the changes proposed by this amendment, which include express authority to use the money for prison construction, will convert it into a prison construction program, with little or none of the money going directly for enforcement.

State and local government will see this large amount of Federal money as a one shot windfall, not to be continued or repeated, just as one does not expect Irish Sweepstakes or Maryland Lottery prizes. This guarantees that the money will be spent on prison construction at the Federal level and sent to the States and localities when they have a surplus.

The best thing we can do right now is to take the pressure off local and State governments is to do the job at the Federal level. Prisons right now on the Federal level are running 42 percent above capacity and we are going to take half a billion dollars that should be spent for prison construction at the Federal level and send it to the States and localities when they have a surplus.

Certainly if you ask any mayor, they would like money. You might call this the "make your local mayor feel good amendment." They love to send money, but let us be realistic. Let us not just promise. We are going to go to the Senate. We are going to have to compromise and when we compromise, we are going to have to compromise with the monies that are in the bill. That means you are not going to get your $600 million for the States. You are going to get something less, but it is going to be taken out of the hides of the FBI, DEA, prison construction and every other project of the Federal level.

We ought to request that our local governments spend more money on the antidrug program.

Let me just give you some statistics. In New York, 4.3 percent of their law enforcement budget is used against drugs. In Chicago, 10 percent. In New York nine-tenths of 1 percent. Philadelphia, 1.3 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 Federal prison construction.

You can vote for this amendment to make yourselves feel good. I will tell you that ultimately it is going to 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. My vote will be against it for 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. I will tell you that ultimately it is going to 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 Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I appreciate the chairman 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. 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 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 that was made about the States and the communities financially versus what we are facing 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 and Prison Construction Act. Former Commissioner Hal Sawyer 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. This is going to siphon it right away from those programs into prison construction, because they are the only programs that are going to be ready.

You are going to be funding States that have large surpluses and that is not what we should be doing in these fiscal times.

Mr. RANGEL. Mr. Chairman, I yield such time as he may consume to the majority leader, the gentleman from Texas [Mr. WRIGHT], the chief sponsor of that legislation.

Mr. WRIGHT. Mr. Chairman, I rise in support of the Rangel amendment.

The test of our seriousness is whether we are willing to provide support for those brave local forces on the front lines of this battle against a massive enemy, a slinky underground subculture that is financed to the tune of probably $130 billion this year in unreported ill-gotten gains.

For too long we have allowed those whom we charge with the responsibility of enforcing our drug laws to be underfunded, undermanned, outgunned by an enemy that is invading our streets and our schools and our homes.

There has been established ample information, documented in the Narcotics Committee hearings, that this amount provided in the Rangel amendment can be effectively used in these 15 task forces that we are creating throughout the country.

Let us not send them into battle against an armed tank with a pea-shooter. Let us give them the tools they need to win the war.

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of the amendment by my colleague from New York, Mr. Rangel, to increase from $100 to $600 million the funding available for Federal grants to State and local authorities to assist with drug enforcement activities.

The problem of drug abuse is not new to our Nation, but never before has it been more widespread or available to all age or income. The legislation we consider today, H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986, seeks to halt the increasing supply of narcotics to our streets and our schools.

The problem of drug abuse is not new to our Nation, but never before has it been more widespread or available to all age or income. The legislation we consider today, H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986, seeks to curb the demand for narcotics by providing Federal assistance to State and local governments and schools for expanded prevention and awareness programs. Additional funds are available to assist with alcohol and drug abuse treatment programs.

This is an important package of legislation and I strongly support its wide-ranging approach to combat drug abuse, including the expanded use of U.S. military equipment and personnel. But Navy ships can't help in tracking the movement of drug suppliers from nation to nation, nor can any other in our communities. AWACS and ED-2 surveillance aircraft cannot detect 10-year-old children on bicycles who are acting as couriers to transport packages of crack. In addition to the provisions already included in this bill, we need an increased emphasis on Federal support to local law enforcement programs such as that provided by the Rangel amendment. Without
this type of support, we cannot possibly expect to win the drug battle at the local level.

Pinellas County task force members presented documentation during a meeting Monday to show that the drug problem on our Nation's streets is getting worse. And there was general agreement that crack has exacerbated this type of support, we cannot possibly expect to win the drug battle at the local level.

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 bordcsof罂nts demanding more in an effort to repeat that same effect. However, that first-time high is impossible to achieve again, even when the quantity and repetition of its use is increased.

Equally troubling is the fact that crack is relatively inexpensive, costing as little as $5 to $15 per dose. This makes it available to people of all income levels and age groups. There are reports that crack now is even available at elementary schools throughout our Nation.

Although the full extent of the harmful side effects of drugs such as cocaine and its derivative crack continue to be studied, it is known that they can cause death, even in well-conditioned individuals. 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 dramati-cally. Officials attribute it to increased drug use. During the first 6 months of this year, the number of robberies reported in St. Petersburg rose 81 percent, as compared to the first 6 months of 1985. Burglarly 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 from our homes and businesses, particularly those of the elderly, who addicts prey upon to feed their expensive habits. This amendment and legislation will be small relative to the lost potential of thousands of young people who terminate their educations because of drug problems. It will be small compared to the cost of providing medical care to the countless number of individuals who will become sick or die from drugs and drug overdoses.

Drug abuse is a national problem that affects all Americans, whether or not they are drug users. The legislation we consider today is a tough response to the drug abuse problem. Increased drug enforcement and eradication efforts, tougher sentences for drug suppliers, and expanded drug education and prevention programs will not work without a commitment by the Federal Government, as provided by the Rangel amendment, to provide greater assistance to drug eradication officials as they battle this epidemic in our schools and on our streets.

Mrs. LLOYD. Mr. Chairman, I rise in strong support of the Rangel-Gilman amendment to the historic legislation we are considering today to address the drug scourge that confronts our Nation and its citizens. I am a co-sponsor of the earlier legislation which makes up the heart of this amendment and a strong proponent.

Our State and local criminal justice systems have borne a heavy burden as the drug epidemic has swept our Nation. For too long we have responded to the increases in crime with overcrowded jail cells and increased drug use. 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 law enforcement 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 often 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 counsel-ing available for these cases. They enter with a drug-use problem, they are reported "able to get anything they need in the underground movement while incarcerated" and they return to our communities in worse shape when they entered. That condition speaks to the need for drug treatment within the prison. There is also another more crucial need in detailed and complex legislative improvements in the laws by which we must attack the ever-increasing drug crisis in American life.

This crisis, though addressed in the past years, has steadily and dramatically increased. The Congress and elsewhere in our society, has deepened. An accurate reading 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 the history of our country 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 us an overwhelming concentration by certain countries in flooding this country with death-dealing narcotics. While the American public is awakening, the deadly danger the escalating drug problem poses to everyone, the full scope of the peril 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 FERNAND ST GERMAIN, 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 law enforcement new tools to the Internal Revenue Service, will also increase our strength in fighting this war.
prison problems today—prison overcrowding. Throughout the United States numerous local and State jurisdictions are under court order for overcrowding in their prison facilities. I urge my colleagues to support an amendment introduced by Congressmen CHARLES RANGEL, chairman of the Select Committee on Narcotics Abuse and Control, and BENJAMIN GILMAN, ranking member of the select committee. This amendment would increase the amounts authorized in title VI for grants to States for special local law enforcement efforts. I also urge my colleagues to support 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 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 I 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 PEPPE has submitted an amendment on increasing the funding for drug treatment (title IX). The Pepper amendment would increase from $100 million to $200 million a base figure for drug treatment under the provisions provided by the Committee on Energy and Commerce. There are many social signals immediately available to us as citizens through the media, as legislators through reports from hospital emergency rooms, police and emergency ambulance runs that show us how enormous is the need for treatment on both an emergency and rehabilitation basis for the drug-induced health crises. These figures tell only part of the story on the need for treatment funding, shocking as they are. Another set of figures needs more publicity—the numbers of people who ask for treatment in their drug-induced condition, and for whom there is nothing available except a list, which sometimes is a year in waiting. We must face the crisis of treatment-need all over this country that is with us today and we must responsibly project the escalating need for treatment in the near future, based upon today's statistics of users. I plead with my colleagues to support the increased treatment funding provisions in Congressman PEPPER's amendment through their "aye" votes.

The time is short; our work on the Omnibus Drug Act will be historic. The citizens of the United States are now fully participatory partners in our war on drugs. We must now vote to provide the instruments and funds to win this war.

Mr. GARCIA. Mr. Chairman, I rise in strong support of the Rangel amendment to H.R. 5484, the Omnibus Drug Enforcement, Education and Control Act of 1986. Finally, we have acknowledged the fact that there is a drug epidemic plaguing our Nation. For many years, I, along with the chairman of the Select Committee on Narcotics Abuse and Control, Congressman RANGEL and many other Members from poor urban areas have been trying to bring the issue of drug abuse to the forefront of this body's agenda in order that we may devise a comprehensive strategy to break the grip that drugs have on our society.

Unfortunately, it was not until the drug problem firmly entrenched itself in middle America before the country began to take notice. Not only do we find widespread drug abuse in the Bronx, Harlem, and Watts, but we find it in Grose Point, Mich.; Beverly Hills; and Salt Lake City. Illegal drugs such as crack/cocaine, heroin, marijuana, add, speed, quaaludes, POP, and others have taken countless lives. Moreover, drugs have wrecked careers, broken homes, invaded schools, incited crime, tainted businesses, destroyed heroes, corrupted policemen and politicians, bled billions of dollars from our economy and in some measure infected every corner of our public and private lives.

Your children, my children, your friends, my friends have all been affected in one way or another by the drug plague. Whether it was an overdose by a friend or relative, a victim of a drug-related crime, or the loss of abilities as a result of drug use or abuse. We have all been affected.

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 the 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 nation's needs firmly entrenched itself in middle America. Moreover, drugs have wrecked careers, tainted businesses, toppled heroes, corrupted millions from our economy and in some measure bled billions of dollars from our economy and in some measure infected every corner of our public and private lives.

The question was taken; and the VOTE was ordered.

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 171, not voting 18, as follows:

Mr. COOPER, Mr. Chairman, 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.
I propose this amendment is that I do not intend to oppose the gentleman's amendment. I understand the gentleman's amendment would give the Drug Enforcement Administration the authority to waive the 50-50 matching discretionary portion of the amendment.

The CHAIRMAN. Is the gentleman opposed to the amendment?
Mr. HUGHES. Mr. Chairman, I do not intend to oppose the gentleman's amendment.

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

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

The CHAIRMAN. The gentleman from California [Mr. Lewis] 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 ability to waive the non-Federal share matching requirement of 50 percent contained in the legislation under the discretionary State and local drug enforcement grant program because I propose this amendment is that I do not believe that an applicant for assistance under this provision should be precluded from obtaining vitally important resources just because of financial constraints. I completely understand the rationale that an applicant might exercise better management over the Federal dollars if they are required to match a grant dollar for dollar. Unfortunately, in my home State of Florida and many other States most of the prospective applicants can not fiscally afford to apply for the resources made available under this program. Take for instance Dade County, where the anticipated Federal budget cuts require the county to raise $5 million next year to maintain current services, however, under State law the county's property tax authority will only permit the county to raise $12 million. Dade County would be forced to cut very valuable services in order to meet the matching requirement. To ensure that the Federal dollars go to the areas where they are most urgently needed the Administrator should not be prohibited from

...
making grants to a drug infested area because the intended 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. We can impose fiscal accountability in certain instances by other means.

The Judiciary Committee included a discretionary grant program at my 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 providing the Administrator with the option of providing more resources to an area that is particularly hard hit by the drug menace.

I would like to take this time to express my sincere appreciation to Mr. Rangel for his success at increasing the funding level for the formula grants. There is no question that State and local law enforcement agencies in all sections of our Nation can utilize these additional revenues in their war on drugs. In my own State of Florida, we have 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 all 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 vote to reduce the matching requirement under the nondiscretionary grant formula. There is no question that local requirement to 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. PEPPER. It is not waived; it is 50 percent in the bill. All my amendment says 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 amendment was not directed, really, to changing the matching requirement 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 the Drug Enforcement Administrator's 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 rose to take the time 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.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

Amendment offered by Mr. McCollum:
Page 224, after line 13, insert the following:

Subtitle H—Miscellaneous Provisions

§ 417. Removal of Prohibition Relating to Convict Labor

(a) In General.—The first section of the Act entitled "An Act to Provide funds for the purchase of supplies and the earning of contracts by the United States, and for other purposes," approved June 30, 1936 (41 U.S.C. 24) is amended—

(1) in subsection (d)—

(A) by striking "and no convict labor";

(B) by striking out "or", except that, and all that follows through "title 18, United States Code";

(2) by adding at the end the following:

"Any law or Executive order containing prohibitions on the use of convict labor in the manufacture, production, or furnishing of supplies purchased by the Government does not apply to convict labor which satisfies the conditions of section 1796b of title 18, United States Code. This section does not apply to any contract entered out by convict labor.

(b) Effective Date.—The amendments made by this section shall not apply to contracts entered into before the date of the enactment of this Act.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Under the rule the gentleman from Florida (Mr. McCollum) will be recognized for 5 minutes, and a Member opposed there to will be recognized for 5 minutes.

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

The CHAIRMAN. At the appropriate time, the gentleman from Pennsylvania (Mr. Murphy) will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Florida (Mr. McCollum) for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield myself 3 minutes.

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

Mr. MCCOLLUM. Mr. Chairman, this amendment makes a significant change in the law with regard to State and local law enforcement. A lot of what we have been doing up until now has been dealing strictly with the Federal Government except for the grant programs we passed just a few minutes ago. This amendment, though, as we passed minimum mandatory sentences, we have overcrowding in Federal prisons, we also have overcrowding in the State prisons. Today the State prisons of this country are full of drug offenders,
I would assume that under that type of instruction, school boards or certain individuals would certainly be given consideration.

The act, however, does not mandate it, but obviously it does allow them to be included and certainly in the charge to the Government that it should not. I would assume that they 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 addition to that, further clarification is needed, I assure the gentleman that in the conference, we will certainly seek 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, the gentleman from Florida (Mr. Pepper) is recognized for 5 minutes. 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. COLEMAN of Missouri. If the gentleman will yield, Mr. Chairman. Just like there are historical societies probably in every county in this country that the gentleman may feel are competing with the National Trust for Historic Preservation, Mr. CONYERS. Then the gentleman does suggest that there will be a little friendly competition?

Then, Mr. Chairman, I will have to respectfully dissent from this unanimous consent about raising bread from the citizens to fight the war against drugs. I do not think at 9 o'clock that this is the safest or the most cogent hour for us to all come together and create another trust fund that would detract from our national environment, and that rebuild the Statue of Liberty and other funds. I think this idea, on reflection, is all wet.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Coleman). The amendment was agreed to.

The CHAIRMAN. Under the rule, amendments No. 4 to be offered by the gentleman from Missouri (Mr. Coleman) is now in order.

Mr. COLEMAN of Missouri. Mr. Chairman, I do not wish to proceed with that amendment at this time.

The CHAIRMAN. The gentleman from Missouri (Mr. Coleman) withdraws the amendment.

