



U.S. Department of Justice
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Indexed Legislative History of the “Anti-Drug Abuse Act of 1986”

SUBTITLE K - STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

126728

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LEGISLATIVE HISTORY
OF
"ANTI-DRUG ABUSE ACT OF 1986"

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U.S. Department of Justice
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United States Department of Justice
Office of Justice Programs
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LEGISLATIVE HISTORY H.R.5484H.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 ENFORCEMENTSUBTITLE K: STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986.

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 PROGRAMS1. Sec. 1301 FUNCTION OF THE DIRECTOR*

a. As Enacted, 132 Cong. Rec. H11231 (daily ed. October 17,64 1986)

*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, 13232
Cong. Rec. S13659 {daily ed. September 25, 1986}

d. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
 October 6, 1986}

e. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
 October 8, 1986}

f. As Enacted, 132 Cong. Rec. H11231 {daily ed. October 17,64
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g. Views of Rep. Vento, 132 Cong. Rec. H9478 {daily ed.56
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h. Views of Rep. Gilman, 132 Cong. Rec. H10780 {daily ed.62
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3. Sec. 1302(1) APPREHENSION OF VIOLATORS

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b. Bipartisan Compromise Measure S.2878, See Sec. 1302(1),32
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c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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d. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
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e. As Enacted, 132 Cong. Rec. H11231 {daily ed. October 17,64
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f. Views of Senator Sasser, 132 Cong. Rec. S14269 {daily36
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4. 1302(2) PROSECUTION OF VIOLATORS

a. Senate Republican Package S.2850, See Sec. 1302(2), 13229
Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S2878, See Sec. 1302(2), 13232
Cong. Rec. S13659 {daily ed. September 25, 1986}

c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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d. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
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e. As Enacted, 132 Cong. Rec. H11231 {daily ed. October 17,64
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5. 1302(3) ADJUDICATION

a. Senate Republican Package S.2850, See Sec. 1302(3), 13229
Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(3),32
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October 8, 1986}

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6. 1302(4) PUBLIC CORRECTIONAL RESOURCES

a. Senate Republican Package S.2850, See Sec. 1302(4), 13229
Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(4),32
132 Cong. Rec. S13659 {daily ed. September 25, 1986}

c. As passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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d. As passed by House, 132 Cong. Rec. H9495 {daily ed.57
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e. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,65
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7. 1302(5) ERADICATION PROGRAMS

a. Senate Republican Package S.2850, See Sec. 1302(5), 13229
Cong. Rec. S13459 {daily ed. September 24, 1986}

b. Bipartisan Compromise Measure S.2878, See Sec. 1302(5),32
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c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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d. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
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f. Views of Senator Biden, 132 Cong. Rec. S14289 {daily43
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g. Views of Rep. Smith, 132 Cong. Rec. H9461 {daily ed.52
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b. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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c. As Passed by House, 132 Cong. Rec. H9495 {October 8,57
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e. Views of Senator Chiles, 132 Cong. Rec. S14290 {daily44
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9. 1302(7) DEMONSTRATION PROGRAMS

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b. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48
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c. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
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10. Sec. 1303 APPLICATIONS TO RECEIVE GRANTS

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- b. Senate Republican Package S.2850, See Sec. 1303(a),(b),29 132 Cong. Rec. S13459 {daily ed. September 24, 1986}
- c. Bipartisan Compromise Measure S.2878, See Sec.32 1303(a),(b), 132 Cong. Rec. S13659 {daily ed, September 25, 1986}
- d. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.48 October 6, 1986}
- e. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57 October 8, 1986}
- f. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,65 1986}

11. 1303(1) STATE STRATEGY

- a. As Passed by Senate, See Sec. 1303, 132 Cong. Rec. S1521748 {daily ed. October 6, 1986}
- b. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57 October 8, 1986}
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- b. As Passed by Senate, See Sec. 1303, 132 Cong. Rec. S15217.....48 {daily ed. October 6, 1986}
- c. As Passed by House, 132 Cong. Rec. H9495-6 {daily ed.....57 October 8, 1986}
- d. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,65 1986}

13. Sec. 1304a REVIEW OF APPLICATIONS : REQUIREMENTS

- a. As First Read In Senate, See Sec. 1306 {September 15,...19 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}
- d. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,...65 1986}

14. Sec. 1304(b) LIMITATION ON USE OF GRANT FUNDS

- a. As First Read In Senate, See Sec. 1306{b} {September 15,...20 1986}
- b. See Gen. Sec. 1302(4), 1303, As Passed by Senate, 132...48 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}
- d. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,...65 1986}

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- a. As First Read In Senate, See Sec. 1306(c) {September 15,...20 1986}
- b. As Passed by House, See Sec. 1304(c) , 132 Cong. Rec....58 H9496 {daily ed. October 8, 1986}
- c. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,...65 1986}

16. Sec. 1305 ALLOCATION AND DISTRIBUTION OF FUNDS
UNDER FORMULA GRANTS

- a. House Amd. 28, Offered by Rep. Pepper, 132 Cong. Rec......7 H6689 {daily ed. September 12, 1986}
- b. House Amd., Offered by Rep. Rangel, 132 Cong. Rec. H6683.....1 {daily ed. September 12, 1986}
- c. As First Read In Senate, See Sec. 1307 {September 15,...20 1986}

- d. Senate Tech. Amd. 3092, Offered by Senator Biden, 13239
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- e. As Passed by Senate, See Sec. 1307, 132 Cong. Rec. S1521748
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- f. As Passed by House, See Sec. 1305, 132 Cong. Rec. H949658
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- g. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,.....65
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- h. Views of Rep. Waxman, 132 Cong. Rec. H9473 {daily ed.....54
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17. Sec. 1306 REPORTS

- a. Senate Republican Package S.2850, See Sec. 1304 (a),(b),29
132 Cong. Rec. S13459 {daily ed. September 24, 1986}
- b. Bipartisan Compromise Measure S.2878, See Sec.32
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- c. As Passed by Senate, See Sec. 1304, 132 Cong. Rec......48
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- d. As Passed by House, See Sec. 1306, 132 Cong. Rec. H9496.....58
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- e. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,.....65
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- f. Views of Senator Sasser, 132 Cong. Rec. S14269 {daily36
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- b. Senate Republican Package S.2850, See Sec. 1305, 132 Cong.29
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- c. Bipartisan Compromise Measure S.2878, See Sec. 1305, 13232
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- d. As Passed by Senate, See Sec. 1305, 132 Cong. Rec. S1521748
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- e. As Passed by House, See Sec. 1307, 132 Cong. Rec. H9496.....58
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- f. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,.....65
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- f. As Enacted, 132 Cong. Rec. H11232 {daily ed. October 17,.....65
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b. As Passed by House, See Sec. 1311, 132 Cong. Rec. H9496-97.....58
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c. As Enacted, 132 Cong. Rec. H11233 {daily ed. October 17,.....66
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23. Sec. 1312 LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

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b. As Passed by House, See Sec. 1312, 132 Cong. Rec. H9497.....59
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c. As Enacted 132 Cong. Rec. H11233 {daily ed. October 17,.....66
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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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c. As Passed by Senate, 132 Cong. Rec. S15217 {daily ed.....48
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d. As Passed by House, 132 Cong. Rec. H9495 {daily ed.57
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6689, 6724 {daily ed. September 12, 1986}

c. S. Amd. 3091, offered by Senators Hatfield and Stenns, 132.....37
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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,
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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 "50" and insert in lieu thereof "90".

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

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

Page 218, line 20, strike out "(a) Of" and insert in lieu thereof "(a)(1) Subject to paragraph (2), of".

Page 219, after line 2, insert the following: "(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.

Page 219, line 3, strike out "(b)(1) Of" and insert in lieu thereof "(b)(1)(A) Subject to subparagraph (B), of".