Under the rule, it is in order to recognize the gentleman from Wisconsin (Mr. Petri) for amendment No. 41.

Mr. LEWIS of California. The amendment has been withdrawn, Mr. Chairman.

The CHAIRMAN. Under the rule, it is in order to recognize the gentleman from Florida (Mr. Pepper) to offer amendment No. 42.

AMENDMENT OFFERED BY MR. PEPPER

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

The Clerk read as follows:

Amendment offered by Mr. PEPPER: Page 260, line 2, strike out "$180,000,000" and insert in lieu thereof "$260,000,000.

Page 260, line 10, strike out "two thirds" and insert in lieu thereof "four-fifths".

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. Pepper) is recognized for 5 minutes.

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, a few months ago the distinguished chairman of the Select Committee on Drugs, the gentleman from New York (Mr. Rangel), allowed me to sit with him while he was holding a hearing on the drug problem in Miami, my district.

We sat there and listened to the admiral, the head of the Coast Guard, representatives of other agencies of the Government, and civil authorities State and national, talk about the tremendous magnitude of this drug problem, of the vast quantities of drugs being brought into our country from Latin America.

As I sat there and listened to those men 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 that come into our country. So I began to wonder, why are they coming here? To get the money. I began to wonder: Should we put more effort and more money behind reducing supply, if we reduce the demand, there would not be any occasion for them to bring the drugs here. There would not be anybody to buy them.

I now have some facts here from our Select Committee on Drugs, prepared for this discussion. For example, there are 550,000 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 38,000 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
need for treatment programs for use under the age of 19.

Lastly, the resources allocated are inadequate to meet the challenge. So I am simply saying to you, my colleagues, let us add at least $100 million more to the $280 million that is already in the program, in this bill, for education and treatment. If we dry up the supply, we will still reduce the supply, you may be sure of that.

So I am asking you, will you not favorably consider an additional $100 million—let us see if it does not make some difference. Maybe, we will find that we should put the impetus on education and treatment and be more effective that way than in trying to interdict this market to those who have so much to gain by bringing their illicit drugs into our market.

Mr. Chairman, today I rise in support of my amendment to increase the funds for substance abuse treatment in the omnibus bill under title IX. This amendment will provide an additional $100 million for drug rehabilitation to the states under a formula based on the population at risk and the relative per capita income. 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 is.

I would like to say, for those people who think that 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 one of these treatment centers. Mr. Chairman, the tragic thing is that some of them are merely children, children that have run 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 out that we want to help, that one of the cruelest things we could do is to get people, like when Jesse Jackson came up in front of his peers and say, "I made a mistake, I'm on drugs," at least to be able to have the kid get some treatment after 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. 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.

Today we are embarking on a multibillion dollar war on drugs. To be successful we must push ahead on all fronts—law enforcement, prevention, education, and treatment. Of course, on any one of these fronts weak, we risk losing not just a battle but the whole war.

By spending now on treatment we can reduce the need for increased expenditures in the future in the other areas. For too long our country has concentrated its efforts on reduc-

ing the inflow of illegal narcotics into our country while ignoring the need to reduce the demand for the drugs within our borders. As long as people are willing to pay for drugs there will be those who are willing to provide them.

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 Florida [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 seri-

ous this problem is.

I would like to say, for those people who think that 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 one of these treatment centers. Mr. Chairman, the tragic thing is that some of them are merely children, children that have run 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 out that we want to help, that one of the cruelest things we could do is to get people, like when Jesse Jackson came up in front of his peers and say, "I made a mistake, I'm on drugs," at least to be able to have the kid get some treatment after 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. 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.

Today we are embarking on a multibillion dollar war on drugs. To be successful we must push ahead on all fronts—law enforcement, prevention, education, and treatment. Of course, on any one of these fronts weak, we risk losing not just a battle but the whole war.
H.R. 5484 AS FIRST READ
IN SENATE (September 15, 1986)
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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(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.
1 SEC. 663. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PRO-
2 GRAM.
3 (a) Establishment of Program.—Title I of the
4 Omnibus Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3712 et seq.) is amended—
6 (1) by redesignating part M as part N,
7 (2) by redesignating section 1301 as section 1401,
8 and
9 (3) by inserting after part L the following new
10 part:
11 “PART M—GRANTS FOR DRUG LAW ENFORCEMENT
12 PROGRAMS
13 “FUNCTION OF DIRECTOR
14 “Sec. 1301. The Director shall provide funds to eligible
15 States and units of local government pursuant to this part.
16 “DESCRIPTION OF DRUG LAW ENFORCEMENT FORMULA
17 GRANT PROGRAM
18 “Sec. 1302. The Bureau is authorized to make grants
19 under this part to States for the purpose of enforcing State
20 and local laws that establish offenses similar to offenses es-
21 tablished in the Controlled Substances Act (21 U.S.C. 801 et
22 seq.).
23 “FEDERAL PORTION OF PROGRAM
24 “Sec. 1303. (a) The amount of any grant made under
25 section 1302 of this title shall be equal to 90 per centum of
26 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 simi-
lar 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 con-
tained 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 A
ministrator shall give priority to jurisdictions in which suc
grants will have the greatest national and regional impact o
combatting 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 o
the cost of each program and project for which such grant m
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 i
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—
(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 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 the following 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)”,

(B) by inserting after “(A)”,
the National Forest System, the Secretary may authorize the Forest Service to cooperate with law enforcement officials of any Federal agency, State, or political subdivision in the investigation and enforcement of State and local law in the forests and on the public lands which border the boundaries of the National Forest System.

SEC. 1355. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT

Section 104(h) of the Controlled Substances Act (21 U.S.C. 841(h)) 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 a 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 subsection (c) such person shall be sentenced to not more than twenty years and shall be fined not more than $20,000. For purposes of this subsection, "in possession" includes any conduct or camouflage device designed to cause bodily injury when triggered by an action of any person making contact with the device. Bytraps include guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wire with hooks attached."

SEC. 1356. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated not to exceed $50,000,000 for each fiscal year to carry out the provisions of section 3504 of this title. Notwithstanding any other provision of law and to the extent that the sum authorized for each fiscal year by the preceding sentence is not appropriated, the Secretary of Agriculture is authorized to fund such section 3504 program by using moneys received from the sale of products from or for the use of National Forest System lands which moneys shall be available without further appropriation.

Subtitle M—Authorization of Appropriations

SEC. 1360. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, $249,000,000, of which $15,000,000 shall be for the construction of Federal and correctional institutions.

(b) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Defender Services, $88,000,000.

(c) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Judges and Commissioners, $45,000,000.

(d) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Office of Justice Assistance, $2,000,000 such as to carry out a pilot, prison capacity program.

Subtitle N—Controlled Substances Production Control

SEC. 1361. CONTROLLED SUBSTANCES PRODUCTION CONTROL.

Section 1764 of the Food Security Act of 1985 (21 U.S.C. 851a) is amended—

(1) in subsection (b), by striking out "four" 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:

"(c) 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 receives a program benefit described in subsection (b); and

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

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

Subtitle O—State and Local Narcotics Control Assistance

SEC. 1371. SHORT TITLE.

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

SEC. 1372. OFFICE OF JUSTICE ASSISTANCE DRUG LAW ENFORCEMENT PROGRAMS.

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (22 U.S.C. 7171 et seq.) is amended—

(1) by redesignating section 1301 as part M;

(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 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 apprehending such persons,

(2) provide additional personnel, equipment, facilities, and supplies for more widespread examination of illegal drug 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 incurred in connection with such prosecution;

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

(4) provide additional correctional facilities (including the expansion of existing prison facilities 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 drug dependent 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.

APPLlCATkNS 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 include 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 the State and the Attorney General. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Attorney General a report which includes—

(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) Not later 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) 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, and

(3) a summary of information provided in the report under subsection (a)(1).

EXPENDITURE OF GRANTS; RECORDS

"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, the Attorney General which receives a grant under section 802 shall promptly repay to the Attorney General an amount equal to
such part.

(4) Each State which receives a grant under section 1302 shall keep, and shall re-require units of local government which receive any part of a grant under subsection (a) or any part of a grant which a State or local government entity 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) administering funds received under such section from the Bureau, including review, processing, and insuring progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(b) An officer 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 D" and inserting in lieu thereof "parts D, M, and T".

(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, M, and T" and inserting in lieu thereof "parts D, M, and T";

and

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

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended by striking out "part D" and inserting in lieu thereof "parts D, M, and T".

(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 1300" after any such State 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. 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 M—TRANSITION—EFFECTIVE DATE—

"REPEALER

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

(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 L" and inserting in lieu thereof "L and M";

(B) by inserting after paragraph (6) in lieu thereof the following new paragraph:

"(7) There are authorized to be appropriated $100,000,000 for fiscal year 1967, $100,000,000 for fiscal year 1968, and $100,000,000 for fiscal year 1969, to carry out the programs under part M of this title.

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

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

SEC. 2751. STUDY REQUIRED.

(a) The Administrator of General Services and the Secretary of Defense shall jointly conduct a study to identify any building owned or operated by the United States which is readily available for use, as a prison by the Federal Bureau of Prisons.

(b) Within 180 days after the date of enactment of this Act, the Administrator of General Services and the Secretary of Defense shall transmit to the President and the Congress a report on the study conduct ed pursuant to subsection (a).

Subtitle G—Drug Law Enforcement Cooperation Study

SEC. 2901. DRUG LAW ENFORCEMENT COOPERATION STUDY.

(a) The National Drug Enforcement Policy Board, in consultation with the National Narcotics Intelligence System and State and local law enforcement officials, shall study Federal drug law enforcement efforts and their potential contributions as provided in subsection (b). The Board shall report to Congress within 180 days of enactment of this subtitle on its findings and conclusions.

(b) The report of the Board shall include recommendations on—

(1) the feasibility of improving the Nation's drug interdiction programs;

(2) the relative effectiveness and efficiency of various drug enforcement strategies, including interdiction;

(3) ways to maximize coordination and cooperation among Federal, State, local, drug law enforcement agencies; and

(4) ways to maximize coordination and cooperation between Federal agencies involved with drug interdiction, along with a recommendation on the transfer of mission from one agency to another.

Subtitle H—Drug Interdiction

SEC. 3851. EMERGENCY ASSISTANCE BY DEPARTMENT OF DEFENSE PERSONNEL.

Subsection (c) of section 374 of title 10, United States Code, is amended to read as follows:

"(c)(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used as a base of operations outside the land area of the United States (or any territory or possession of the United States) by Federal law enforcement officials as provided in subsection (a) to facilitate the enforcement of a law listed in subsection (a); and

(2) to transport such equipment.

(b) The report of the Board shall include—

(1) a list of emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.

(2) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

(3) If, in the opinion of the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.

(4) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

SEC. 3852. BORDER INTERDICATION AUTHORIZATION.

There is authorized to be appropriated for fiscal year 1974 for the Customs Service, the Immigration and Naturalization Service, the Drug Enforcement Administration of the Department of Justice, and the Treasury Department, $125,000,000 for use to interdict illegal drugs along the Southern border of the United States.

Subtitle I—Arrest Authority for INS Officers

SEC. 3901. ARREST AUTHORITY FOR INS OFFICERS.

(a) Title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"GENERAL ARREST AUTHORITY

"Sec. 294. Any officer of the Service as the Attorney General shall designate may—

(1) carry a firearm;

(2) execute and serve any warrant, warrant, subpoena, summons, or other process issued under the authority of the United States;

(3) make an arrest without a warrant for any offense against the United States committed in the presence of the officer or in a vehicle in which the officer is a passenger and a felony, cognizable under the laws of the United States committed outside the United States if the officer reasonably believes that the person to be arrested has committed or is committing a felony; and

(4) perform any other law enforcement duty that the Attorney General may designate.

(b) The table of contents of such Act is amended by inserting after the item relating to section 293 the following new item:

"Immigration and Naturalization Service.

Subtitle J—Improved Drug Crime Reporting

SEC. 2951. IMPROVED DRUG CRIME REPORTING.

(a) The Congress—

(1) finds that—

(A) the Bureau of Justice Statistics currently conducts one of the largest public opinion surveys programs in the world, the National Drug Survey of the Census Bureau, for the purpose of—

(B) identifies such vessels and aircraft; and

(2) monitoring and communicating the location and movement of such vessels and aircraft in the United States, State, and local law enforcement officials can assume such responsibilities.

If the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.

(3) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

(4) If, in the opinion of the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.

(5) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

(6) If, in the opinion of the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.

(7) For purposes of this subsection, an emergency circumstance exists when—

(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).

(8) If, in the opinion of the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted.
BIPARTISAN COMPROMISE MEASURE
S.2878
ing directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General or the Secretary of the Treasury pursuant to part- 

(3) shall not be subject to review. The United States shall not be liable in any action for the return of any property seized under the custody of which was transferred pursuant to this section to any non-Federal agency or entity or for any injury which the United States or any State may suffer, or, in the discretion of the Attorney General, may, in his discretion, set.

(2) The provisions of this section shall not be construed as limiting or superseding any provisions of any Act of Congress that provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including, but not limited to, property which is sought as evidence of a crime committed in the for- 

ign country.

(3) A certified order or judgment of forfei- 

ture by a court of competent jurisdiction of a foreign country concerning property which is subject to forfeiture under this section and was determined by such court to be the type of property described in subsection (a)(1)(B) of this section, and any certi- 

fied recordings or transcripts of testimony taken in a foreign judicial proceeding con- 

cerning such order or judgment of forfei- 

ture, shall be admissible in evidence in a pro- 

ceeding brought pursuant to this section. Such certified order or judgment of forfei- 

ture, when admitted into evidence, shall con- 

stitute sufficient evidence of the property for- 

feited by such order or judgment of forfeit- 

ure is subject to forfeiture under this sec- 

tion, which a presumption of the forfeitabil- 

ity of such property under this section.

(4) A certified order or judgment of con- 

viction by a court of competent jurisdiction of a foreign country concerning an unlawful drug activity which gives rise to forfeiture under this section and any certi- 

fied recordings or transcripts of testimony taken in a foreign judicial proceeding con- 

cerning such order or judgment of forfeit- 

ure, when admitted into evidence, shall be ad- 

missible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of convict- 

ion, when admitted into evidence, creates a rebuttable presumption that the unlawful drug activity giving rise to forfeiture under this section has occurred.

(5) The provisions of paragraphs (3) and 

(4) of this subsection shall not be construed as limiting the admissibility of any evidence otherwise admissible, or shall limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissi- 

ble.

(6) For purposes of this section— 

(1) the term ‘Attorney General’ means 

the Attorney General of the United States; and

(2) the term ‘Secretary of the Treasury’ means the Secretary of the Treasury or his 

designee.

992. Criminal forfeiture

(a) The Court, in imposing sentence on a person convicted of an offense under section 1956 of this title shall order that the person forfeit to the United States any property, real or personal, which represents the gross receipts the person obtained, directly or in- 

directly in any act which led to the seizure or forfeiture of such property. Such property which is forfeited pursuant to subsection (a)(1)(B) of this section may also be transfer- 

red to a foreign country pursuant to a treaty, or by a transfer of property under a United States law which is subject to forfeiture to such foreign country. A decision by the Attorney General pursuant to this paragraph shall not be subject to review. The United States shall have the right to transfer property or proceeds of sale of property under this subchapter, bear all ex- 

penses incurred by the United States in the seizure, maintenance, inventory, storage, 

forfeiture, and disposition of the property, and all transfer costs. The payment of all 

such expenses, and the transfer of assets pursuant to this paragraph, shall be upon such terms and conditions as the Attorney General may, in his discretion, set.

SEC. 140. SERIOUS DRUG OFFENSES.

(a) The second sentence of subsection (a) 

of section 1202 of title VII of the Omnibus 

Crime Control and Safe Streets Act of 1986 

(21 U.S.C. App. 1202(a)) is amended by strik- 

ing out “for robbery or burglary, or both,” 

and inserting in lieu thereof “for a crime of 

violence, or a serious drug offense”.

(b) Subsection (c) of section 1202 of title 

VII of such Act is amended by striking out 

paragraphs (8) and (9) and inserting in lieu 

thereof—

“(8) ‘serious drug offense’ means—

(i) an offense for which a maximum term of 

imprisonment of ten years or more is pre- 

scribed in the Controlled Substances Act (21 

U.S.C. 811 et seq.), the Controlled 

Substances Import and Export Act (21 U.S.C. 

851 et seq.), or section 1 of the Act of Sep- 

tember 15, 1980 (21 U.S.C. 855a et seq.), and

(ii) an offense under State law, involving 

manufacturing, distributing, possessing with 

the intent to distribute, a controlled sub- 

stance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 

802(b))), or section 1 of the Act of 

February 26, 1970, as amended by 

actors and shall be available to the Depart- 

ment of Justice for the Drug Enforcement 

Agency; 

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Subsection J—Authorization of Appropriation

for Drug Law Enforcement

SEC. 1415. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated 

for fiscal year 1987 for the Department of 

Justice for the Drug Enforcement Adminis-

tration, $428,000,000 of which $15,000,000 

shall be for an All Source Intelligence Center; except, that notwithstanding sec- 

tion 1245 of title 31, United States Code, 

funds made available to the Department of 

Justice for the Drug Enforcement Adminis-

tration in any fiscal year may be used for 

travel, subsistence, transportation, and subsistence ex- 

pense of State, county, and local officers 

attending conferences, meetings, and training 

courses at the FBI Academy, Quantico, Vir-

ginia.

(b) There is authorized to be appropriated 

for fiscal year 1987 for the Department of 

Justice for the Federal Prison System, 

$805,807,000 of which $179,000,000 shall be 

for the construction of Federal penal and 

correctional institutions.

(c) The funds authorized to be appropriated 

for fiscal year 1988 for the Judiciary for De-

fender Services, $88,000,000.

(d) There is authorized to be appropriated 

for fiscal year 1987 for the Judiciary for 

Pews and Expenses of Jurors and Commissi-

oners, $54,500,000.

(e) There is authorized to be appropriated 

for fiscal year 1987 for the Department of 

Justice for the Office of Justice Assistance, 

$2,000,000 for the purpose of carrying out a 

pilot prison capacity program.

(f) There is authorized to be appropriated 

for fiscal year 1987 for the Department of 

Justice for the United States Marshals Ser-

vice, $157,000,000.

(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, $59,000,000.

(a) The Attorney General is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys, $351,093,000.

Subtitle K—Controlled Substances Production Control

Subtitle L—State and Local Narcotics Control Assistance

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1966".

SEC. 1352. 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

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

"PART II—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"FUNCTION OF THE ATTORNEY GENERAL"

"Sec. 1302. 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 apprehending such persons,

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

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

(4) provide additional correctional facilities (including the expansion of existing prison capacity and the penal correction facilities, personnel training, and supplies for more widespread incarceration of violators of State laws relating to the production, possession, or transfer of controlled substances, and to establish and improve facilities and rehabilitative counseling provided to drug dependent persons convicted of violating State laws.

"CONDUCT OF PROGRAMS OF ERADICATION AIMED AT DESTROYING WILD OR ILLEGITIMATE GROWTH OF PLANT SPECIES FROM WHICH CONTROLLED SUBSTANCES MAY BE EXTRACTED, AND"

(4) to establish 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. (a) To request a grant under section 1302, the chief executive officer of a State shall submit to the Attorney General an application 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 strategy shall be prepared after consultation with authorities whose function 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 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.

"REPORTS"

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

(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 by the 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) Not later 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) 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, and

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

"EXPENDITURE OF GRANTS; RECORDS"

"Sec. 1305. (a) A grant under section 1302 may not be expended for more than 75 percent of the cost incurred to administer such grant.

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

"(c) Each State which receives a grant under section 1302 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, and submit an audit of such records.

(1) 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 participating in such grant, and may conduct an audit of such state and local government entities participating in such grant, 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.

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS"

"Sec. 1301. Function of the Attorney General.

"Sec. 1302. Description of drug law enforcement grants.

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports.

"Sec. 1305. Expenditure of grants; records.

"Sec. 1306. State plan.

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER"

"Sec. 1401. Continuation of rules, authorities, and functions through the end of fiscal year 1989.

(c) Section 1001 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. Function of the Attorney General.

"Sec. 1302. Description of drug law enforcement grants.

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports.

"Sec. 1305. Expenditure of grants; records.

"Sec. 1306. State plan.

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER"

"Sec. 1401. Continuation of rules, authorities, and functions through the end of fiscal year 1989.

(c) Inserting in lieu thereof:

(1) in subsection (a)—

(A) by striking out "and I" and inserting in lieu thereof "L and M",

(B) by redesignating paragraph (d) as paragraph (e),

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

There are authorized to be appropriated $115,000,000 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 I" and inserting in lieu thereof "L, E, and H."

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

SEC. 161. STUDY REQUIRED.

(a) Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide to the Attorney General—

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the drug. This intense craving can occur in the absence of physical dependence on the drug. In fact, recent 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 this has led us to explore a number of ways to treat cocaine exposure. These have focused on ways to counteract cocaine’s effect on neurotransmitters, which has been shown to cause deficiencies in transmitters 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 neurosciences as they relate to drug abuse. I anticipate major expansions of knowledge and understanding in the very near future. Our research program will focus on developing new prevention and treatment approaches based on fundamental knowledge of brain mechanisms. For example, we are trying to develop antagonists or neuromodulators that will block the effects of opiates for prolonged periods of time and we are developing new approaches to reverse the intense craving and drug seeking behavior that is a part of drug addiction. As we understand more and more about the biochemical nature of the brain and the relationship between the structure of brain chemicals and behavior, we will have profound capabilities for altering human capabilities and experience. We will, in the 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 in terms of punishment or during the fact in terms of law enforcement, but indeed to the best of our scientific abilities seeing 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 or the solution. In the long term, the subject matter of this amendment is by far and away probably one of the most important matters we will include in this legislation this evening.

I move adoption of the amendment.

Mr. WEICKER. Mr. President, 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 of the 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)

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

The PRESIDING OFFICER. The clerk will report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will report.

The Senator from Delaware (Mr. BIDEN), for Mr. MOYNIHAN proposes 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.

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. BIDEN), for Mr. MOYNIHAN proposes 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 1552(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 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

(3) adding at the end thereof the following:

"(7) provide grants for programs which identify and meet the needs of drug offenders for treatment as provided in section 404(a)(8)."

Mr. KENNEDY. Mr. President, one of the key components of an effective anti-drug 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 programs established 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 important 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 52,000 drug-abusing offenders had participated in TASC programs. Savings have been realized from the program due to decreased correctional, court, prosecutorial, and probation workloads. For example, of those successfully completing the program in 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...
Mr. BIDEN. Well, you know, Mr. President, we sometimes smile about that, but the Senator from Arizona has raised a question that a number of very, very thoughtful and intelligent people have raised, and that is the argument has been underway for some time in this country along the following lines: If, in fact, we not only have spawned a multibillion-dollar industry—profits to illegal syndicates and individuals, not unlike the days of prohibition—in light of that fact and coupled with the fact that 50 percent of the crime on the street, violent crime, is attributable to a junky going out and forcibly wresting from a citizen their dollars and their cents and their money and malting, or at least abusing them; and the fact that over 50 percent of the burglaries in America, the reason why people break and enter into homes is that there is a drug habit in which they steal your television, sell your television, and buy the heroin—they say. "Well, if that is the case, why don't we just legalise it?"

Now, it sounds funny, but look at it for a moment. If, in fact, drugs were legalized, that any heroin addict could walk into a clinic and get heroin, then the need to go out and mug my mother in the parking lot of the Acme is diminished, because they do not need the money in her purse. And also those major crime syndicates, which flourished and feed off society, would have their pocketbooks emptied very rapidly because people would not be paying for it. So it is not a crazy idea.

But I would say to my friend from Arizona, who is in fact one of the true civil libertarians in this country—and I mean that sincerely—the answer is one that will not come to him as one that is unexpected and one that his philosophy, probably, will find somewhat difficult. It is that big brother made a judgement that, in fact, we not only should protect those addicts and junkies who will kill themselves—the average age for example of a heroin addict, the life expectancy is about 28 years of age. They die by then not because they are shot by the police as they are jumping barriers, but because they overdose on heroin. They, in fact, kill themselves with the drug. And that is why the average life expectancy of drug user is relatively low.

So we, as a society, have made the judgment, which I happen to subscribe to, that we should, in fact, protect our citizens even those who are inflicting this sin upon themselves.

And I can accept the Senator's answer. He has satisfied me.

Mr. GOLDWATER. I am quittiing politics. So I can accept the Senator's answer. He has satisfied me.

Mr. BIDEN. I say to my colleagues, and I say to the entire Nation that is all of our loss.

I sincerely 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 here 14 years. 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 in their whole lifetime. And it is a loss to this body that he will be leaving.

I will yield to my colleague from Florida. Then I would like to go back at some point and 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 we are going to throw people into 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
DeCONCINI (AND OTHERS)  
AMENDMENT NO. 3044
Mr. DeCONCINI (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. 3601. ADDITIONAL DEPARTMENT OF DEFENSE NARCOTICS ENFORCEMENT ASSISTANCE.

(a) GENERAL REQUIREMENT.—(1) Within 90 days after the date of the enactment of this Act, the Secretary of Defense shall prepare and submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives—

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

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

(2) The list required by paragraph (1)(A) shall include, but not be limited to, the following:

(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.

(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 marine 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 Federal agencies having drug interdiction or drug eradication responsibilities, as authorized by law.

(b) COMMITTEE APPROVAL AND FINAL IMPLEMENTATION.—Within 60 days after the date on which the Committees referred to in subsection (a) receive the list and plan submitted under paragraph (2), 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

Mr. SASSER. Mr. President, I ask unanimous consent that I be allowed to speak on the Antidrug Abuse Act for a period not to exceed 8 minutes.

Mr. PRESIDING OFFICER. Very well. Is there objection? The Chair hears none, and the Senator from Tennessee is recognized.

Mr. SASSER. I thank the Chair.

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 working group on drug abuse know that a lot of hard work has gone into this bill. I know my colleagues realize the time and care that went into drafting this package. It represents a consensus of the best strategies for attacking the grave problems of drugs in our society.

It is a bipartisan effort and it provides a framework on which most Senators can agree.

With passage of this bill, we are taking a major step in the battle against drugs. For the first time, we are faced with the whole drug problem—and we are using a new approach to this problem that has been with us much too long. We know that a piecemeal approach will not work. We simply cannot afford a piece-by-piece or bill-by-bill attack on drugs and drug abuse in our society. We need this type of comprehensive approach which addresses each part of the drug problem.

I am very pleased that this bill contains sections focusing on particular concerns that I have voiced in the past. For instance, we provide for a cooperative study by Federal, State, and local law enforcement officials of Federal drug enforcement efforts. They are required to report their recommendations for interdiction and interdiction to Congress within 6 months of the passage of this act.

This study gives us the opportunity to develop strategies for interdiction in Inland States. And there is the expectation on this Senator's part that the study that is authorized in this act will take a look at the problem of inland interdiction, for the flow of drugs to inland States threatens to become a virtual flood without increased inland interdiction efforts. We know that only a fraction of smuggled drugs are ever intercepted at the border. We need to turn our attention to the bulk of the drugs that avoid that initial dragnet. That means increased attention to drug trafficking in States in the interior of the United States.

Let me give an example. My native State of Tennessee is within easy range of aircraft commonly used by drug smugglers flying from South America. It contains many small rural airports and airstrips that are particularly vulnerable to use by drug smugglers. Law enforcement officials in my State have identified over 30 small rural airports that need additional surveillance. The modus operandi of these drug smugglers using these small rural airports is to select one in a rural area, come in at night, perhaps arrange to have the landing lights left on when the operator of the airstrip goes home in the evening.

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 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 sections 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 treatment and prevention, they have continuously stressed to me 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 II 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 addictive than almost all of them. The bill also provides for 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 so 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 vitality 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 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 Senate Journal.

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 the transportation of cargo to the base in Iceland, an issue that could impair the critical United States-Iceland defense relationship. Although for approximately 14 years such car-
I think that the increase in penalties and the other provisions of this legislation that aid in the interdiction of drugs supplies into this country are very important.

I would like to make this observation, though, Mr. President: I think that in at least two particulars things that have been done on the House side in connection with the legislation over there are substantially preferable to what has been done in the Senate bill.

As you know, in connection with our consideration of this legislation, we did not go the question of a death penalty because of objections on this side so that after a motion to table had been adopted we abandoned the question of death penalty provisions in this legislation.

I just want to say, Mr. President, that in dealing with a problem this serious in the country, I would hope that the House and Senate stand resolute in their position concerning death penalty provisions in this legislation.

I think that the increase in penalties and the other provisions of this legislation that aid in the interdiction of drugs supplies into this country are very important.

As such, I propose an amendment to the bill. Therefore, Mr. President, let me propose an amendment to the bill.

I want to say this to my colleagues in the Senate: Last night, around midnight, after the wonderful dinner here we had honoring those Senators who are retiring from the Senate this year, I returned home and I was watching television. And they had on television a depiction of what is happening in California, southern California.

They showed there the problems in some of these communities on the border where they suggested that, believe it or not, 1 in 20 people in that part of that State are drug addicts as a consequence of the ease of obtaining drugs that are smuggled over the border. They showed pictures of fences with holes in them where individuals are able to crawl through the fences and bring drugs into the country.

They interviewed a woman who sells herself as a prostitute to earn at least $75 a day to support her habit in drug addiction. She was interviewed, and her face was blocked out, and she was saying she wished she lived in the Middle West or some other part of the country where it was not so easy to obtain drugs on a regular basis.

The thought occurred to me at that point, Mr. President, the right thing to do on that border, with those holes in the fence permit the drugs to come into this country on a regular and ongoing basis, that if we had some of our military dispersed in that area, a significant thing to do the interdiction of that drug supply at its source as it comes into the country.

Now I realize there are civil liberty concerns. I am concerned about that, as well. Someone in the course of the debate the other night, in levity, said, "We are not going to nuke them, are we?" Well, no I do not want to nuke them. I do not want to do ridiculous things.