Page 219, after line 9, insert the following: "(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.

Page 223, strike out line 2 and insert in lieu thereof the following: "\$660,000,000 for fiscal year 1987 and \$695,000,000 for".

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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 Chair 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.

□ 1455

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 or 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 existing legislation. 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 and State 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, outside the classrooms, and outside the boardrooms, and see 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 policemen 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 the drugs that we are talking about, when we talk about cocaine, when we talk about crack, when we talk about opium, and when we talk about heroin, 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 50,000 arrests in the city of New York and 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 governors of our great States 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 work with.

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 recall when we 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. RANGEL, 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 State 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 trafficking and drug abuse have reached epidemic proportions in this Nation. Despite many efforts to increase our interdiction and enforcement 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 achieved for offenders; would many cases not being handled because of a lack of time and resources.

The House Judiciary Committee, however, has authorized only \$100 million 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 remaining 35 percent would be set aside for DEA to make discretionary grants to States, not only to continue support for successful enforcement efforts, but also to assist in furthering efforts in areas experiencing severe drug problems.

The amendment Chairman RANGEL and I are proposing would have to correct this situation, while preserving the discretionary amounts proposed in the bill. First, the formula grant authorization level would be restored to \$625 million as proposed in the original version of H.R. 526, the State 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 proposed 50 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 retain \$70 million in discretionary grants of the omnibus drug bill and include \$625 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 amounts 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 col-

leagues 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 peashooters.

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

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

Mr. McGRATH. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the amendment and also in support of the bill.

Mr. Chairman, I wish to congratulate my colleagues, both gentlemen from New York, for bringing us to the point where we are going to have a bill that is going to have some teeth in it.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO].

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

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

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

This has been established by the Select Committee and by our own committee in hearings in my own district and around the country. Regrettably, our Committee on the Judiciary voted down this amendment by a one vote margin. Unless we are genuinely interested in applying resources and helping those on the frontline fighting this problem 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 from New York who is the ranking member of the Select Committee on Narcotics, Mr. GILMAN—is to support this amendment.

I received a letter yesterday from the New Jersey League of Municipalities which stated that those "men and women who are 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.)

□ 1505

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

The gentleman from New York [Mr. RANGEL] and the gentleman from New York [Mr. GILMAN] have been at the head of the effort of the Select Committee. As evidenced by the work of my former colleague, Hal Sawyer of Michigan, the ranking minority member of the 98th Congress and myself in our work on the Justice Assistance Act in the last Congress and the drug enforcement enhancement title in the bill which we are discussing today, I have been and remain a consistent advocate for Federal aid for appropriate State and local law enforcement efforts, particularly drug enforcement. I can't count the number of times that I have taken this podium to state that we in the Federal Government are bad partners to our colleagues at the State and local levels and as long as I am in Congress I will continue to encourage the Federal Government to improve its performance as an effective ally to the State.

However, in this instance I am forced to disagree with my colleague's approach in this amendment. I do so because the amendment proposes too much money, too quickly for intelligent spending, with too little contribution by the recipient units of Government, with too much incentive for the recipient units of Government to convert it from a drug fighting program to a prison construction subsidy program. Let me briefly explain how the amendment would bring about these results.

First, too much money. The amendment caps the discretionary portion of the bill as reported at the reported levels: \$35 million in fiscal year 1987 and \$70 million in fiscal year 1988. However, it increases the formula grants to the States from \$65 million

in fiscal year 1987 and \$130 million in fiscal year 1988 to \$625 million each year. This tenfold increase in fiscal year 1987 and half that for 1988 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 thrown at the States 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 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 drug law 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 to win the Irish Sweepstakes or the Maryland Lottery two times in a row. They will not start new programs, or hire permanent personnel whom they will have to fire or find new money for in a year or two. No, they will almost certainly use this money not for drug law enforcement, but for prison and jail construction. There is a real crisis in corrections, in the States as well as in the Federal system, but the question before the House is whether we find that our present priorities justify voting a \$1.2 billion, 90 percent Federal subsidy for State and local prison and jail construction. That is the practical effect of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

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

Mr. LUNGREN. Mr. Chairman, I thank the gentleman for yielding.

With all due respect, Mr. Chairman, this is truly the kitchen sink amendment. Some people have said that Congress is going to get so hot on the antidrug warpath that we are going to throw everything in including the kitchen sink. Well, this is it.

A half a billion dollars, we are just going to up it like that.

You might call it the bust-the-budget-amendment or the sink-the-Gramm-Rudman amendment. All of those things apply here.

The tragedy of it is that we have overall a good bill, but I just ask you, what in God's name are we in the House of Representatives doing telling the American people that we can accept \$200 billion plus deficits every single year, when the combined situation of local and State governments is that they have a surplus of \$58 billion. Now, \$58 billion, we are going to take money we do not have, take over half a billion of that and give it to those who are running surpluses. I do not think you have to buy off local governments. I do not think you have to blackmail them into doing the job they ought to be doing.

We ought to set the example at the Federal level. We have not funded the DEA consistent with the request made by the administration. We have not funded the administration's Justice Department to grant us additional prosecutors. We have not funded the administration's request for marshals.

Why are those things important? If we do not take the tough criminals off the streets who are convicted of Federal crimes, they will still be on the streets and that pressure is on the State and local governments.

The best thing we can do right now 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 million dollars that we ought to be spending 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 us to send money, but let us be realistic. Let us not just posture. 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 thing on 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 nine-tenths of 1 percent. Philadelphia, 1.3 percent.

D.C., 5.9 percent.

Dallas, 1.3 percent.

San Francisco, 2.4 percent.

St. Petersburg, FL, 2.7 percent of their total budget is being used for drugs.

It is not that they do not have the money. It is that they are not establishing the priorities.

So we are going to say that we are going to bail them out with money we do not have. It is an empty promise and what it really means is that we are going to take it away from the DEA. We are going to take it away from the FBI. We are going to take it away from Federal prison construction.

You can vote for this amendment to make yourselves feel good, but I will tell you that 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. I do so with all due respect to the gentleman from New York, the sponsor of the amendment, for whom I have a tremendous regard; however, there is one fatal flaw in the amendment. Having been a mayor for three terms of the city of Fort Lauderdale, I can tell you that it is a fatal flaw.

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

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

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

Mr. FEIGHAN. Mr. Chairman, I appreciate the 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] and others have been working on for more than a year that I think makes eminent sense.

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

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

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

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

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

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

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

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

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

I appreciate the gentleman yielding.

Mr. HUGHES. Mr. Chairman, just in closing, I strongly support the Justice Assistance Program. Former Congressman 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 this 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 slimy 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 is needed and 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 peashooter. 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 Americans regardless of age or income. The legislation we consider today, H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986, will make an important contribution to our war against drugs by providing a wide range of increased resources and broader enforcement powers to Federal agencies in the effort to apprehend and convict drug smugglers. The Rangel amendment ensures that additional funds are also provided to reduce the supply of drugs available in our schools and on our streets.

During a meeting of a Pinellas County drug task force I took part in Monday, community leaders expressed concern that not enough resources are available at the local level to fight, let alone win, the battle against drugs on our streets. Participants in the meeting, called by the Pinellas-Pasco State attorney, included the Pinellas County sheriff, superintendent of schools, county commissioners, local chiefs of police, and directors of area drug abuse treatment and prevention programs. They recounted specific exam-

ples of setbacks in their effort to curtail the local drug trade because of insufficient funding. Law enforcement officials missed the opportunity to make more arrests in drug raids because not enough officers were available to take part in an operation. Additional patrols and undercover operations are not possible without additional financial support. More addicts could be treated by drug abuse centers if greater funding was available to hire staff and counselors.