But I would suggest that we spend hundreds of millions of dollars, Mr. President. We, in this budget, provide for $292 billion for our military spending for the Department of Defense bill that there are hundreds of thousands of military personnel in the country; all kinds of surveillance equipment readily available in the military. And I would like to suggest once again that we ought to consider that as part of the drug package we pass.

I think the Hunter amendment in the House is too strong. A careful evaluation of that amendment, Mr. President, convinces me that that amendment would not work. But I think that extending to the administration reasonable powers, within their capacity, with what is available to us in military personnel and military hardware, would be a desirable thing to do. I would hope, Mr. President, that the House stands resolute in its position on the death penalty provision and on doing something in connection with the whole posse comitatus question and the whole question of the use of our military in connection with drug interdiction.

I am delighted to support this bill. I see on the floor my distinguished friend, the President pro tempore, the chairman of the Judiciary Committee. I want to congratulate him on the work he has done, and the leadership and others involved in this legislation, and caution that there is more that can be done and the opportunity to do it is before us now. I hope the final legislation we send to the President of the United States contains these additional provisions.

Mr. President, I yield back the balance of my time and, if it pleases the Chair or those on the floor, I would suggest, Mr. President, the absence of a quorum.

The PRESIDING OFFICER (Mr. ARMSTRONG). The clerk will call the roll.

The legislation clerk proceeded to call the roll.

The amendment is as follows:

At the end of the bill, add the following: Sec. . (c) The Senate finds that—

(1) there is an urgent critical need for funds to carry out the programs and activities authorized by the preceding 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, 2nd 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 authorize-
tion was voted. In the meantime, we have discussed this matter with the Budget Committee leadership, we have discussed it with the leadership of the Senate, and other interested parties and I think this particular amendment is a sense of the Senate—let me emphasize, it is a sense-of-the-Senate resolution—saying in effect that the funding program that is authorized by the Senate at this time in the session, being it so close to the end of the session, will take place from additional resources that will be made available to the appropriators.

Basically, we are at our 302(b) allocations on all 13 bills. We do not have any maneuvering room to fund another program, particularly 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 lend our best efforts and we will fund such programs out of additional resources that will be made available to the appropriators, but we are expecting the September 30, 1987, funding to be implemented.

Basically, what our appropriators, I find the following, and I urge the Senate to adopt this amendment. Basically, what our appropriators will have done is taken the budget resolution that was before the Senate, an amendment to the CR. The Senate, in some of its work now, having gone through the subcommittee process, having cut some of the funding programs to that extent. Yes; we will break the crosswalk allocations to that extent. We probably will, if some new source of revenue is not found. I think it is this Administration's right to go home and say that we did not want a drug bill funded, that we went through some kind of charade to pass a drug bill and we do not want to pay for it.

That is my version of why we are here.

Mr. STENNIS, Mr. President, will the Senate yield?

Mr. DOMENICI. I yield.

Mr. STENNIS. Mr. President, I am impressed by what the distinguished Senator from New Mexico and the distinguished Senator from Oregon have said. I endorse what they have said about the need for this step to be taken. I feel the requirements of the budget resolution should be unimpaired. We can safely take this step, and should.

Mr. CHILES, Mr. President, I think the sense-of-the-Senate resolution as proposed by the distinguished chairman of the Appropriations Committee, the distinguished Senator from Mississippi, sets forth the expression of the Senate's feelings in this matter, and certainly the feelings of the Senator from Florida, that this is an emergency program. This is something that the Senate considers to be tremendously worthwhile, that it is in the interests of the country, and is something we definitely need to do, and we intend to take action to see that we do it.

Mr. DOMENICI. Mr. President, we have talked together on this. The continuing resolution as the Senator from New Mexico interprets it, although it says there will be two amendments, one, the amendment offered by the distinguished chairman of Appropriations Committee and the ranking member, which is the desk, and another that might be offered by the Senator from New Mexico and the senior Senator from Florida, let me say to the Senate clearly I do not intend and I do not think my friend Senator CHILES intends to offer an amendment because we have been working together on this amendment, so it seems to me if the Senate adopts this amendment, and I urge it does, we will be on the way to passing a drug bill.

We have been waiting around to pass it. It is an authorizing bill. We are in a very strange position, the House passed a drug bill with an awful 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, we say to ourselves before the CR is voted on in the Senate; that is, the funding bill. So we are called upon, as U.S. Senators, to vote with a lot of vigor for a drug bill before we ever get a drug bill. We are going to 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 and I urge the Senate to adopt this amendment.

Basically, what our appropriators will have done is taken the budget resolution that was before the Senate, an amendment to the CR. The Senate, in some of its work now, having gone through the subcommittee process, having cut some of the funding programs to that extent. Yes; we will break the crosswalk allocations to that extent. We probably will, if some new source of revenue is not found. I think it is this Administration's right to go home and say that we did not want a drug bill funded, that we went through some kind of charade to pass a drug bill and we do not want to pay for it.

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At the same time, I think this expresses that the Appropriations Committee, which is getting at the tail end of its work now, having gone through all the subcommittee process, having followed the allocations as set forth under the Budget Act and, as the distinguished Senator from New Mexico and the ranking member of the Budget Committee said, funding within the allocation in each subcommittee—should not be asked at this stage to tear up the patch, so to speak and say "Wait a minute. We're going to impose this $642 million on you now. So you just
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 is as follows:

Amendments to title I:

Section 1. Section 101(b) is amended-

(1) on page 16, line 11, by striking "Subsection" and inserting "Paragraph" in lieu thereof; and

(2) on page 15, line 13, by striking out the period before the quotation mark and adding a period after the quotation mark.

Sec. 2. Section 1051 is amended—

(1) on page 17, line 19, by striking out "subsection" and inserting in lieu thereof "title or title III";

(2) on page 17, lines 20 and 21, by striking out "this title or title III or under";

(3) on page 17, lines 20 and 21, by striking out "this title or title III or under";

(4) on page 18, line 1, by striking out "subsection" and inserting in lieu thereof "title or title III"; and

(5) on page 18, line 3, by inserting a comma after "time having been yielded".

The PRESIDING OFFICER. The question is on the substitute.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. BIDENS, 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 to strike these technical amendments and to adopt the amendments that have been proposed.

The PRESIDING OFFICER. The amendments have not been presented.

AMENDMENT No. 3092
(Purpose: To make certain technical corrections to sections of H.R. 5484 and appropriate amendments to H.R. 5486, the Anti-Drug Abuse Act of 1986)

Mr. BIDEN. Mr. President, I send the amendment to the desk and ask for its 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 is as follows:

Amendments to title I:

Section 1. Section 101(b) is amended—

(1) on page 16, line 11, by striking "Subsection" and inserting "Paragraph" in lieu thereof; and

(2) on page 15, line 13, by striking out the period before the quotation mark and adding a period after the quotation mark.

Sec. 2. Section 1051 is amended—

(1) on page 17, line 19, by striking out "subsection" and inserting in lieu thereof "title or title III";

(2) on page 17, lines 20 and 21, by striking out "this title or title III or under";

(3) on page 17, lines 20 and 21, by striking out "this title or title III or under";

(4) on page 18, line 1, by striking out "subsection" and inserting in lieu thereof "title or title III"; and

(5) on page 18, line 3, by inserting a comma after "time having been yielded".

The PRESIDING OFFICER. The question is on the substitute.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. BIDENS, 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 to strike these technical amendments and to adopt the amendments that have been proposed.

The PRESIDING OFFICER. The amendments have not been presented.

AMENDMENT No. 3092
(Purpose: To make certain technical corrections to sections of H.R. 5484 and appropriate amendments to H.R. 5486, the Anti-Drug Abuse Act of 1986)

Mr. BIDEN. Mr. President, I send the amendment to the desk and ask for its 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.
The amendment (No. 3092) was agreed to.

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

Mr. BILLIE. 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, a parliamentary inquiry. Does that include a technical amendment by the distinguished Senator from North Dakota, Senator ANDREWS?

The PRESIDING OFFICER. There is no indication that it does. The Chair is unable to tell.

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 has not been cleared. We have been waiting for 30 or 40 minutes. Perhaps we can take care of it afterward.

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

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

The motion to lay on the table was agreed to.

The amendment (No. 3093), as amended, was agreed to.

The amendment (No. 3094) to read as follows:

Mr. DOLE. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the amendment which was referred to the Senate by the chair of the committee on the subject of amendments?

The assistant legislative clerk read the following:

Amendment No. 3093

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

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

The amendment is as follows:

Amend section 4218(b) to read as follows:

"(4) An agreement under this subsection for the enforcement of Federal laws shall be in accordance with an agreement entered into between the Secretary and the Attorney General of the United States.

Amend subsection (c) of section 4281 by deleting "The" and inserting in lieu thereof "the Attorney General of the United States, the".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 3093) was agreed to.

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

The substitute amendment (No. 3032), as amended, was agreed to.

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. These, 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 big business. An enormous amount of money is to be made in this business, starting with the
One would think that Americans would be aware of the potential health hazards of alcohol abuse. However, in 1985, only 57 percent of Americans had 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 report in their report to Congress findings on the effectiveness 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.

Remarks on 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 in our Nation.

Drug abuse is a real and growing national tragedy. The economic consequences resulting from lost productivity to bad decisions, to crimes and accidents—are staggering, costing the U.S. economy at least $60 billion each year. There are more than 30 million drug users 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 beefing up our interdiction efforts with additional resources for our Coast Guard, Customs Service, and Drug Enforcement Administration.

It provides more assistance to our local and State law officials in enforcing State drug laws where much of the buying occurs. And it is also emphasized through education and treatment, it seeks to discourage people, especially our youth, from using and abusing drugs and from becoming chemically dependent. Additional funding is also provided for programs to treat those who have already begun to abuse drugs and who are in need of rehabilitation.

In our eagerness to consider drug legislation, I hope that we have not overlooked the importance of drug abuse education. This bill only partially addresses the need for an increased effort for education and treatment programs. While improved enforcement is necessary, demand for drugs can only be curtailed through major education, prevention, and treatment efforts. As a former chairman of the Alcoholic 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 unacceptably to use them.

Mr. BRADLEY. Mr. President, it is important that the Senate has turned its attention to a scourge which has infected every corner of our country. The Anti-Drug Abuse Act of 1986 is a bipartisan effort to increase the ante in the war against drugs. Cocaine imports have doubled over the past 2 years, and our young people everywhere are being exposed to drugs. According to some estimates, Americans now spend over $100 billion a year on illicit drugs, with another $100 billion spent on health costs, lost production, and crime related to drug abuse.

Due to the recent death of several well-known Americans, including Len Bias, drug abuse has come to the forefront of public concern. An increasing number of Americans are asking what they and their government can do to combat this problem. It is clear that we as individuals will have to pitch in if we are to get better results on this front. But individual efforts by themselves will not be sufficient. Government must also play a larger role. And if we are to get better results on this front, we must change if we are ever to see a sizable and dramatic reduction in drug use.

Mr. KENNEDY. Drug abuse in our Nation is a menace that threatens the security, health, and productivity of all of our citizens. A comprehensive response by Congress is long overdue. I welcome Senate consideration of a bipartisan package of proposals to increase the effectiveness of law enforcement against narcotics traffickers, improve the education campaign about the dangers of drug use, and expand the availability of vital treatment programs for drug abusers.

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 Cranston, 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 my 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 under the bipartisan proposals that would seriously undermine civil liberties, such as the death penalty, limitations on the exclusionary rule and the availability of habeas corpus relief. It is my hope that the Senate will support the bill. I hope the House will accept...
the Senate bill, so that we can enact a tough new drug 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 society. 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 of a family whose dreams have been destroyed by the drug addiction of a child.

Recent events have highlighted the scope and seriousness of the drug problem and dramatized the need for swift and forceful action. Athletes like Len Bias and Don Rogers have lost their lives to growing epidemics of cocaine abuse. The number of cocaine deaths has tripled in the last few years. The Drug Enforcement Administration estimates that the amount of cocaine entering the United States has risen from 25 to 125 tons per year. The price of cocaine on the streets has fallen from $250 a gram to $10 a gram. A new cheaper—and far more dangerous—form of cocaine, called "crack" or "rock," is easier to transport and use.

Other statistics also highlight the pervasiveness of the drug problem. Half a million Americans are addicted to heroin. A third of high 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 signs of alcoholism, and 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 resisting 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. State agencies concerned with education, health, and law enforcement have joined forces with the media to produce a coordinated campaign to stop drug abuse. Effective curricula have been implemented in the schools, and communities and the media have worked to ensure that the message against drugs is heard outside 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 we provide additional funding for rehabilitation programs to be available for those who abuse drugs and wish to stop. In every section of the country, treatment programs are operating near capacity. In the District of Columbia, there are 15,000 drug addicts—but only 1,300 places for treatment. Even where places are 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 and the shock of having to treat, 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. These are the major Federal effort in this area—but today they are half what they were in 1980 after adjustment for inflation. The proposal we are debating today will help restore these 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 extremely dangerous problem of drug trafficking. 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 assigned to State and local law enforcement. Most drug offenses are prosecuted at the State or local level. This bill provides assistance to local jurisdictions to repel the invasion of drugs in our neighborhood streets and homes across the country. In particular, the bill creates demonstration projects for drug enforcement units in local police offices, in order to fast track the prosecution of drug offenders. This program is patterned after the extremely successful career criminal units established under the Law Enforcement Assistance Act. The bill, as amended, also provides grants to States for treatment programs for drug offenders.

These programs have proven highly effective in reducing street crime by drug offenders.

Finally, this bill increases Federal support for interdiction by the Customs Service, Coast Guard and Armed Forces when appropriate, and it also adds funds for State Department narcotics control.

In sum, the bill before us gives us the opportunity to adopt a balanced, comprehensive approach to a complex crisis. It is not perfect legislation, but it is an effective start. It contains desperately needed programs that should be implemented immediately. I urge the Senate to approve this measure promptly.

DRUGS: TERRORISM WITHIN OUR BORDERS

Mr. Domenici. Mr. President, terrorism is aimed at the destruction of our lives, our minds and lives of our young people. We must meet this threat and eliminate it.

The extent of illicit drugs 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. Fifteen percent have used heroin and 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 16 tons of cocaine, and injected 8 tons of heroin into their veins.

We cannot attack this problem piecemeal. We need an all-out assault
I call attention to the 1970 act because it highlights an important issue that has affected recent efforts on the drug problem. The 1970 act was billed at the time as a virtual solution to drug abuse in America. And while it was an important improvement over existing laws, the legislation did not have the teeth to make a dent in the controlling of illegal drug use.

The Anti-Drug Abuse Act of 1986 takes many positive steps forward. It makes the fight against drug abuse a comprehensive strategy to reduce 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 responsibilities 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 bipartisan drug package. I applaud them for their dedication to this achievement.

I express my appreciation to Senator Fulbright and his staff person Santal Maros. On the other side, I commend the ability minority leader for his outstanding leadership and enormous contribution to this legislation. Senator 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 wish to acknowledge the contributions of Senator Dewow for his promotion of important provisions of this bill. I thank Senator Rudman and his staff person Sally Merrill. I appreciate Senator Biden's diligence in making this bill possible. His staff members Scott Green and John Duskin and David Shoults of her staff for their participation.

I wish to acknowledge the contributions of Senator Dixon for his promotion of important provisions of this bill. I thank Senator Rudman and his staff person Sally Merrill. I appreciate Senator Biden's diligence in making this bill possible. His staff members Scott Green and John Duskin and David Shoults of her staff for their participation.

In closing, illicit drugs have ruined untold numbers of lives. The cancer of drug abuse has continued to grow as callous 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 those most harshly punished in the future. I believe this powerful legislation will be effective in bringing to an end this country's destructive drug problem.

Mr. BIDEN. Mr. President, I rise today to express my enthusiastic support for the bipartisan drug package that we vote on today. It 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 18 years ago.
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 that address the demand for drugs in this country. The fact of the matter is that the insatiable demand for drugs fuels the drug trade in America. If there were no demand, 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 drug abusers who need help. Drug addicts prey on the uncontrollable habits. And finally, we must educate our young people about drug abuse. Young people are this country's most precious resource. We can ill afford the loss of their talents and abilities to the destructive effects of drug abuse. This bill 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 $3 million was available for education programs nationwide. This bill provides $150 million to grant money to State and local school districts for drug abuse education. The purpose of this section is to insure 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.

And this is why I am heartened to stand before this body, and this Nation, and urge all of my colleagues to support this legislation. The leadership of this body has come together, in the true spirit of compromise, and has put together the most sweeping revision to our drug control strategy in almost two decades. The Anti-Drug Abuse Act of 1986 is a piece of legislation that every Member of this body can be proud in supporting. All 100 Senators can be proud of this legislation on its merits, and can be proud of the process that led to the bill upon which we will soon vote. Once again, I commend the leadership on both sides of the aisle, for acting swiftly and responsibly on this legislation, and I urge my colleagues to support it.

In closing, I'd like to thank Scott Green and John Bentivoglio of my staff, and all the staff members of those working on the Senate Demo­ cratic Working Group for their hard work in preparing the original Demo­ cratic bill, and later with the Republi­
can staff that has contributed to this bipartisan Senate bill. Mr. BOREN. Mr. President, I rise in support of a provision in the omnibus anti-drug bill which establishes a voluntary rating system of the Motion Pic­ ture Association of America. I had intended to offer this provision, together with my colleagues 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 incorporated 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 all 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 development of values among our children and youth.

As every Member of this Senate is keenly aware, the Motion Picture As­ sociation has already demonstrated that it takes this responsibility very seriously. It has already demonstrated that it takes this responsibility very seriously. It has already established the voluntary movie rating system in 1968 has proven to be a model of private sector initiative at its best. The inform­ mation provided through the volun­ tary rating system has proven tremen­ dously helpful to parents in guiding their decisions over 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 what the criteria for film designations should be. Our resolution calls upon the rating system to promote a discussion of this issue among its mem­ bership, and then exercise its leader­ ship in developing appropriate stand­ ards to identify movies which portray drugs in a glamorous or attractive manner. To those who question the feasibility of determining such stand­ ards, our answer must be that the drug abuse problem requires no less determination. Judgment, and movie­ industry concern than went into estab­ lishment of the original voluntary rating system. The MPAA has shown its ability to work 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 anti-drug effort to combat drug abuse might well include increased government regulation, perhaps even censorship, over the con­ tents of such things as films and books. I am proud that in this Nation we guard against such intervention 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. We only ask 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. According to my understanding of the legislation, Senate staff more than simply assist States in addressing their drug abuse problems. It is the intent of Congress that the additional treatment and prevention money be care­ fully allocated and targeted in a manner that will permit thorough evaluation of the differential impact of alternative treatment and prevent­ ing programs and activities as an integral part of the treatment and prevention activities established as a result of this bill. I am concerned that this community may be misled regarding the financing and efficacy of alcohol and drug programs can be based upon the sound evidence that result from rigorous evaluation of al­ ternative prevention and treatment modalities, patient screening and matching techniques, and prevention education programs. Thank you, Mr. President.

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

But the drug problem in America is not going to be solved by a "quick fix." It is not going to be cured by passing 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 drug 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 solu­ tions. 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 long-term, ongoing effort to deal with all aspects of the drug problem—law enforcement, education, treatment, and rehabilitation. And I hope that when the shouting has died down, and
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Mr. LEAHY. Mr. President, I rise to express my 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 a truly 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 bipartisan 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 rehabilitation.

Drug trafficking and drug and alcohol abuse have infected this country. Drug abuse among American people has reached epidemic proportions. More and more children from families of all income levels, from rural as well as urban communities, are using 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. Seventy 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 another 838 investigations of the possession of regulated drugs. Many of them involved young people in Vermont, including burglaries, robberies, and assaults are directly related to drugs and alcohol.

Illegal drugs is 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 you, 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 runners 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, and 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 youngest 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 that. I will limit myself to mentioning the sections which I am especially proud of.

The first is the new section on forfeiture. Fighting drugs is expensive. The forfeiture amendments 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 spent by the Attorney General to fund anti-drug programs. This bill removes that cap, and requires that all money remaining in the Customs and Justice Departments' forfeiture funds after paying administrative costs, be used to fund anti-drug programs. This bill will restore the $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.

Another important section of this bill squarely addresses the need to stop production of drugs at the source. It cuts off all foreign aid to countries that have not taken significant steps to stop illegal drug production and prosecute drug traffickers.

A major part of this bill involves deterrence. Of special importance to a former State prosecutor like 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 developed 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 turn now to the 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.

We have neglected what I believe should be the cornerstone of our fight against 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 currently spend. 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 handle patients in that process.

It also provides for model programs for young people who are particularly at risk of becoming drug or alcohol abusers—including 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 crackdown on drugs is a wave of new customers for drug treatment and rehabilitation services. It 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.

If 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 that 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 information and 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 transmission, computer-to-computer links, and a wide variety of other new forms of telecommunications and computer transmissions.

Let me just use two 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 have it resailed and delivered. In the third example, two business people are 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.
The Senator from Louisiana (Mr. Johnston), for himself, Mr. Hatfield, Mr. Stevens, Mr. Byrd, Mr. Wagner, Mr. Inouye, Mr. McClure, Mr. Hollings, Mr. Laxalt, Mr. Cochran, Mr. Burdick, Mr. Andrews, Mr. Harken, Mr. Abdnor, Mr. DeConcini, Mr. Kasten, Mr. Bumpers, Mr. D'Amato, Mr. Lautenberg, Mr. Mattingly, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Chiles, Mr. Sasser, and Mr. Harkin, proposes an amendment numbered 3204.

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", $6,000,000.

Support of United States prisoners
For an additional amount for support of United States prisoners in non-Federal institutions, $2,000,000.

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", $28,000,000.

Buildings and Facilities
For an additional amount for "Buildings and facilities", $56,000,000, 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 programs, to be 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 1968, 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 pilot prison capacity 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", $7,500,000, to remain available until expended.

Chapter II.—Foreign Assistance

Bilateral Economic Assistance
Funds Appropriated to the President and for International Development
Education and human resources development, Development Assistance:
For an additional amount to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $3,000,000; Provided, That these funds shall be used pursuant to section 126(b)(2) of the Foreign Assistance Act of 1961 for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries; Provided further, That funds made available by this paragraph shall be available through the regular notification procedures of the Committees on Appropriations.

Chapter III Department of Justice

Bureau of Indian Affairs
Operation of Indian Programs
For an additional amount for "Operation of Indian programs", $3,500,000; 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, as amended, shall remain available until September 30, 1988.

Construction
For an additional amount for "Construction", $11,000,000, to remain available until expended.

Chapter IV Department of Agriculture

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
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, as amended, shall remain available until September 30, 1988.

Indian Health Facilities
For an additional amount for "Indian health facilities", $9,000,000, to remain available until expended.

Chapter v Department of Transportation

Coast Guard
Operating Expenses
For an additional amount for "Operating expenses", $39,000,000.

Acquisition, Construction, and Improvements
For an additional amount for "Acquisition, construction, and improvements", $116,000,000, 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 402 of Public Law 97-424, $30,000,000, to be derived from the...
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(b) 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 thereto for an all-source intelligence center: Provided further, That the funds authorized to be appropriated for fiscal year 1987 for the construction of the Federal Research Center shall be appropriated for the procurement of secure voice radio equipment for the Drug Enforcement Administration.

(2) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System $78,000,000, of which $50,000,000 shall be for the construction of Federal penal and correctional institutions and $28,000,000 shall be for salaries and expenses.

(3) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Defender Services $18,000,000.

(4) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Judges and Commissioners $7,500,000.

(5) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for support of United States attorneys in non-Federal Institutions $2,000,000.

(g) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys $8,000,000.

(h) Authorization of appropriations for appropriations for fiscal year 1987 contained in this section are in addition to those amounts contained in H.R. 5101 as reported to the Senate by the Committee on Appropriations on September 3, 1986.

(i) 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 to procure, secure, and maintain—

Federal Bureau of Investigation ........................................................................ $4,000,000

Secret Service ............................................................................................... $6,000,000.

Subtitle L—State and Local Narcotics Control Assistance

SEC. 141. SHORT TITLE.

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

SEC. 150. OFFICE OF JUSTICE ASSISTANCE GRANT PROGRAM.

(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 1401 as section 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 authorized to make grants under this part to States for the purpose of providing funds to eligible States and units of local government pursuant to this part."

"REPORTS."

"Sec. 1304. (a) Each State which receives a grant under this part 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 conforms to the following:

(1) A summary of the activities carried out with such grant and an assessment of the impact of such activities on reducing the need for any State to submit a report under section 1303, and

(2) Such other information as the Attorney General may require."

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

(b) Not later than ninety days after the end of such fiscal year, 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 each of the five general purposes specified in section 1302, and

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

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

"EXPENDITURE OF GRANTS."

"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, in the aggregate, for which such grant is received during 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) If not more than 75 per centum of a grant made under section 1302 may be used for costs incurred in administering such grant.

(c) Each 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.

(d) The Attorney General and the Controller General of the United States shall make a determination, for the purpose of audit, examination, or any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit.

(e) Each 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.

(f) Each 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.

(g) Each 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.

(h) Each 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.

(i) Each 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.

(j) Each 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.

(k) Each 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.

(l) Each 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.

(m) Each 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.

(n) Each 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.

(o) Each 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.

(p) Each 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.

(q) Each 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.

(r) Each 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.

(s) Each 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.

(t) Each 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.

(u) Each 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.

(v) Each 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.

(w) Each 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.

(x) Each 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.

(y) Each 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.

(z) Each 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.
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(1) in subsection (a)—

(A) by inserting after paragraph ‘‘(3)’’ the following new paragraphs:


(1) in subsection (a)—

(A) by striking out ‘‘L’’ and

(B) by inserting ‘‘M’’ after ‘‘L’’ and

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

‘‘(6) There are authorized to be appropriated for fiscal year 1988, $150,000,000 for fiscal year 1989, and $150,000,000 for fiscal years 1990 and 1991, to carry out the programs under part M of this title.’’;

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

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 Secretary of Defense shall provide to the Attorney General—

(1) a list of all sites under the jurisdiction of the Department of Defense including facilities beyond the excess and surplus property inventories whose facilities or a portion thereof could be used, or are being used, as detention facilities, specifically for felons, especially those who are a Federal responsibility such as illegal alien felons and minor narcotics traffickers;

(2) a statement of fact on how such facilities could be used as detention facilities with detailed descriptions on their actual daily percentage of use, their capacities or rated capacities; the time periods they could be utilized as detention facilities; the cost of converting such facilities to detention facilities; the cost of maintaining them as such; and

(3) 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.

(b) Copies of the report and analysis required by subsection (a) shall be provided to the Congress.

Subtitle N—Drug Law Enforcement Cooperation Study

SEC. 1611. DRUG LAW ENFORCEMENT COOPERATION


(1) the means of improving the Nation’s drug interdiction programs;

(2) the relative capacities and efficiency of various law enforcement strategies, including interdiction;

(3) ways to maximize coordination and cooperation among Federal, State, local drug law enforcement agencies; and

(4) ways to maximize 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. 1701. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 1104 of the Immigration and Nationality Act (8 U.S.C. 1104(a)(1)) is amended—

(1) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(2) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(3) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(4) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(5) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(6) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(7) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(8) by striking out ‘‘any law or regulation relating to’’ and all that follows through ‘‘(1) in lieue thereof the following,’’;

(b) The report of the Board shall include recommendations as to how such a study would be administered and provide staffing responsibilities to one agency conducting a lawful national security.


(b) The Attorney General shall forward to the President of the United States for deposit in accordance with section 544(c) of title 28, United States Code, any amounts of such proceeds remaining after payment of the expenses provided in subparagraph (A).

Subtitle R—Common Carrier Operation Under the Influence of Alcohol or Drugs

SEC. 1741. OPERATIONS OF A COMMON CARRIER UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

(a) Part I of title 18, United States Code, is amended by inserting after chapter 17 the following:

‘‘CHAPTER 17A—COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

‘‘Sec. 341. Definitions.

‘‘342. Operation of a common carrier under the influence of alcohol or drugs.

‘‘343. Presumptions.

‘‘344. Definitions.

As used in this chapter, the term ‘common carrier’ means a rail carrier, a sleeping car carrier, a bus transporting passengers in interstate commerce, a water carrier, or an air common carrier.

Whoever operates or directs the operation of a common carrier while under the influence of alcohol or drugs, shall be imprisoned not more than five years or fined not more than $10,000, or both.

‘‘343. Presumptions.

For purposes of this chapter—

(1) an individual with a blood alcohol content of .10 or more shall be conclusively presumed to be under the influence of alcohol; and

(2) an individual shall be conclusively presumed to be under the influence of drugs if the quantity of the drug in the system of the individual would be sufficient to impair the perception, mental processes, or motor functions of the average individuals.

(b) The table of chapters for part I of title 18, United States Code, is amended by adding after the item for chapter 17 the following:

‘‘17A. Common Carrier Operation Under the Influence of Alcohol or Drugs. . . . 341’’

Subtitle S—Freedom of Information Act

SEC. 1801. LAW ENFORCEMENT.

Section 552(b)(7)(H) 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 (A) could reasonably be expected to interfere with law enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information, a confidential relation existing between a person and a law enforcement agency conducted in the course of a criminal investigation or by an agency conducting a lawful national securi-
bill is to attack the importers of illegal substances, not legitimate importers. The intent was not to include legal merchandise under the definition of contraband drugs. 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 your view with respect to customs practices as well. Mr. Leander, 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 narrowly drawn and it is certainly not the intent of the sponsors that importers of legitimate goods who technically violate some customs law through simple negligence should be treated on a par with the importers of illicit drugs.

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

Mr. QUILLEN. 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 developments of this Congress. 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 the war on drugs on my side of the aisle. Jim Wright has provided the leadership on his side of the aisle in an 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 very real concern that to deal with the war on drugs we have got to be able to impact the demand side of drug use in this country. The need for educational efforts, rehabilitation efforts, treatment programs, etcetera.