The scope and intent of the legislation before us today is good because it will improve efforts at the Federal, State, and local level to apprehend and convict drug smugglers and dealers by increasing the resources available to Federal agencies such as the Coast Guard, Customs Service, and the Drug Enforcement Administration who are on the front line at our borders in this difficult battle. It also widens the search and seizure powers of these agencies to enhance the effectiveness of their expanded operations. This legislation provides funds to hire more attorneys to prosecute drug dealers and gives the courts the authority to impose stiffer sentences on those who are convicted. And more than \$1 billion is provided over the next 3 years to construct new prisons to jail these criminals.

Provisions are included to also deal with the increasing supply of narcotics being smuggled into our country. The President and other U.S. officials are required to monitor the efforts of known drug producing nations to eradicate their illicit crops. Authority is granted in this legislation for the United States to withhold foreign assistance and trade rights for any nation refusing to cooperate in this regard. It also allows greater U.S. participation with law enforcement officials in these countries during eradication programs and in the apprehension of drug traffickers.

And the legislation before us today seeks to curb the demand for drugs 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 supplies and dealers from one block to another 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 information during our 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 problem.

Crack is extremely dangerous because it is immediately addictive. Local authorities say that this drug causes such a high in first-time users, that the body keeps demanding more in an effort to 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 all income brackets 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 athletes. There is general agreement that these drugs can cause severe and sometimes permanent adverse effects on the body. The health and safety of drug users clearly is jeopardized.

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

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

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

There are some who say that this legislation and the Rangel amendment will be too expensive. But the cost of

this legislation will be small when compared to the devastation drug abuse causes thousands of families whose children are addicted to drugs. It will be small compared to the cost of crimes such as theft and robbery from our homes and businesses, particularly those of the elderly, who addicts prey upon to feed their expensive habits. The cost of 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 this difficult problem. Increased drug enforcement and eradication efforts, tougher sentences for drug suppliers, and expanded drug education and prevention programs will not work unless there is a commitment by the Federal Government, as provided by the Rangel amendment, to provide greater assistance to local law enforcement officials as they battle the drug 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 cosponsor 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 drug-related crimes, overcrowded court systems and overcrowded jails with inadequate Federal assistance. Our cities and States need desperate help and the omnibus antidrug bill is the vehicle to provide it.

While I applaud the efforts of the various committees which have worked on this bill, and commend our law enforcement community for the tremendous work they have done to date, I am concerned that the amount of funds provided for assistance to State and local law enforcement in this bill is woefully inadequate—\$100 million the first year, \$200 million the second, with a 50-50 match. The Rangel-Gilman amendment substantially increases funds for the State and local criminal justice systems, to \$625 million annually, and deserves our strong support.

The need for this amendment is crucial, particularly in Tennessee where we have seen a significant increase in drug trafficking. I urge my colleagues to join with me in reaffirming our commitment to strengthening our resources against the war on drugs—vote for Rangel-Gilman.

Mr. FAUNTROY. Mr. Chairman, I rise in strong support of H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986.

With bipartisan support, this Chamber will bring to the American people wide-ranging,

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 by steadfast and dedicated attention in 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 our country's history has our society been so imperiled.

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

Now, we are confronted by information that shows us an overwhelming concentration by certain countries in flooding this country with death-dealing narcotics. While the American public is awakening, on a large scale, to the deadly danger the escalating drug problem causes 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 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 counseling 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 than when they entered. That condition speaks to the need for drug treatment within the prison. There is also another more crucial need in

prison problems today—prison overcrowding. Throughout the United States numerous local and State jurisdictions are under court order for overcrowding in their prison facilities.

For those reasons, I urge my colleagues to support an amendment introduced by Congressman CHARLES RANGEL, chairman of the Select Committee on Narcotics Abuse and Control and Congressman BENJAMIN GILMAN, ranking member of the select committee. This amendment would increase the amounts authorized in title VI for grants to States for State and local drug law enforcement efforts. I also urge support for the provision in this amendment which reduces the matching funds requirement from 50 percent to 10 percent. I share the Rangel-Gilman views expressed in their statement that it has been the failure of the Federal Government to halt the importation and interstate distribution of massive quantities of illicit cocaine, heroin, marijuana and other illegal drugs that makes it imperative that the Federal Government share the heavy responsibilities of costs of drug problems in the States and local jurisdictions. It is also the language in the Rangel-Gilman amendment which would permit formula grant funds to be used for prison construction that is one of the most needed provisions to be added to H.R. 5484.

Congressman CLAUDE PEPPER has submitted an amendment on increasing the funding for drug treatment (title IX). The Pepper amendment would increase from \$100 million to \$200 million a base figure for drug treatment within title IX under the provisions provided by the Committee on Energy and Commerce. There 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, Mr. 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 Grosse Point, MI; Beverly Hills; and Salt Lake City. Illegal drugs such as crack/cocaine, heroin, marijuana, acid, speed, quaaludes, PCP, and others have taken countless lives. Moreover, drugs have wrecked careers, broken homes, invaded schools, incited crime, tainted businesses, toppled 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 demands of an all out war on drugs. We are willing to invest trillions to prepare for conventional war, but we have found it to be very difficult to make the same investment and commitment to the war on drugs.

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

The CHAIRMAN. All time has expired on this amendment.

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

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

RECORDED VOTE

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:

[Roll No. 371]

AYES—242

Akaka	Berman	Bruce
Alexander	Bevill	Bryant
Anderson	Blaggi	Bustamante
Andrews	Boggs	Byron
Annunzio	Boland	Carr
Anthony	Bonior (MI)	Chapman
Applegate	Borski	Clay
Aspin	Boucher	Coelho
Barnes	Boxer	Coleman (MO)
Bates	Brooks	Coleman (TX)
Bennett	Broomfield	Collins
Bentley	Brown (CA)	Conyers

Cooper	Jacobs	Quillen
Coughlin	Jeffords	Rahall
Courter	Johnson	Rangel
Coyne	Jones (NC)	Reid
Craig	Jones (OK)	Richardson
Crockett	Jones (TN)	Rinaldo
Daschle	Kanjorski	Robinson
de la Garza	Kemp	Rodino
DeLums	Kennelly	Roe
Dicks	Kildee	Roemer
Dingell	Kindness	Rose
DioGuardi	Kolter	Rostenkowski
Dixon	LaFalce	Rowland (CT)
Donnelly	Lantos	Rowland (GA)
Dornan (CA)	Leath (TX)	Roybal
Dowdy	Lehman (CA)	Savage
Downey	Leland	Saxton
Duncan	Lent	Scheuer
Durbin	Levin (MI)	Schroeder
Dwyer	Levine (CA)	Schuettle
Dymally	Lewis (FL)	Schulze
Dyson	Lipinski	Schumer
Eckart (OH)	Lloyd	Seiberling
Edgar	Long	Sharp
Edwards (CA)	Luken	Shelby
Edwards (OK)	Lundine	Skelton
Emerson	MacKay	Smith (FL)
English	Manton	Smith (NJ)
Erdreich	Martin (NY)	Smith, Robert
Evans (IL)	Martinez	(OR)
Fascell	Matsui	Snowe
Feighan	Mavroules	Solarez
Flippo	Mazzoli	Solomon
Florio	McCloskey	St Germain
Foglietta	McCurdy	Stark
Foley	McDade	Studds
Ford (MI)	McGrath	Swift
Ford (TN)	McHugh	Tauzin
Fowler	McKernan	Taylor
Frank	McKinney	Thomas (GA)
Frost	McMillan	Torres
Gallo	Mica	Torricelli
Garcia	Mikulski	Towns
Gaydos	Miller (CA)	Trafficant
Gejdenson	Mineta	Traxler
Gephardt	Mitchell	Udall
Gibbons	Moakley	Vander Jagt
Gilman	Molinari	Vento
Gordon	Mollohan	Visclosky
Gray (IL)	Moody	Volkmer
Gray (PA)	Moore	Waldon
Green	Morrison (CT)	Walgren
Guarini	Morrison (WA)	Watkins
Hall, Ralph	Mrazek	Waxman
Hamilton	Murtha	Weiss
Hammerschmidt	Natcher	Wheat
Hatcher	Neal	Whitley
Hawkins	Nelson	Wilson
Hayes	Nichols	Wirth
Hefner	Nowak	Wise
Hendon	Onkar	Wolf
Henry	Ortiz	Wolpe
Hertel	Owens	Wortley
Hillis	Parris	Wright
Hopkins	Pashayan	Wyden
Horton	Pepper	Yates
Howard	Perkins	Yatron
Hoyer	Price	Young (FL)
Hubbard	Pursell	Young (MO)