On the other side, the second thrust involved the very real concern of many Members that in order to effectively impact 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 in or around school campuses in 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 limits 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. PEPPER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. Hughes].

Mr. HUGHES. Mr. Speaker, will the gentleman yield? I yield to the gentleman from Missouri.

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

Mr. CLAY. Mr. Speaker, I ask 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? Today we are deliberating a crucial piece of legislation designed to fight the pervasive use of drugs in this Nation. When the bill was last before the House committees, it was a realistic bipartisan effort to launch a preemptive strike against those drug dealers in illegal trafficking of narcotics.

But, Mr. Speaker, when the busboys of this House finished kibitzing with trite 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, it's important to remember, had 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 Federal law; waive constitutional protections against illegal search and seizures.

Today, this bill is before us again after the House has stripped it of these sinister provisions. 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 non-germane, irrelevant additions. Instead, we will accept the Senate version of this bill and avoid applying 16th-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 lion's share of title I 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 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 operators of drug trafficking syndicates.

The Designer Drug Enforcement Act builds upon the emergency scheduling authority to control designer drugs which 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 very 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 on several changes in the bill from the other body that are even higher than the tough mandatory 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 1980s.

We have provided vitally needed assistance to State and local drug enforcement activities. The bill has a $525 million grant program for State and local units of government to beef
up drug enforcement. We have provided for $350 million for the next 3 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 34 cities to 49 cities. We are providing 362 new positions for the Diversion Control Program which addresses the traffic in drugs which cause two-thirds of the deaths and injuries due to drug abuse, legitimate prescription drug violations.

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 proviso in the other bill concerning the use of the military for the enforcement of the drug laws. This expands the role of the military in a sensible fashion, far preferable to the extreme 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 in this body about sending signals to drug traffickers. This bill does not just send signals; this bill provides major new tools for prosecuting drug traffickers. Tackling this problem requires a balanced approach. We must have adequate resources for crop eradication, for interdiction, for domestic enforcement and investigation, for financial investigations, for the U.S. attorneys for prosecution, for the Bureau of Prisons, and above all for education and for treatment. This bill does not do all that I would want to see done. But it is a good bill.

I urge the passage of this bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ZSCHAU).

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

Mr. ZSCHAU. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this legislation. I believe that this bill will be a major improvement in our arsenal against the war on drugs.

We use that phrase "war on drugs" because drugs are a threat to the future of this country and our security. Drugs are destroying the minds and bodies of our young people and unraveling our social fabric. The threat that drugs pose to our future had to be met with a sense of urgency and strong commitment.

This legislation expresses both, a sense of urgency and a strong commitment. It recognizes, in addition, that the war on drugs has to be fought on several battlefronts. It recognizes that we have to educate our young people to make drugs socially unacceptable and, thereby, curtail the demand for drugs.

This bill recognizes that drugs emanate from sources outside this country and that we have to take action to eradicate drugs in those countries where they originate and through which they are transported. It also recognizes that we have to interdict them at our borders, to stop the inflow of drugs coming into our country. I might add, parenthetically, that the amendment we make this week will help prevent drugs from entering the country.

Finally, this bill makes clear that those who are ruining the lives of our children and risking the future of this country will pay the price. This bill increases the risk to the drug pushers by tough mandatory sentences, including the death penalty.

Vote for this rule, pass this legislation, and make it clear that with respect to drugs, Congress just says "no."

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 1 minute to the able gentleman from Rhode Island (Mr. ST GERMAIN).

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

Mr. ST GERMAIN. Mr. Speaker, it is well established that the international criminal syndicate in the drug trade depends on access to the legitimate financial institutions of this Nation. 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, conservatively estimated to be between $50 and $75 billion each year.

Title I, subsection H of the omnibus drug bill, slams the door shut on the use of banks and other financial institutions to launder funds derived from drug trafficking. This section of the bill which is, in essence, H.R. 5176 as reported by the Banking Committee on July 22, 1986, by a vote of 47 to 0;

It subjects to criminal liability anyone who willfully structures a transaction in order to evade the reporting requirements of the Bank Secrecy Act.

It authorizes the seizure and forfeiture of cash, or property related to such cash, for any individual who willfully structures a transaction;

It authorizes the seizure and forfeiture of cash, or property related to such cash, for any individual who willfully evades the reporting requirements;

It enhances the detection and prevention of money laundering schemes by improving regulatory agencies' supervision over financial institutions;

It requires the banking agencies to conduct thorough investigations of individuals and others acquiring financial institutions;

It provides the Secretary of the Treasury with civil summons authority to assist in carrying out Bank Secrecy Act responsibilities;

It provides a substantial increase in criminal penalties by increasing the maximum $500,000 under current law to $1,000,000 for an individual and up to $5,000,000 for a financial institution.

Mr. Speaker, the banking title of the omnibus drug bill is primarily designed to disrupt and prevent drug traffickers from using financial institutions for their ill-gotten profits.

The Banking Committee has had a longstanding interest—since at least 1970—in pursuing this subject. The Banking Committee conducted extensive hearings within the past year into violations of the Bank Secrecy Act provisions. Just recently, we began to hear rumbling from the banking community concerning certain provisions of the banking title contained in this bill. These rumblings are totally without merit and again indicate that industry's tendency to avoid its legitimate responsibilities are really the other way when drug traffickers walk into the doors of their banks to deposit their profits.

This legislation demands that the banking industry not only do more than pay lip service in fighting the epidemic drug crisis that pervades this country. Now is their opportunity to show good faith—to do less is unconscionable.

Mr. Speaker, I am pleased to say that we have had the full cooperation of other committees in working out our banking title. We wish to especially thank the Ways and Means and the Judiciary Committees for their cooperation in this effort.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I appreciate the gentleman from Tennessee yielding this time to me.

Mr. Speaker, I rise in strong support of the Omnibus Drug Enforcement, Education, and Control Act of 1986, and in particular, I strongly support the language in the amendment offered today that establishes new requirements and procedures in order to control that money laundering which the 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 traffickers 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
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Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PARRIS].

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

I regret that the Hunter amendment which was removed from this package, the posse comitatus, is improved, but it is not as effective in my view as that amendment would have been.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

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 will see 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 Aerostat balloons ultimately, but six E-2's now going to domestic agencies will help a little bit, but those balloons will not be built, according to my 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. LUNACEK] who saw his clear exclusionary rule provision omitted from that, to say that we will continue to work on this and we hope 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.

The State of California, Customs has never 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 border.
cannot agree with the administration that vessels assigned to St. Thomas or the eastern end of Puerto Rico are adequate for patrolling St. Croix's waters.

One provision for an increased Federal effort that has been added relates to the stationing of equipment in Puerto Rico. As was expressed in the debate on the original bill, the radar surveillance that it would provide over the Commonwealth—as well as the Virgin Islands—is vital.

One provision for increased Federal efforts which have been added would authorize the Department of Health and Human Services to provide technical assistance, training, and equipment to insular governments for public and private sector drug abuse prevention and treatment programs. This assistance would be in addition to resources provided by the Department of Justice for drug abuse law enforcement.

Consistent with the intent of the original bill, the substitute clarifies that we expect $700,000 in assistance to be provided American Samoa for these purposes, $1 million to be provided Guam, and $250,000 to be provided to the Virgin Islands. Related provisions authorize $7.8 million in assistance for Puerto Rico and $4 million for the Virgin Islands.

Finally, 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 0.25 percent of the amounts appropriated for States under this program for the territories; this substitute effectively sets aside about half 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 representatives, 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 Health Services Act in future consideration of this legislation or in reconsideration of that act next year.

Mr. RICHARDSON. Mr. Speaker, I rise in support of this agreement on H.R. 5484. The epidemic of drug abuse swamping 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.

I am very pleased to see that an entire section of this bill has been devoted to the drug and alcohol related problems of American Indians. There is absolutely no question that alcoholism on Indian reservations is having tragic consequences for all native Americans. Data collected in New Mexico shows that American Indian adults in alcohol and drug treatment programs overwhelmingly report starting to use alcohol at a very early age. Alcohol and drug use and abuse reverberates throughout all facets of life on and around reservations. Health care and social welfare statistics indicate that the major problem for American Indians is substance abuse—alcohol and drug abuse are responsible for most of the emergency admissions to Indian Health Service facilities. They are also responsible for the majority of social welfare problems being experienced by American Indian families. Alcohol and drug abuse are destroying the traditions and ways of life of this nation's native Americans. Net initiatives are needed to halt the widespread abuse of alcohol and drugs in Indian country.

Included in the programs for American Indians is one which is very important to the people of my district—the Navajo Alcoholism Rehabilitation Demonstration Program, to be situated in Gallup, NM. This pilot project is an innovative one. Designed as a model alcoholism rehabilitation program, this project will have an immediate positive impact on members of the Navajo Tribe, as well as on community members in the Gallup area. The significance of this project extends beyond its benefits in my district. Combining traditional and modern methods, the Gallup Navajo Alcoholism Rehabilitation Demonstration Project will serve as a model for alcoholism rehabilitation projects for other tribes.

I have great hopes for the success of this project. It will function as a combined effort between the Navajo Tribe and Friendship Services of Gallup and will utilize the resources and facilities of both parties. The Navajo Tribe has assured me that they are willing to work with Friendship Services to ensure the success of this project. As this project is for the direct benefit of Navajos, I sincerely hope that every effort will be made to include Navajos at all levels in this project. I am confident that this project will be the beginning of a fruitful partnership between the Navajo Tribe and Friendship Services. I urge my colleagues to support the Gallup Navajo Alcoholism Rehabilitation Demonstration Program, as well as the agreement on H.R. 5484, the necessary and important omnibus drug bill.

Mr. EDWARDS of California. Mr. Speaker, the comprehensive drug bill before the House incorporates a number of amendments that will improve our efforts to halt the flow of illegal drugs into this country. Moreover, it has substantial components on education and rehabilitation, which law enforcement professionals believe are the only really effective solution to the drug problem.

As originally put together, the bill had no provisions that would seriously infringe the civil or constitutional rights of our citizens. However, in response to what can only be called election-year hysteria, a number of unwarranted and constitutionally suspect amendments were added, amendments that would have authorized the expanded use of the military to enforce the drug laws, created a death penalty, and allowed illegally seized evidence to be used in Federal courts.

The other body displayed considerable courage and stripped out those troublesome amendments. I am pleased to say that today the House is showing good sense in receding to the Senate on two of those issues. It is unfortunate that the death penalty is unconstitutional.

I would like to say a few words regarding the forfeiture provisions in this bill. Under the money laundering provisions, criminal forfeiture in money laundering cases would be governed by the forfeiture provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended by the Comprehensive Forfeiture Act of 1984. The bill also will allow for the first time the forfeiture of money laundering proceeds, not only that nothing in these forfeiture provisions is intended to interfere with a person's sixth amendment right to counsel of choice or to the effective assistance of counsel. This is consistent with the interpretation of numerous Federal cases, including United States v. Rogers, 602 F. Supp. 1332 (D.Colo. 1985); United States v. Baciadamentii, 614 F. Supp. 194 (S.D. N.Y. 1985); United States v. Iannelli, 85 Cr. 115 (S.D.N.Y. September 3, 1985); United States v. Reckmeyer, 631 F. Supp. 1191 (E.D. Va 1986); United States v. Bassett, 632 F. Supp. 1303 (D.Md. 1986).

Mr. FASCCELLI. Mr. Speaker, since there will be no conference report or statement of managers on this legislation, I would like to take this opportunity to include in the record an explanation of the provisions in the House substitute in title II over which the Foreign Affairs Committee has jurisdiction, in particular those provisions which contain significant differences from the Senate's bill.

The House substitute provides a short title for title II, the International Narcotics Control Act of 1986. In section 2002, we maintain the requirement that funds authorized and appropriated for the international narcotics control account which exceed the President's fiscal year 1987 request may be obligated only if the President submits a budget request for those additional funds. That increase now totals $45 million because we acceded to the Senate's desire that $10 million for narcotics aircraft procurement be provided in new funds instead of earmarked out of current grant military assistance funds [MAP], as H.R. 5484 provided. We did clarify that the $10 million shall be used primarily for procuring aircraft which will be available for use throughout the Latin American region. I believe this requirement is crucial to building on our current efforts to encourage a regional response to the drug problem in Latin America. In this connection, let me mention that we have included in section 2004 an earmark of $2 million in international Military Education and Training funds [MET] for education and training in the operation and maintenance of aircraft used in narcotics control interdiction and eradication efforts. It is our intention that this training be provided in support of the regional effort in Latin America.

We have also maintained our requirement that any aircraft provided to a foreign country for narcotics-related purposes shall be provided only on a lease or loan basis, and that detailed records shall be maintained on the use of these aircraft. Hearings conducted by the Committee's Task Force on International Narcotics have demonstrated that such restrictions are prudent if we are to maintain adequate accountability over the use of our funds.

The Senate amendment contained a major rewrite of section 491(h) of the Foreign Assistance Act which ties foreign aid to performance on narcotics control issues. We have accepted this provision with minor modifications, as well as new reporting requirements and restrictions contained in section 2006 which
deal with countries that are particularly uncooperative with U.S. narcotics control efforts.

Section 10 of the House substitute represents perhaps the most significant difference from the Senate amendment. This section amends the 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 a foreign country 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 placed on the presence of U.S. officials, and in fact would have permitted DEA agents to make arrests in foreign countries. We have therefore retained the original House language, but have included a Senate provision relating to exemptions for maritime law enforcement operations with the agreement of the host country. I would note that it is our intention that the authority granted to the Secretary in this section be delegated to the U.S. Ambassador in each country.

We have accepted the Senate amendment relating to restrictions on aid to Bolivia with some minor changes. While we salute the Paz Estenssoro government for its cooperation in "Operation Blast Furnace," we continue to hope that more significant progress can be made on the eradication front. We have therefore maintained the requirement in current law that the Government of Bolivia develop a comprehensive plan for country-wide eradication of illicit coca production before economic support funds and military assistance are made available for fiscal year 1987. Given the determination of the Paz Estenssoro government to cooperate on narcotics control issues, I do not anticipate that this requirement will prove onerous. We have also included language expressing our desire that the new program be exempted from ratification requirements between the Government of Bolivia and the Government of the United States contain numerical eradication targets no less than the 1985 level, which have now been exceeded. Our intention in including this provision is to encourage meaningful and substantive eradication targets without setting any particular number in the law. The terms of the 1983 agreement are sufficiently flexible to accommodate this intention.

The Senate included several provisions relating to Mexico, which we have accepted. We also added two provisions contained in H.R. 5484. The first relates to the need for effective prosecution in bringing to justice those responsible for the torture-murder of DEA agent "Kiki" Camarena in 1985 and the recent torture of DEA agent Victor Cortez in August 1986. Cortez in this regard, these two incidents have demonstrated a degrading lack of progress in prosecuting the guilty parties. The other provision was included at the request of the chairman of the Agriculture Committee to prevent the possibility of a crop substitution program in Mexico.

While the Senate amendment included part of the House-passed initiatives "to combat narco-terrorism," it included two important provisions which we have reinstated in the House substitute. The first addresses the need for protection of Latin American officials who are increasingly the targets of violent narco-terrorism 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 amending the standing authorities used to offer an information reward to the Secretario Ochoa Vasquez, a notorious Colombian drug kingpin who recently escaped judicial proceedings in that country.

The final major difference from the Senate amendment relates to the role of the intelligence community in our narcotics efforts overseas. At the request of the executive branch, we have deleted a Senate provision expressing our desire 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 in the foreign affairs 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 support for the rule making in order in the House amendment to H.R. 5484, the Omnibus Drug Abuse Control and Law Enforcement 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 the most comprehensive attempt by any Congress to tackle this problem. The legislation recognizes the importance of demand reduction—by reducing the supply of illicit drugs, requires the attention of every parent, school official and health professional.

The legislation before us is urgently needed. The extent of alcohol and drug abuse among the young, independent of all population groups, is significant. Americans are using illegal 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 for lack of space.

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 13 signals the beginning of young person's teenage years. It also signals an age at which our children begin to use too many drugs. The results of this use can be catastrophic.

In his August 4 address to the Nation, President Reagan called for "a national crusade against drugs." In the address the President said:

All the confiscation and law enforcement in the world will not cure this plague as long as it is kpt alive by public acquisitiveness. We must now go beyond efforts aimed only at affecting the supply of drugs; we must affect not only 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 of one mind in recognizing the importance of demand reduction—by 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 drugs. If we are to have any chance of fundamentally affecting the course of drug abuse in this country, we must affect demand. The legislation before us will place increased priority upon the prevention of drug and alcohol abuse. It will provide additional funds to open up treatment programs. It will helpfully end the specter of waiting lists which have paralyzed the treatment programs in so many areas of the country.

Since 1980, Federal support for alcohol and drug abuse treatment and prevention services has declined by 45 percent. We currently spend $320 million for support of State drug and alcohol abuse prevention and treatment programs. The proposal before us will reverse this trend. The legislation authorized 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 subcommittees on Health and 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 express our appreciation for the timely and expert guidance this talented agency provided on these matters.

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
into a new Agency for Substance Abuse Prevention (ASAP). The ASAP will be located within the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) and will have a crucial role in the fight against alcohol and drug abuse. The new Agency is charged with the responsibility of developing innovative, community-based programs to discourage alcohol and drug abuse among young people. The agency's work in this area will aid communities in developing 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 communications 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 Telecommunications, 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 illegal use of drugs by student athletes. The gentleman from Ohio [Mr. Lukens] is a senior member of the Subcommittee on Telecommunications, Consumer Protection and Finance, the gentleman from Colorado [Mr. Wirth], in the development of this important provision.

Finally, $47.5 million is authorized for a block grant program to assist States in developing and implementing substance abuse prevention, treatment, and drug abuse treatment programs. The block grant program will be administered by the Agency for Substance Abuse Prevention. The principal feature of title IV is the authorization of $228 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 a block 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, $47.5 million in assistance to States through a block grant for drug and alcohol abuse prevention. This is the first time the Federal Government has ever committed large resources to develop a national drug and alcohol prevention program. Third, $28 million for better administration and coordination of substance abuse prevention programs at the national level through establishment of the Agency for 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 development and evaluation of drug and alcohol abuse treatment programs to determine which forms of treatment work best.

Mr. Speaker, title IV contains a number of other provisions which I would like to note. 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 composition 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 enjoy 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 infant formula meets the highest standards of safety and nutritional quality. These provisions were included in the Senate bill through the efforts of the distinguished chairmen of the Senate Committee on Labor and Human Resources, ORIN HATCH and the ranking minority member of that committee, EDWARD KENNEDY. They and Senator METZENBAUM deserve special recognition for their determination policy to assure 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 used drug known by chemists as alkyl 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 effect. 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 for use 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 Four—Demand Reduction**

**SECTION 1111. 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 and Prevention" to Title XIX of the Public Health Service Act. The new Part C contains four new sections 1912-1921.

Section 1921 (Authorization of Appropriations) authorizes $28 million for 1987 for the allotments authorized under section 1914 and 1925, treatment program evaluations under section 1923, and activities of the Agency for Substance Abuse Prevention. Section 1922 (Agency for Substance Abuse Prevention) provides that of funds appropriated for the purposes specified in 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 1923, 1924 and 1925.

Section 1923 (Treatment Program Evaluations) provides that five percent of funds appropriated under Section 1921 and which are required to allocate funds available under section 1922 shall be used by the Secretary, acting through the Alcohol, Drug Abuse and Mental Health Administration, to develop and evaluate alcohol and drug abuse treatment programs to determine the most effective forms of treatment. Section 1924 (Alloca­tions for Treatment Services for Alcohol and Drug Abuse) subsection (a) provides that three-fourths of funds appropriated under section 1921 and available for allotment 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 relative per capita income (ages 15-65) weighted 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 at risk, and (2) a relative income factor which provides relatively more aid to low income states. The population at risk for a state is defined as the 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 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 declare war on 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 version, that authorizes the use of the death penalty for persons who knowingly cause the death of another during a continuing criminal enterprise. It instructs the Defense Department to maintain an inventory of equipment, intelligence, and personnel which could be made available for drug interdiction activities and to develop a plan for 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 activities abroad.

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 changes in this legislation represent a significant step forward in the war on drugs. 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 $234 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 in this legislation permitting the imposition of the death penalty, which 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. RODINO, 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 the death sentence to be imposed on the basis of information presented at the sentencing hearing regardless of its admissibility. Finally, the provision may unconstitutionally subject a defendant to "double jeopardy" since it requires remanding a case rather than vacating the sentence where the death sentence is not affirmed on appeal.

Mr. Speaker, in my view, it would have been preferable for Congress to have passed a comprehensive law which did not contain a provision with such flaws. There is no argument that many individuals involved in illegal drug trafficking have often committed other heinous and reprehensible crimes against their victims. However, I believe that this 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 use of illegal drugs was highest rate of teenage drug abuse of any industrialized nation in the world. 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, 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 alkyl nitrite inhalers, 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 legitimizes the use of dangerous and addictive drugs. Advertisements touting drug paraphernalia ignore the serious consequences of drug abuse—health risks, addiction, progression to stronger drugs—and indeed paint only a rosy picture that drug use is a normal, acceptable, enjoyable and safe activity. There is an additional danger, especially for young people, who would be justified in believing that if drug paraphernalia can be advertised and sold openly through the mails, then society is not really serious about the risks of drug use, about enforcing drug laws. It is time to make it clear that drug use is not acceptable—not acceptable at all. Society will not allow a few manufacturers 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, drug paraphernalia sales continue. Drug paraphernalia dealers are selling through the mails the same items they can no longer sell at the corner record store. Mail order drug paraphernalia sellers deliberately circumvent State and local law enforcement—convinced that 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 legislation prohibits the sale of paraphernalia sold in violation of the law.

The legal sale of "poppers" is another important issue addressed by this bill. Poppers, the street name for alkyl nitrite inhalers, are sniffed or inhaled by teens and adults for a quick rush or high. Poppers are marketed as "room odorizers" or "liquid incens" to avoid FDA regulation. In fact, they actually have a 4 hour high which makes 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 nitrite inhalant use. Side effects include: facial dermatitis, eye irritation, convulsions, coughing, 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 locales including Connecticut, Georgia, Massachusetts, Tennessee, Utah, Delaware, Arkansas, and Maryland have laws banning 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 House who have joined forces to craft this important legislation.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Aspin). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
AS PASSED BY HOUSE
October 8, 1986
forfeiture by any evidence otherwise admissible.

(2) For purposes of this section—

"(i) the term 'Attorney General' means the Attorney General or his delegate; and

"(ii) the term Secretary of the Treasury means the Secretary of the Treasury or his delegate.

"§ 982. Criminal forfeiture

"(1) The court, in imposing sentence on a person convicted of an offense under section 1856 or 1857, may order that person forfeited to the United States any proper, real or personal, which represents the gross receipts the person obtained, directly or indirectly, as a result of such offense, or which is traceable to such gross receipts.

"(2) The provisions of subsections 413 (c) and (e) through (i) of Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (c) and (e)—(i)) shall apply to property subject to forfeiture under this section, to any seizure or disposal thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this section.

"(b) The chapter analyst of part 1 of title 18, United States Code, is amended by inserting after the item for chapter 45 the following:

"46. Forfeiture........................................................................ 961".

SEC. 1417. SEVERABILITY CLAUSE.

If any provision of this subtitle or any amendment made by this subtitle or any application thereof to any person or circumstances is held invalid, the provisions of every other provision of this subtitle or any application thereof shall not be affected thereby.

Subtitle J—Armed Career Criminals

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the "Career Criminals Amendment Act of 1986".

SEC. 1402. EXTENSION OF PROHIBITIONS FOR ARMED CAREER CRIMINAL PENALTIES.

(a) In General.—Section 924 (e)(1) of title 18, United States Code, is amended by striking out "or any application of the term "violent felony" or a serious drug offense, or both.", and inserting in lieu thereof "for a violent felony or a serious drug offense, or both.",

(b) Definitions.—Section 924 (e)(2) of title 18, United States Code, is amended by striking out subparagraph (A) and all that follows through subparagraph (B) and inserting in lieu thereof the following:

"(A) the term 'serious drug offense' means—

"(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the first section or section 3 of Public Law 86-356 (21 U.S.C. 802 et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; or

"(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 801)), for which a maximum term of imprisonment of ten years or more is prescribed by law; or

"(B) the term 'violent felony' means any crime punishable by imprisonment for a term exceeding one year that—

"(i) is burglary, arson, or extortion, involving a dangerous weapon, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

"(ii) is murder, arson, or extortion, involving a serious injury or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

"(iii) is rape of a child, sexual abuse, or sexual exploitation of a minor.

"(ii) It is the policy of the Director to make grants 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 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 apprehending such persons;

"(2) 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 apprehending such persons;

"(3) provide for the administration of the National Crime Control Act of 1970 (21 U.S.C. 871 et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; or

"(4) provide for the administration of the 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; or

"(5) 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

A State to which a grant is made shall submit an application to the Attorney General no later than sixty days after the date of the enactment of this Act. The application shall include—

"A. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"B. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"C. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"D. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"E. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"F. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"G. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

"H. a description of the amount of resources available (including any funds) to be used in conjunction with the receipt of the grant, including the purchase of evidence and information incurred as a result of apprehending such persons;

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"(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 to be made shall be in addition to funds that would otherwise be available to carry out such program or project, and the grant shall be awarded to the requesting State as a disbursement for Federal financial assistance under section 1302, if in the opinion of the Director or the Comptroller General of the United States, that grant will be used to carry out the purposes of this title with the least possible conditions.

(1) Each State which receives an award under section 1302 shall be reported by the Director in the Comptroller General's annual report to Congress, to include a summary of the purposes for which such funds are used and a summary of the total amount of funds used by the State under this title.

(2) The Director shall be authorized to make grants to public agencies and private nonprofit organizations for any purpose specified in section 1309 of this title. A grant shall be made only if the applicant is notified by the Director in writing that the Director has made a grant award under section 1309.

(3) A grantee shall be reported by the Director in the Comptroller General's annual report to Congress, to include a summary of the purposes for which such funds are used, a description of the total amount of funds used by the grantee under this title, and a summary of the total amount of funds used by the grantee under all grants awarded under this section.

(4) A grantee shall be required to submit a financial report concerning the financial performance and the manner in which the grantee used such funds. The financial report shall be submitted to the Director within three months after the close of each fiscal year during which the grantee received funds under this title, and shall be in a form acceptable to the Director.

(5) A grantee shall be required to submit a performance report concerning the performance of the program or project for which the grant was awarded. The performance report shall be submitted to the Director within three months of the end of each fiscal year during which the grantee received funds under this title.

(6) A grantee shall be required to submit a report on the program or project for which the grant was awarded during the time period covered by the performance report. The report shall be submitted to the Director within three months of the end of each fiscal year during which the grantee received funds under this title.

(7) A grantee shall be required to submit a report on the progress of the program or project for which the grant was awarded during the time period covered by the performance report. The report shall be submitted to the Director within three months of the end of each fiscal year during which the grantee received funds under this title.
CENTUM of the costs of the programs or projects contained in the approved applica-

tion—

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.

(10) (c) and (d) 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 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(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. 3782(b)) is amended by inserting "or M" after "part D".

(4) Section 906 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by inserting for "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 "addiction-sustaining opiates" and inserting in lieu thereof "any law or regulation relating to", and inserting in lieu thereof the following new items:

"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. Allocation and distribution of drug law enforcement formula grants.

Sec. 1306. Reports.

Sec. 1307. Expenditure of grants; records.

Sec. 1308. Notice to recipients.

Sec. 1309. Discretionary grants.

Sec. 1310. Application requirements.

Sec. 1311. Allocation of funds for discretionary grants.

Sec. 1312. Limitation on use of discretionary grant funds.

PART N—TRANSITIONAL PROVISIONS—REPEALER

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

(a) 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) by striking out "and L" and inserting in lieu thereof "L, M, and N";

(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 $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, M, and N".

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

SEC. 181. STUDY REQUIRED.

(a) Before 10 days after the date of enactment of this Act, the Secretary of Defense shall provide to the Attorney General—

(1) a list of all sites under the jurisdiction of the Department of Defense including facilities beyond the excess and surplus property inventories whose facilities or a portion thereof could be used, or are being used, as detention facilities for felons, especially those who have committed or are accused of committing a Federal nonviolent felony such as illegal alien felons and major narcotics traffickers;

(2) a statement of fact on how such facilities could be used as detention facilities with detailed descriptions on their actual daily percentage of use, their capacities or rated capacities, and the hours that they could or were being utilized as detention facilities; the cost of converting such facilities to detention facilities; and the cost of maintaining them as such; and

(3) in consultation with the Attorney General, a statement showing how the facilities of the local offices of the Service and of the Departments of Justice and of the military departments could be utilized as detention facilities; the cost of converting such facilities to detention facilities; and the cost of maintaining them as such; and

(4) by inquiring of the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Federal Bureau of Investigation, whether or not the listed facilities currently are or could be used as detention facilities.

(b) Copies of the report and analysis required by subsection (a) shall be provided to the Congress.

Subtitle M—Narcotics Traffickers Deportation Act

SEC. 1711. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 1101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiates" and inserting in lieu thereof "any law or regulation relating to", and all that follows through "addiction-sustaining opiates" and inserting in lieu thereof "any such controlled substance";

(2) by striking out (b) of such section and inserting in lieu thereof—

(b) Section 1255(a)(11) of such Act (8 U.S.C. 1255(a)(11)) is amended by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiates" 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 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. 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, the officer or official (other than an officer, employee, or agent of the Service in paragraph (8) of this subsection) shall—

(1) have the power to issue a detainer in the case of an alien who is not lawfully present in the United States; and

(2) conduct an investigation relating to, a violation of any law relating to controlled substances.

(e) In the case of an alien who is arrested by an officer or official of the Service in paragraph (8) of this subsection, the officer or official shall—

(1) have the power to issue a detainer in the case of an alien who is not lawfully present in the United States; and

(2) conduct an investigation relating to, a violation of any law relating to controlled substances.