NOES—171

Archer	Cobey	Gingrich
Armey	Coble	Glickman
Atkins	Combust	Gonzalez
AuCoin	Conte	Goodling
Badham	Crane	Gradison
Barnard	Daniel	Gregg
Bartlett	Dannemeyer	Gunderson
Barton	Darden	Hall (OH)
Bateman	Daub	Hansen
Bedell	Davis	Hartnett
Bellenson	DeLay	Hiler
Bereuter	Derrick	Holt
Bilirakis	DeWine	Hughes
Bliley	Dickinson	Hutto
Boehliert	Dorgan (ND)	Hyde
Bonker	Dreier	Ireland
Bosco	Early	Jenkins
Boulter	Eckert (NY)	Kaptur
Brown (CO)	Evans (IA)	Kasich
Burton (IN)	Fawell	Kastenmeier
Callahan	Fazio	Kleczka
Carr	Fiedler	Kolbe
Carper	Fields	Kostmayer
Chandler	Fish	Kramer
Chappell	Franklin	Lagomarsino
Cheney	Frenzel	Latta
Clinger	Fuqua	Leach (IA)
Coats	Gekas	Lehman (FL)

Lewis (CA)	Oxley	Smith (NE)
Lightfoot	Packard	Smith, Denny
Livingston	Panetta	(OR)
Loeffler	Pease	Smith, Robert
Lott	Penny	(NH)
Lowery (CA)	Petri	Snyder
Lowry (WA)	Pickle	Spence
Lujan	Porter	Spratt
Lungren	Ray	Staggers
Mack	Regula	Stallings
Madigan	Ridge	Stangeland
Marlenee	Ritter	Stenholm
Martin (IL)	Roberts	Stokes
McCaIn	Rogers	Stump
McCandless	Roth	Sundquist
McCollum	Roukema	Sweeney
McEwen	Russo	Swindall
Meyers	Sabo	Tallon
Michel	Schaefer	Tauke
Miller (OH)	Schneider	Thomas (CA)
Miller (WA)	Sensenbrenner	Valentine
Monson	Shaw	Vucanovich
Montgomery	Shumway	Walker
Moorhead	Shuster	Weber
Murphy	Siljander	Whitehurst
Myers	Siskiy	Whittaker
Nielson	Skeen	Williams
Oberstar	Slattery	Wylie
Obey	Slaughter	Zschau
Olin	Smith (IA)	

NOT VOTING—18

Ackerman	Grotberg	Strang
Boner (TN)	Huckaby	Stratton
Breaux	Hunter	Synar
Burton (CA)	Markey	Weaver
Campbell	Rudd	Whitten
Chapple	Sikorski	Young (AK)

□ 1530

The Clerk announced the following pair:

On this vote:

Mr. Stratton for, with Mr. Campbell against.

Mr. COBLE changed his vote from "aye" to "no."

Messrs. MANTON, McCURDY, DOWDY of Mississippi, JEFFORDS, DUNCAN, VOLKMER, Mrs. JOHNSON, and Mr. MILLER of California changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in support of the bill.

(Mr. ROWLAND of Georgia asked and was given permission to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Chairman, as a cosponsor of H.R. 5484, I can attest to the fact that the House is dead serious about eliminating the drug problem—a problem which threatens the lives of our children and inflicts upon this country billions of dollars in medical and rehabilitative costs.

This is a bipartisan effort which attacks the drug problem on all fronts. In addition to the hard-hitting aspects of this legislation—strengthening the enforcement of drug laws, stemming the flow of illegal drugs into the country, increasing penalties for illegal drug activities—the bill puts strong emphasis on drug education and treatment.

I am especially pleased that through the crackdown on drug usage, this legislation will assist us in our battle against another health threat—AIDS. A provision within the bill funds educational programs relating to the risks of

AIDS associated with the use of intravenous drugs. Additionally, educating the public regarding the danger of AIDS transmission from pregnant women to their unborn children is highlighted. It also calls on the CDC to cooperate with the Agency for Substance Abuse Prevention to develop educational programs related to AIDS and drug use.

I hope that the Clearinghouse on Alcohol and Drug Abuse will be sure to distribute its information to all school systems, including universities and colleges. As you know, Mr. Chairman, I have previously expressed my concern that college students may be at somewhat higher risk for drug abuse and sexually transmitted diseases and so we should devote greater efforts to educate them to the dangers that they face. This legislation would at least initiate educational programs to reach out to students.

Another aspect of this bill which is of special interest to me is the provision for reimbursement for treatment costs. While I applaud the initiation of funding for the treatment of individuals with drug problems, I believe that a much greater commitment will eventually be required if we are to successfully return these disabled individuals to full participation in our society. I would urge that the study called for in title IX, section 906, to examine the available coverage for drug treatment and to report to the Congress on meeting identified needs, reviews every Government health program to assure that all possible avenues for coverage have been investigated and determinations made on the amount of reimbursement available.

Mr. Chairman, these first steps we are taking with the passage of this bill are only the beginning of this great undertaking. Indeed, we must wage a war on drugs and anticipate a long a difficult struggle before we achieve success.

□ 1540

The CHAIRMAN. Under the rule, amendment No. 25 is in order.

Does the gentleman from Oklahoma [Mr. ENGLISH] wish to offer amendment No. 25?

If not, under the rule, amendment No. 27 is in order.

Mr. LUNGREN. Mr. Chairman, in light of the fact that amendment No. 27 would cut \$300 million from the section to which we just added \$1 billion, I have counted the votes and, therefore, I will withdraw my amendment at this time.

The CHAIRMAN. The gentleman from California withdraws his amendment.

The rule next makes in order amendment No. 28.

AMENDMENT OFFERED BY MR. PEPPER

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

The Clerk read as follows:

Amendment offered by Mr. PEPPER: Page 220, after line 6, insert the following:

"(5) Notwithstanding paragraph (1), the Administrator may waive the non-Federal share requirement applicable to a grant made with funds reserved under this subsection if the Administrator determines that the applicant for such grant is financially unable to satisfy such requirement.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. PEPPER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. HUGHES. Mr. Chairman, 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 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.

The Chair recognizes the gentleman from Florida [Mr. PEPPER].

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

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

Mr. Chairman, I rise in support of my amendment to allow the Administrator of the Office of Justice Assistance Drug Grant Program the 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. The reason 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 \$53 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 any 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 grant program. 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 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 program to 10 percent has just been adopted. Matching requirements can have value but they can also be a mistake. Let the Administrator decide under the discretionary program if a 50 percent requirement for a given applicant would be proper.

Mr. Chairman, I want to thank the distinguished gentleman from New Jersey [Mr. HUGHES] for his kindness in not opposing my amendment.

We want the maximum participation possible from all those who have the curse of this drug matter upon them; and there may be some, and no doubt are, many States which are very much beset by the drug problem that are not able to match the 50-50 requirement of the bill.

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

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

Mr. PEPPER. I yield to the gentleman.

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

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

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

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

I yield to the gentleman from New Jersey [Mr. HUGHES].

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

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

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

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

Mr. PEPPER. I yield to the gentleman.

Mr. LEWIS of California. Mr. Chairman, I 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

SEC. 671. REMOVAL OF PROHIBITION REGARDING CONVICT LABOR.

(a) IN GENERAL.—The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U.S.C. 35), is amended—

(1) in subsection (d)—

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

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

(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 any goods purchased by the Federal Government does not apply to convict labor which satisfies the conditions of section 1761 of title 18, United States Code. This section does not apply to any contract carried 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.

□ 1550

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 States. 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. The problem is, 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 board officials 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 be broadly representative, I would certainly assume that they would be included.

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

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

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

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

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

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

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

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

Is there another Lee Iacocca to come forward to chair such a committee as the gentleman proposes?

Why could we not, and I know this is daring, but why could we not just let the private sector get it together and do it themselves?

I recall many lectures about getting the Government off of people's backs. They seem to have come from this side of the room more than this side of the room, but how did the Government get into the business of organizing private charitable donations?

I know we are getting desperate in this war, but this is about the last straw. I do not know how I am going to go back and tell all of the organizations, one in Highland Park, one in Conan Gardens in Detroit, that you either have to file an application for a grant application, or I do not know what the mechanism is going to be. Or let us just dissolve and get with the national movement.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I am delighted to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, the gentleman from Michigan [Mr. CONYERS] has raised a number of questions that I would like to respond to.

This is not an unprecedented venture into legislation. We have the National Trust for Historic Preservation; we have a trust for national parks and resources of that nature.

□ 2110

I want to let the gentleman know that the effort that we are putting together here is to focus national attention on a source where people can send their money. I am talking about corporations making tremendous contributions to a national effort and also individuals. I do not think it is going to detract from the gentleman's individual efforts throughout the country; but I think it will focus attention where a lot of people have not made those contributions.

Mr. CONYERS. Mr. Chairman, is the gentleman suggesting that the Citizens Against Crime in Highland Park, MI, will be just in a friendly competition for funds with this national organization?

Mr. COLEMAN of Missouri. If the gentleman will yield further, 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 at night that this is the safest or the most cogent hour for us to all come together and create another trust fund like that that preserves 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, amendment No. 40, 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 "\$280,000,000".

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

Page 261, line 8, strike out "one third" and insert in lieu thereof "one-fifth".

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 of the 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 drugs coming 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 the demand? 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.

Now I 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 36,000 in the last year.

Only 19 percent of the money being spent for education and treatment comes from the Federal Government. Over 80 percent of the State alcohol and drug agencies identified a critical

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 demand, we will 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 drug 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. I believe that this is one area that was neglected during the formulation of this very important, all American bill. We know that the provision of treatment services is cost effective and a proven method of rehabilitation of drug addicts. This is extremely important since these addicts are responsible for the majority of crimes committed in our society. It has been documented that with treatment the average addict's criminal activity can be reduced by 84 percent.

Arresting people alone will not make the crime problem go away. Putting people in jail will not by itself end crime in the United States. Eventually, these people will be back on the streets, using drugs again and returning to careers of crime to support their habit. We can stop a large portion of the crime in the United States, instead of just waging guerrilla attacks on it, by eliminating the craving for drugs that drives people into the streets to rob and kill our neighbors.

Treatment services are woefully inadequate to treat the 500,000 heroin addicts, the 4,000,000 regular users of cocaine, and the 20,000,000 regular users of marijuana in the United States. Presently, out of the estimated 24.5 million individuals who have a drug problem only 272,042 are receiving treatment. It has also been determined that only 10 percent of those actively seeking treatment are able to enroll in a program. In fact, the need for treatment centers is so great virtually every State responding to a survey indicated they required more resources. Mr. Chairman, I do not believe that increasing the amount earmarked for treatment from \$100 million to \$200 million will provide all the resources needed in this area but it will be of significant help.

The need is so great that the cost seems low when you compare it against the benefits it will provide not only to the addicts but also to society in general. 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. If our efforts on any one of these fronts are 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 reducing 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 New York [Mr. RANGEL].

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

I would just like to say, for those people who 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 some of these treatment centers. Mr. Chairman, the tragic thing is that some of these 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 convinces the kid to come 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 of Missouri. Mr. Chairman, I rise today in support of H.R. 5484 and Mr. PEPPER's amendment to the bill. I am pleased to see that Members on both sides of the aisle have come together in this declaration of war on drugs in the United States. H.R. 5484 is the first comprehensive piece of legislation to reach the House floor on this issue, and I am proud to have been an original cosponsor of this historic bill.

The drug crisis has reached epidemic proportions in the United States, with the use of controlled substances increasing at alarming

levels. It has been estimated that well over \$100 billion will be spent on illegal drugs in the United States in 1986.

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

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

In my home State of Missouri, we have seen that the stakes are all too high where drugs are concerned. According to the Missouri Department on Probation and Parole, 65 to 70 percent of the 28,995 adults on probation and parole in Missouri were under the influence or had a chemical dependency at the time their crime was committed. Of the 10,000 people currently in Missouri's prisons, 7,500 have some type of chemical dependency.

I would also like to note that abuse of cocaine has increased dramatically in the St. Louis metropolitan area. The recovery center at Christian Hospital Northwest has said that they have witnessed an increase in cocaine addiction among their clients. Drug and Alcohol Rehabilitation and Treatment, Inc. [DART, Inc.] of St. Louis has reported the following numbers for admissions to treatment in facilities in the area as a result of cocaine dependency: 205 in 1982; 248 in 1983; 274 in 1984; 363 in 1985; and 108 for the first quarter of 1986—the projection for 1986 is 450.

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

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

□ 2120

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

Mr. LEWIS of California. Mr. Chairman, I have no requests for time, and I yield back the balance of our time.

The CHAIRMAN. All time 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. 43 by the gentleman from Illinois [Mr. MADIGAN] is in order at this time.

H.R. 5484 AS FIRST READ
IN SENATE (September 15, 1986)

99TH CONGRESS
2D SESSION

H. R. 5484

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 1986
Received; and read the first time

AN ACT

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

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the “Om-
5 nibus Drug Enforcement, Education, and Control Act of
6 1986”.

1 tional services; corrective and preventive guidance and train-
 2 ing; and other rehabilitative services designed to protect the
 3 public and benefit the alcohol dependent person, addict, or
 4 drug dependent person by eliminating that person's or ad-
 5 dict's dependence on alcohol or addicting drugs, or by con-
 6 trolling that person's or addict's dependence and susceptibili-
 7 ty to addiction. Such Director may negotiate and award such
 8 contracts without regard to section 3709 of the Revised Stat-
 9 utes (41 U.S.C. 5).".

10 SEC. 658. REAUTHORIZATION OF CONTRACT SERVICES.

11 Section 4(a) of the Contract Services for Drug Depend-
 12 ent Federal Offenders Act of 1978 is amended—

13 (1) by striking out "and \$6,000,000" and insert-
 14 ing "\$6,500,000" in lieu thereof; and

15 (2) by striking out the two periods at the end and
 16 inserting in lieu thereof "; \$12,000,000 for the fiscal
 17 year ending September 30, 1987; \$14,000,000 for the
 18 fiscal year ending September 30, 1988; and
 19 \$16,000,000 for the fiscal year ending September 30,
 20 1989.".

21 **Subtitle G—Drug Enforcement** 22 **Enhancement**

23 SEC. 661. SHORT TITLE.

24 This subtitle may be cited as the "Drug Enforcement
 25 Enhancement Act of 1986".

1 SEC. 662. AUTHORIZATION OF APPROPRIATIONS.

2 (a) DRUG ENFORCEMENT ADMINISTRATION.—There is
3 authorized to be appropriated for fiscal year 1987 for the
4 Department of Justice, in addition to any amounts appropri-
5 ated before the date of the enactment of this subtitle for fiscal
6 year 1987, \$114,000,000 for the Drug Enforcement Admin-
7 istration. Of the amount appropriated under this subsection,
8 \$54,000,000 shall be used to support increased narcotics
9 interdiction operations in the Bahamas.