(f) In the case of an alien who has an existing or pending criminal investigation relating to, a violation of any law relating to controlled substances, the Attorney General shall provide, in consultation with the Attorney General, the Attorney General shall provide a pilot program in 4 cities to establish or improve the criminal capability of the local offices of the Service and of other law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to a local criminal investigation relating to, a violation of any law relating to controlled substances.

(1) The Attorney General shall select cities in a manner that will facilitate investigation for cities located near the land borders of the United States and for large cities which have major concentrations of the alien population. Some of the cities selected under the pilot program shall be used to increase the personnel level of the Investigation.

(2) At the end of the first year of the pilot program, the Attorney General shall provide the Congress on such evaluation and on whether the pilot program should be extended or expanded.

SEC. 1812. SHORT TITLE.

This subtitle may be cited as the "Freedom of Information Reform Act of 1986".

SEC. 1813. LAW ENFORCEMENT.

(a) Exception.—Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) records or information compiled by criminal law enforcement agencies but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) would constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a foreign source or a foreign agent of the United States, or a foreign foreign agency source, or (E) would disclose techniques and procedures for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to disclose the identity of a confidential source, including a foreign source or a foreign agent of the United States, or a foreign foreign agency source, or (E) would disclose techniques and procedures for law enforcement purposes.

(b) Exclusions.—Section 552(b)(7) of title 5, United States Code, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(f) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and the investigation or proceeding involves a possible violation of criminal law and (F) there is reason to believe that (I) the subject of the investigation or proceeding is not aware of its pending, and (II) disclosure of the existence of the records could be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency.
enemy within—the drug crisis. We will make no progress in 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 senior citizens as long as they are threatened by the ravages of those in search of funds to buy narcotics. Until we realize that drugs are confronting America with a crisis of values as fundamental as any we have ever faced in our history, we will be coping inadequately with the problems of the drug crisis.

The issues we are going to deal with today all hinge on one central fact: do we recognize that drugs are a fundamental casual problem of a great many of theills which we face in our society, or will we treat drugs as an isolated problem confined to a pigeonhole of its own with limited resources and limited commitment?

Today there are those in the Senate that say we should not force the military to become involved with police actions against drug dealers and against drug users. To suggest that drug is a police action is equivalent to saying that World War II was a police action or that the Korean war was indeed a domestic police action as opposed to international police action to discipline communism that it really represented.

The military threat that drugs pose to America are as much a military action to us as they were to China in the opium wars in the close of the nineteenth century. If America’s military are fundamental coercive power to protect our country, is not enlisted in the battle to control drugs then what do we have our arms for? If our planes are not sent up to interdict foreign planes coming into the United States carrying drugs, why do we have them?

If American ships are not used on the high seas to intercept those ships that carry cargos of death to our ports, why do we have those ships? If American military are not used to patrol our borders and to invade drug fields and to eradicate narcotics, why do we have them? If we do not use our foreign aid as leverage to prevent countries from growing drugs and sending them across our borders, why do we have foreign aid?

If America is unwilling to harness its resources and its powers to protect its people from so fundamental a crisis as we face today, then when will we rise up and what are we willing to protect?

Others in the Senate today will say we should not use the death penalty against drug pushers. Well, I ask if we do not use the death penalty against those who commit mass murder the genocide of narcotics, then when would we use the death penalty? If we usually say for an isolated murder on a rural street, then what about murder by the tens of thousands from the importation of mass amounts of narcotics.

There are those who say that we should not have mandatory minimum sentences for drugs because the crime is so crowd our prisons. They should not spend the extra money that it takes to build the prisons to house the new inmates that the drug culture will put there. Well I say to them, if our prisons are not going 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 American justice 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 rapists; the robbers; the burglars, but we do not give out equivalent punishment to those who cause those crimes—the drug dealers, 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 no spend billions of dollars today to explain the evils of drug use 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 busses all to transport students to class when their minds are all befuddled by narcotics? Of what use is it possibly to prove higher education standards when we are teaching students who cannot possibly focus on the subject matter if they are on drugs.

The money that we are spending on drug education today is a prerequisite to all other spending that we are committing to education. It represents a fundamental investment 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, pay them to give their efforts fully to their jobs, as opposed to dividing those efforts between the never, never world of drug addiction and their jobs. Finally, I am asking you to 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 Government workers we find are ensnared in drugs then the American Government is fall its employees and in turn failing its duty to the American people.

The central issue that we face today in the U.S. Senate is if we are 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. Were we 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 by the latest available data a State may have. It is not our intent that funds be allocated only to those States who have comprehensive data collection systems. We in Congress recognize there is a great need for treatment funding and the need that need 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 the law as drawn to the end of this session, the provisions of this bill will indeed become law.
October 19, 1986

CONGRESSIONAL RECORD — SENATE

S 16501

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 senior at the University of Southern California, majoring in political science and minoring in economics. 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 he would victimize our youth for 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 industry and its advertising. Realizing the impact that the availability of paraphernalia had had on his fellow students, he 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 or aid consumption of illegal drugs, glorify their usage, and enrich those who would victimize our youth. When I introduced this legislation, I urged all of us 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 the need for Federal drug paraphernalia legislation both with Congress and officials throughout the country, has proven once again that a single individual, young or old, can make a difference — both 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 seizing agencies for costs incurred in forfeiture and seizure operations. In this way, agencies have an incentive to...
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 WRIGHT, our Republican Leader Mr. Michna, the chairman of the rules committee, Mr. Peprin, 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. Rangel, the chairman of the Republican Research Committee Mr. Lewis, the chairman and ranking minority members of our 12 standing committees, and all my colleagues who have worked so diligently in writing 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 law enforcement, in narcotics treatment, in prevention, rehabilitation, education, and international narcotics control efforts. Some $200 million will be devoted to drug education, $241 million will be authorized for drug treatment programs, $225 million in State and local drug enforcement assistance, $53 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. Some Members have found elements of this bill to their disagreement, but I am confident 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-related crime in our Nation and throughout the world.

If we truly mean what we 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. 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 creditable job. It is said that this anti-drug bill is the best we can have at this late hour in the session. Late today or not, the plain truth is that this bill is deficient. The other body has deleted from the bill an entire section, section 508, which would have 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 used to pay off the producers of drugs. Money laundering is a racket. Are we going to turn a blind eye?

Money laundering provision passed by this House as a part of H.R. 5484 was very carefully written to put a stop to this practice. It merely said that if someone walked into a bank off the street, that person would have to positively identify themselves and fill out a simple form if they wanted to exchange $3,000 or more for a cashier's check. And further, the House passed money laundering provision which said that this requirement would only apply at those banks, or in those areas of the country, where the Secretary of Treasury believes there has been a problem.

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 banking lobby through stealth. In 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 yield 3 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 overwhelmingly a bill with a full set of law enforcement teeth that every drug in America is illegal. The second time we passed a bill by an even more overwhelming margin with undeniably fewer teeth, but certainly with its most important feature— the death penalty. 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 very costly companion provision to provide a death penalty without parole for drug dealer kingpins who murder. Inexplicably, the procedures we enacted to govern application of the death penalty were retained to guide the imposition of life without parole. This wrong-headed amendment ignores the fact that sentencing guidelines will go into effect within 2 years and parole will no longer exist, meaning that all life sentences will be without parole. More over, first degree
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 heinous of homicides under the law that exists either now or will exist when sentencing guidelines go into effect. It would be significantly 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 away for good. Ever Member here is serious about their problems. Lady and gentlemen, I am serious about their problem. We sit here today a as representatives—particularly considering the focus the death penalty has gained in the public mind.

The rule that we adopt today sends back to the Senate the drug bill and the death penalty as separate elements. The Senate may adopt either or both, or neither. It must decide. I can only say now, as this House has said emphatically twice before, drug kingpins who murder deserve the death penalty. When this matter is deliberated further, and a choice must be made whether to accept one or both elements, I can only hope the best interests of the American people are considered more important than the doctrinaire enthronement of a wilful few.

Mr. Speaker, I reiterate that the reason I support this rule is that it contains the death penalty; if it did not, I would not support it. I do not want and deserve a solution to the drug problem that contains both features of this proposed rule.

Mr. RANGEL. Mr. Speaker, while I certainly disagree with the gentleman and do not believe that it is necessary to have the death penalty as a part of this drug package, I do want to thank the gentleman for the cooperative spirit with which he worked out the differences between the House and the other body, and as you said, those that agree with you will have that opportunity, but you can vote for this bill and still be against the death penalty.

Mr. GEKAS. Mr. Speaker, I thank the gentleman. I urge a "yes" vote and hope that that door will open wide and allow the American will to be spoken in the other body.

The SPEAKER pro tempore (Mr. Kiko). The gentleman from Tennessee (Mr. QUILLEN) has 14 minutes remaining, and the gentleman from Florida (Mr. PEPPER) 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), one 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 to work out the final product of the two bodies and quickly reach agreement on a final product. 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 our counterpart parts in the other body to reach agreements that we all believe ensures the enactment of this very important package of antidrug abuse measures.

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 in the other body and quickly worked out their differences. 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 LUGOSEN 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 law enforcement in the battle against drugs.

Let me list the highlights of title I, which I believe 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:

Stiff penalties that will seriously hurt drug 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 crime to develop an effective overall strategy to combat drug abuse.

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 such time as he may consume 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 demand.

This will truly go down as one of the House's finest moments, and hopefully, when 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
Section 101. Short title.

This subtitle may be cited as the "Career Criminals Act".

Section 102. Expansion of predicate offenses for armed career criminal penalties.

(a) In general.—Section 924(e)(1) of title 18, United States Code, is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a violent felony or a serious drug offense, or both."

(b) Definitions.—Section 924(e)(1) of title 18, United States Code, is amended by striking out subparagraph (A) and all that follows through "for the purposes of", and inserting in lieu thereof the following:

"(1) The term "serious drug offense" means—

"(A) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the first section of section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.), for which a maximum term of imprisonment of ten years or more is pre­scribed by law; or

"(B) an offense under State law, involving the manufacture, distribution, or possession with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a maximum term of imprisonment of ten years or more is pre­scribed by law; and

"(2) 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; or

"(B) involves the use of physical force against the person of another in order to commit, or to facilitate, any other federal, State, or local offense.

 Sinclair for fiscal year 1987 for the Department of Justice for the Office of Justice Assistance.

Section 103. Authorization of appropriations.

There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for support of United States attorneys, $50,000,000.

This section may be cited as the "Drug Enforcement Administration/FBI Task Force Training Program Act of 1986".

Subtitle K—State and Local NARCOTICS CONTROL

Section 1311. Short title.

This subtitle may be cited as the "State and local law enforcement assistance Act of 1986".

Section 1312. BE schemes of Justice Assistance Drug Grant Programs.

(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 section 1301 as section 1301A, and

(2) by inserting after paragraph (1) of such section the following:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

FUNCTION OF THE DIRECTOR

SEC. 1301. The Director shall make grants to States for the use of State and local governments pursuant to this part.

DESCRIPTION OF DRUG LAW ENFORCEMENT PROGRAMS

SEC. 1302. The Director is authorized to make grants to the States for the use of State and local governments pursuant to this part.

Subtitle L—State and local law enforcement assistance Act of 1986
rinary facilities in which to conduct adjudication of such cases.

(4) provide additional public correctional resources for the detention of persons convicted of violations of State and local laws relating to the production, possession, or transfer of controlled substances, and to establish treatment and rehabilitative counseling programs for drug offenders who are convicted of violating State and local laws;

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

(6) provide programs which identify and meet the needs of drug-dependent offenders.

(7) conduct demonstration programs, in conjunction with local law enforcement officials, the non-Federal portion of the cost of such programs, and of 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 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 the State application, and any amendment thereto, which has been submitted for review to the Bureau and, to the extent provided under State law or established procedures, an opportunity to comment, was provided to citizens and to neighborhood and community groups.

Such strategy shall be prepared after consultation with State and local officials whose duties it is to enforce State and local laws. Such strategy shall include an assurance that following the first fiscal year covered by an application, and amendments thereto, the applicant shall submit to the Director or to the State, or the case may be, a performance report concerning the activities carried out pursuant to the provisions of section 1302 of this title.

REVIEW OF APPLICATIONS

"Sec. 1304. (a) The Bureau shall provide written notification to each State 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 1303 of this title.

Each application 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 receipt thereof 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 penal and correctional institutions.

(4) No funds shall be used to supplant State or local funds, but shall be used to increase the amounts of such funds, or to provide for the renewal of such funds, that would, in the absence of Federal funds, be made available for drug law enforcement activities.

APPLICATIONS FOR GRANTS

"Sec. 1305. (a) Of the total amount appropriated for this part in any fiscal year, 80 percent per centum of the appropriations for section 1302 and allocated to States as follows:

(1) $550,000 shall be allocated to each of the participating States.

(2) Of the amount remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the aggregate amount of remitting funds described in this paragraph as the population of such State bears to the national population.

(3) 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 purposes specified in section 1302 of this title that portion of such grants that bears the same ratio to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in the preceding fiscal year.

(4) Any funds not distributed to units of local government in such State shall be available for expenditure by the State involved.

(5) For purposes of determining the distribution of grant 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.

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

(7) An application shall be reviewed on the basis of information available to it during any fiscal year, that portion of the funds allocated to a State for that fiscal year which will be made available to the State to qualify or receive funds under section 1302 of this title, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.
progress and financial report review, technical assistance, grant adjustments, accounting, audit, and disbursement of funds under formula grants.

(2) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions and funding under this section.

"DISCRETIONARY GRANTS"

"Sec. 1308. The Director is authorized to make grants to public agencies and private nonprofit organizations for any purpose specified in section 1302 of this title. The Director shall have final authority over all grants made under this section."

"APPLICATION REQUIREMENTS"

"Sec. 1310. (a) No grant may be made under section 1309 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 1309 of this title shall certify that its program 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 section and all applicable Federal laws. Such certification shall be made in form acceptable to the Director.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS"

"Sec. 1311. Of the total amount appropriated for the program for any fiscal year, 20 percent shall be reserved and set aside for section 1309 of this title in a special discretionary grant program. The Director shall carry out the purposes specified in section 1303 of this title. Grants under section 1309 may be made for amounts up to 100 percent of the cost of the programs or projects contained in the approved application.

"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, maintenance, or enforcement projects.

(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. 3782) 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 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 803 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,

(2) At the end of the first year of the pilot program, the Attorney General shall provide for an evaluation of the effectiveness of the program and shall report to Congress on such evaluation and on whether the pilot program should be increased or expanded.

Subtitle N—Freedom of Information Act

"Sec. 1001. Short title.

(2) "Freedom of Information Act" means title 5, section 552, Unite States Code, as amended to read as follows:

"(7) records or information compiled for law enforcement purposes, but only to the extent necessary for law enforcement purposes; and

(8) records or information compiled for law enforcement purposes, but only to the extent necessary for law enforcement purposes;"
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. Pepper, 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, hardworking 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. 5484 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(aX2), 317, 318, 401(bX2), 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(aX1), 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(aX2) 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(aX2) 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
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II. H.R. 5484, 99th Cong., 2d Sess., As First Read in Senate
    (September 15, 1986).


IV. President's Remarks And Statement On Signing H.R. 5484 Into