10 (b) ASSISTANT UNITED STATES ATTORNEYS.—There
11 is authorized to be appropriated for fiscal year 1987 for the
12 Department of Justice, in addition to any amounts appropri-
13 ated before the date of the enactment of this subtitle for fiscal
14 year 1987, \$31,000,000 for United States attorneys for as-
15 sistant United States attorneys.

16 (c) DRUG LAW ENFORCEMENT BY DEPARTMENT OF
17 JUSTICE.—There is authorized to be appropriated for fiscal
18 year 1987 for the Department of Justice, in addition to any
19 amounts appropriated before the date of the enactment of this
20 subtitle for fiscal year 1987, \$167,000,000 of which—

21 (1) \$140,000,000 shall be made available for the
22 construction of Federal penal and correctional institu-
23 tions,

24 (2) \$20,000,000 shall be made available for
25 United States marshals, and

1 (3) \$7,000,000 shall be made available for the
2 Federal Prison System.

3 Funds appropriated under this subsection shall remain avail-
4 able until expended.

5 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL
6 YEARS 1988 AND 1989.—(1) In addition to any other
7 amounts that may be authorized to be appropriated for fiscal
8 year 1988 for the Department of Justice, there is authorized
9 to be appropriated \$450,000,000 for fiscal year 1988 for the
10 Department of Justice for the construction of Federal penal
11 and correctional institutions.

12 (2) In addition to any other amounts that may be au-
13 thorized to be appropriated for 1989 for the Department of
14 Justice, there is authorized to be appropriated \$527,000,000
15 for fiscal year 1989 for the Department of Justice, of
16 which—

17 (A) \$500,000,000 shall be made available for the
18 construction of Federal penal and correctional institu-
19 tions, and

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

22 (3) Funds appropriated under paragraphs (1) and (2)
23 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

1 of such grant, except that in the case of funds distributed to
2 an Indian tribe which performs law enforcement functions (as
3 determined by the Secretary of the Interior) for any such
4 program or project, the amount of such grant shall be equal
5 to 100 per centum of such cost.

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

9 “ELIGIBILITY

10 “SEC. 1304. The Bureau is authorized to make grants
11 under section 1302 of this title available to a State for the
12 use of the State, and units of local government in the State,
13 for enforcing State and local laws that establish offenses simi-
14 lar to offenses established in the Controlled Substances Act
15 (21 U.S.C. 801 et seq.).

16 “APPLICATIONS

17 “SEC. 1305. No grant may be made by the Bureau to a
18 State, or by a State to an eligible recipient, pursuant to this
19 part unless the application for such grant sets forth programs
20 and projects which meet the purpose specified in section
21 1302 of this title and identifies the State agency or unit of
22 local government which will implement each such program or
23 project. The application shall be amended if new programs
24 are to be added to the application or if the programs con-
25 tained in the original application are not implemented. The
26 application shall include—

1 “(1) an assurance that following the first fiscal
2 year covered by an application and each fiscal year
3 thereafter, the applicant shall submit to the Bureau or
4 to the State, as the case may be—

5 “(A) a performance report concerning the ac-
6 tivities carried out pursuant to section 1302 of
7 this title; and

8 “(B) an assessment by the applicant of the
9 impact of those activities on the purposes of such
10 section and the needs and objectives identified in
11 the applicant’s statement;

12 “(2) a certification that Federal funds made avail-
13 able under section 1302 of this title will not be used to
14 supplant State or local funds, but will be used to in-
15 crease the amounts of such funds that would, in the
16 absence of Federal funds, be made available for drug
17 law enforcement activities;

18 “(3) a certification that funds required to pay the
19 non-Federal portion of the cost of each program and
20 project for which such grant is made shall be in addi-
21 tion to funds that would otherwise be made available
22 for drug law enforcement by the recipients of grant
23 funds;

24 “(4) an assurance that fund accounting, auditing,
25 monitoring, and such evaluation procedures as may be

1 necessary to keep such records as the Bureau shall
2 prescribe shall be provided to assure fiscal control,
3 proper management, and efficient disbursement of
4 funds received under section 1302 of this title;

5 “(5) an assurance that the applicant shall main-
6 tain such data and information and submit such reports
7 in such form, at such times, and containing such data
8 and information as the Bureau may reasonably require
9 to administer other provisions of this title;

10 “(6) a certification that its programs meet all the
11 requirements of this section, that all the information
12 contained in the application is correct, that there has
13 been appropriate coordination with affected agencies,
14 and that the applicant will comply with all provisions
15 of this title and all other applicable Federal laws (such
16 certification shall be made in a form acceptable to the
17 Bureau and shall be executed by the chief executive or
18 such other officer of the applicant qualified under regu-
19 lations promulgated by the Bureau);

20 “(7) an assurance that the State will take into ac-
21 count the needs and requests of units of local govern-
22 ment in the State and encourage local initiative in the
23 development of programs which meet the purpose of
24 section 1302;

1 “(8) an assurance that the State application de-
 2 scribed in this section, and any amendment to such ap-
 3 plication, has been submitted for review to the State
 4 legislature or its designated body (for purposes of this
 5 section, such application or amendment shall be
 6 deemed to be reviewed if the State legislature or such
 7 body does not review such application or amendment
 8 within the 60-day period beginning on the date such
 9 application or amendment is so submitted); and

10 “(9) an assurance that the State application and
 11 any amendment thereto was made public before sub-
 12 mission to the Bureau and, to the extent provided
 13 under State law or established procedure, an opportu-
 14 nity to comment thereon was provided to citizens and
 15 to neighborhood and community groups.

16 “REVIEW OF APPLICATIONS

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

21 “(1) the application or amendment thereto is con-
 22 sistent with the requirements of this title; and

23 “(2) before the approval of the application and
 24 any amendment thereto the Bureau has made an af-
 25 firmative finding in writing that the program or project
 26 has been reviewed in accordance with section 1305.

1 Each application or amendment made and submitted for ap-
2 proval to the Bureau pursuant to section 1305 of this title
3 shall be deemed approved, in whole or in part, by the Bureau
4 not later than sixty days after first received unless the
5 Bureau informs the applicant of specific reasons for disap-
6 proval.

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

10 “(c) The Bureau shall not finally disapprove any appli-
11 cation, or any amendment thereto, submitted to the Director
12 under this section without first affording the applicant rea-
13 sonable notice and opportunity for reconsideration.

14 “ALLOCATION AND DISTRIBUTION OF FUNDS

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

20 “(1) \$250,000 shall be allocated to each of the
21 participating States.

22 “(2) Of the total funds remaining after the alloca-
23 tion under paragraph (1), there shall be allocated to
24 each State an amount which bears the same ratio to
25 the amount of remaining funds described in this para-

1 graph as the population of such State bears to the pop-
2 ulation of all the participating States.

3 “(b)(1) Each State which receives funds under subsec-
4 tion (a) in a fiscal year shall distribute among units of local
5 government, or combinations of units of local government, in
6 such State for the purpose specified in section 1302 of this
7 title that portion of such funds which bears the same ratio to
8 the aggregate amount of such funds as the amount of funds
9 expended by all units of local government for criminal justice
10 in the preceding fiscal year bears to the aggregate amount of
11 funds expended by the State and all units of local government
12 in such State for criminal justice in such preceding fiscal
13 year.

14 “(2) Any funds not distributed to units of local govern-
15 ment under paragraph (1) shall be available for expenditure
16 by the State involved.

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

23 “(c) No funds allocated to a State under subsection (a)
24 or received by a State for distribution under subsection (b)
25 may be distributed by the Director or by the State involved

1 for any program other than a program contained in an ap-
 2 proved application.

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

13 “(e) Any funds not distributed under subsections (b) and
 14 (d) with respect to a State shall be reallocated under subsec-
 15 tion (a), excluding such State and the population of such
 16 State.

17 “STATE OFFICE

18 “SEC. 1308. (a) The chief executive of each participat-
 19 ing State shall designate a State office for purposes of—

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

22 “(2) administering funds received under such sec-
 23 tion from the Bureau, including receipt, review, proc-
 24 essing, monitoring, progress and financial report
 25 review, technical assistance, grant adjustments, ac-
 26 counting, auditing, and fund disbursements.

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

4 “DESCRIPTION OF DRUG LAW ENFORCEMENT

5 DISCRETIONARY GRANT PROGRAM

6 “SEC. 1309. The Administrator of the Drug Enforce-
7 ment Administration (hereinafter in this part referred to as
8 the ‘Administrator’) is authorized to make grants under this
9 part to States and to units of local government for the pur-
10 pose of enforcing State and local laws that establish offenses
11 similar to offenses established in the Controlled Substances
12 Act (21 U.S.C. 801 et seq.). The Administrator shall have
13 final authority over all grants awarded by the Administrator
14 under this part.

15 “PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY

16 PROGRAM

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

25 “(2) The amount reserved under paragraph (1)—

1 “(A) for fiscal year 1987 may not exceed
2 \$20,000,000, and

3 “(B) for fiscal year 1988 may not exceed
4 \$40,000,000.

5 “(b)(1)(A) Subject to subparagraph (B), of the total
6 amount appropriated to carry out this part, 15 per centum
7 shall be reserved and set aside for grants under section 1309
8 in a special discretionary fund for use by the Administrator in
9 carrying out such section. The amount of any grant made
10 with funds reserved under this subsection shall be equal to 50
11 per centum of the cost of the programs and projects specified
12 in the approved application.

13 “(B) The amount reserved under subparagraph (A)—

14 “(i) for fiscal year 1987 may not exceed
15 \$15,000,000; and

16 “(ii) for fiscal year 1988 may not exceed
17 \$30,000,000.

18 “(2) In making grants under this subsection, the Admin-
19 istrator shall give consideration to the severity of the follow-
20 ing drug law enforcement problems in the jurisdictions apply-
21 ing for such grants:

22 “(A) the unlawful importation of controlled sub-
23 stances (as defined in section 102(6) of the Controlled
24 Substances Act (21 U.S.C. 802(6));

1 “(B) the unlawful production and processing
2 such substances; and

3 “(C) the unlawful diversion, distribution, and sale
4 of such substances.

5 “(3) In awarding grants under this subsection, the Administrator
6 shall give priority to jurisdictions in which such
7 grants will have the greatest national and regional impact in
8 combatting illegal trafficking in such substances.

9 “(4) An applicant may not receive a grant made with
10 funds reserved under this subsection unless such applicant
11 certifies that funds required to pay the non-Federal portion of
12 the cost of each program and project for which such grant
13 made shall be in addition to funds that would otherwise be
14 made available by such applicant for drug law enforcement.

15 “(5) Notwithstanding paragraph (1), the Administrator
16 may waive the non-Federal share requirement applicable to
17 grant made with funds reserved under this subsection if the
18 Administrator determines that the applicant for such grant is
19 financially unable to satisfy such requirement.

20 “APPLICATION REQUIREMENTS

21 “SEC. 1311. (a) No grant may be made pursuant to
22 section 1310 of this title unless an application has been sub-
23 mitted to the Administrator in which the applicant—

24 “(1) sets forth a program or project which is eligi-
25 ble for funding pursuant to section 1309 of this title
26 and

1 “(2) describes the services to be provided, per-
2 formance goals, and the manner in which the program
3 is to be carried out.

4 “(b) Each applicant for funds under section 1309 of this
5 title shall certify that its program or project meets all the
6 requirements of this section, that all the information con-
7 tained in the application is correct, and that the applicant will
8 comply with all the provisions of this title and all other appli-
9 cable Federal laws. Such certification shall be made in a form
10 acceptable to the Administrator.

11 “LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

12 “SEC. 1312. Grant funds awarded under section 1309
13 of this title shall not be used for land acquisition or construc-
14 tion projects.

15 “ADMINISTRATIVE ASSISTANCE BY BUREAU

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

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

24 (2) Section 801(b) of title I of the Omnibus Crime Con-
25 trol and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is
26 amended—

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

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

5 (3) Section 802(b) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is
7 amended by inserting "or M" after "part D".

8 (4) Section 808 of title I of the Omnibus Crime Control
9 and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended
10 by inserting "or 1308, as the case may be," after "section
11 408".

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

"Part M—Grants for Drug Programs

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

"Part N—Transition; Effective Date; Repealer

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 1001 of title I of the Omnibus Crime Control and Safe
 3 Streets Act of 1968 (42 U.S.C. 3793) is amended—

4 (1) in subsection (a)—

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

7 (B) by redesignating paragraph (6) as para-
 8 graph (7), and

9 (C) by inserting after paragraph (5) the fol-
 10 lowing new paragraph:

11 “(6) There are authorized to be appropriated
 12 \$660,000,000 for fiscal year 1987 and \$695,000,000 for
 13 fiscal year 1988, to carry out the programs under part M of
 14 this title. Funds appropriated under this paragraph shall
 15 remain available until expended.”, and

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

18 **SEC. 664. DEPARTMENT OF JUSTICE DRUG ASSET FORFEITURE**
 19 **FUND.**

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

22 (1) in paragraph (1)—

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

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the National Forest System, the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation and enforcement of section 401 of the Controlled Substances Act (84 Stat. 1242, 1260, as amended; 21 U.S.C. 841) and State drug control laws or ordinances both within and outside the boundaries of the National Forest System.

SEC. 3505. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

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

"(e)(1) Any person found to be in possession of a firearm while manufacturing 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 this subsection such person shall be sentenced to a term of imprisonment of not more than ten years and shall be fined not more than \$10,000, or both.

"(2) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured shall be sentenced to a term of imprisonment for not more than ten years, and shall be fined not more than \$10,000. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection such person shall be sentenced to a term of imprisonment of not more than twenty years and shall be fined not more than \$20,000. For purposes of this subsection, 'boobytrap' means any concealed or camouflaged device designed to cause bodily injury when triggered by an action of any unsuspecting person making contact with the device. Boobytraps include guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wire with hooks attached."

SEC. 3506. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated not to exceed \$20,000,000 for each fiscal year to carry out the provisions of section 3504 of this subtitle. Notwithstanding any other provision of law and to the extent the sum authorized for each fiscal year by the preceding sentence is not appropriated, the Secretary of Agriculture is authorized to fund activities under section 3504 of this subtitle 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 for Drug Law Enforcement

SEC. 3600. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, \$427,000,000 of which \$15,000,000 shall be for an All Source Intelligence Center; except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expense of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

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

(d) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Jurors and Commissioners, \$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 to carry out a pilot prison capacity program.

Subtitle N—Controlled Substances Production Control

SEC. 3651. CONTROLLED SUBSTANCES PRODUCTION CONTROL.

Section 1764 of the Food Security Act of 1985 (21 U.S.C. 881a) 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)(1) The Secretary shall pay a reward, in such amount as the Secretary shall determine, for information leading to the conviction of any person—

"(A) who 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.

"(2) 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. 3701. SHORT TITLE.

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

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

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

(1) by redesignating part M as part N,

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

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

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"FUNCTION OF 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 (including upgraded and additional law enforcement crime labs), personnel training, and supplies for more wide-

spread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution.

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

"(4) provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating 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.

"APPLICATIONS TO RECEIVE GRANTS

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

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

"REPORTS

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

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

"(2) such other information as the Attorney General may require by rule. Such report shall be submitted in such form and by such time as the Attorney General may require 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) If any part of a grant made under section 1302 is used for any purpose

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

"(b)(1) 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.

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

"STATE OFFICE

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

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

"(2) 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)."

"(b)(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 1306, as the case may be," after "section 408".

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

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"Sec. 1301. Function of the Attorney General.

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

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports.

"Sec. 1305. Expenditure of grants; records.

"Sec. 1306. State office.

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER

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

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

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and 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 \$100,000,000 for fiscal year 1987, \$100,000,000 for fiscal year 1988, and \$100,000,000 for fiscal year 1989, to carry out the programs under part M of this title.", and

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

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

SEC. 3751. 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 could be used, or modified 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 conducted pursuant to subsection (a).

Subtitle Q—Drug Law Enforcement Cooperation Study

SEC. 3801. DRUG LAW ENFORCEMENT COOPERATION STUDY.

(a) The National Drug Enforcement Policy Board, in consultation with the National Narcotics Border Interdiction System and State and local law enforcement officials, shall study Federal drug law enforcement efforts and make recommendations 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 means of improving the Nation's drug interdiction programs;

(2) the relative effectiveness 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 R—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—

"(A) to facilitate the enforcement of a law listed in subsection (a); and

"(B) to transport such law enforcement officials in connection with such operations, including to transport such officials into the land area of the United States (or any territory or possession of the United States) in cases involving the hot pursuit of vessels or aircraft when such pursuit began outside such land area.

If the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

"(2)(A) Subject to subparagraph (B), equipment operated by or with the assistance of personnel assigned under subsection (a) may not be used to interdict or interrupt the passage of vessels and aircraft.

"(B) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used to intercept vessels and aircraft outside the land area of the United States (or any territory or possession of the United States) for the purpose of—

"(i) identifying such vessels and aircraft; and

"(ii) monitoring and communicating the location and movement of such vessels and aircraft until Federal, 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)."

SEC. 3852. BORDER INTERDICTION AUTHORIZATION.

There is authorized to be appropriated for fiscal year 1987 for the Customs Service, the Attorney General, the Coast Guard, and such other agencies as determined by the National Drug Enforcement Policy Board \$273,000,000 for use to interdict illegal drugs along the southern border of the United States.

Subtitle S—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 order, 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 officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe 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: "Sec. 294. General arrest authority."

Subtitle T—Improved Drug Crime Reporting

SEC. 3951. IMPROVED DRUG CRIME REPORTING.

(a) The Congress—

(1) finds that—

(A) the Bureau of Justice Statistics currently conducts one of the largest public opinion survey programs in the world, the National Crime Survey;

(B) this survey, conducted by the Census Bureau, involves detailed field surveys of 60,000 households and more than 100,000 individuals who are interviewed twice a year to measure the amount of crime actually occurring (crime victimization), as opposed to

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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 paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency. The Attorney General or the Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this section in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a proceeding under State or local law. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.

"(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(g) The filing of an indictment or information alleging a violation of law which is also related to a forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the forfeiture proceeding.

"(h) In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

"(i) In the case of property subject to forfeiture under subsection (a)(1)(B), the following additional provisions shall apply:

"(1) Notwithstanding any other provision of law, whenever property is civilly or criminally forfeited under the Controlled Substances Act, the Attorney General may equitably transfer any conveyance, currency, and any other type of personal property which the Attorney General may designate by regulation for equitable transfer, or any amounts realized by the United States from the sale of any real or personal property forfeited under the Controlled Substances Act to an appropriate foreign country to reflect generally the contribution of any such foreign country participating directly or indirectly in any acts which led to the seizure or forfeiture of such property. Such property when forfeited pursuant to subsection (a)(1)(B) of this section may also be transferred to a foreign country pursuant to a treaty providing for the transfer of forfeited property to such foreign country. A decision by the Attorney General pursuant to this paragraph shall not be subject to review. The foreign country shall, in the event of a transfer of property or proceeds of sale of property under this subchapter, bear all expenses 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.

"(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including, but not limited to, property which is sought as evidence of a crime committed in the foreign country.

"(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of 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 certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.

"(4) A certified order or judgment of conviction 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 certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, 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, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.

"(j) For purposes of this section—

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

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

"§ 982. 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 indirectly, as a result of such offense, or which is traceable to such gross receipts.

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

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

"48. Forfeiture 961".
Sec. 1357. If any provision of this Subtitle or any amendment made by this Act, or the

application thereof to any person or circumstances is held invalid, the provisions of every other part, and

Subtitle I—Armed Career Criminals

SEC. 1401. 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 1968 (18 U.S.C. App. 1202(a)) is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a crime of violence or a serious drug offense, or both."

(b) Subsection (c) of section 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 prescribed in 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 section 1 of the Act of September 15, 1980 (21 U.S.C. 955a et seq.); and

(ii) an offense under State law, involving manufacturing, distributing, possessing 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

"(9) 'crime of violence' means any offense 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 or property of another; or

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

Subtitle J—Authorization of Appropriation for Drug Law Enforcement

SEC. 1451. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, \$438,000,000 of which \$15,000,000 shall be for an All Source Intelligence Center; except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expense of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

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

(d) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Jurors and Commissioners, \$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 to carry 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 Service, \$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.
(h) There 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. 1551. SHORT TITLE.

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

SEC. 1552. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

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

- (1) by redesignating part M as part N,
- (2) by redesignating section 1301 as section 1401, and
- (3) by inserting after part L the following new part:

**"PART H—GRANTS FOR DRUG LAW
ENFORCEMENT PROGRAMS**

"FUNCTION OF THE ATTORNEY GENERAL

"Sec. 1301. The Attorney General shall provide funds to eligible States and units of local government 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 law enforcement crime labs), personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution,

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

"(4) provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating 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,

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

"(6) to conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources,

such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

"APPLICATIONS TO RECEIVE GRANTS

"Sec. 1303. (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 State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the 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 year in which any part of such grant is expended by a State or local government entity, a report which contains—

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

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

Such report shall be submitted in such form and by such time as the Attorney General may require 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 per centum of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any one of the five general purposes specified in section 1302. The non-Federal portion of the expenditures for such uses shall be paid in cash.

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

"(c)(1) Each State which receives a grant under section 302 shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit.

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

"STATE OFFICE

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

"(1) preparing an application to obtain funds under section 1302 of this title; and
"(2) 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)."

(b)(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 1306, as the case may be," after "section 408".

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

**"PART M—GRANTS FOR DRUG LAW
ENFORCEMENT PROGRAMS**

"Sec. 1301. Function of the Attorney General.

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

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports.

"Sec. 1305. Expenditure of grants; records.

"Sec. 1306. State office.

**"PART N—TRANSITION—EFFECTIVE DATE—
REPEALER**

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

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

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and I" 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 \$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 E" and inserting in lieu thereof "E, and H".

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

SEC. 1601. STUDY REQUIRED.

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

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 cocaine's actions has led us to explore a number of ways of treating cocaine abuse. These have focussed on ways to counteract cocaine's effect on neurotransmitters and to replace deficiencies in neurotransmitters that can occur after chronic cocaine exposure. Some of these approaches appear to hold reasonable promise of success.

Of course, this brief summary can only touch upon the advances made in the 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 seeking to develop narcotic antagonists that will block the effects of opiate drugs for prolonged periods of time and we are developing new approaches to diminishing the intense craving and drug seeking behavior that is a part of drug addiction. 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 see that there is no problem to begin with or at least see that the problem is caught at its earliest stages. There is nothing very dramatic about this. It really makes us think rather than appreciate the violence of either the problem of the solution. In the long term, the subject matter of this amendment is by far and away probably one of most important matters which we will include in this legislation this evening.

I move adoption of the amendment.

□ 1720

Mr. WEICKER. Mr. President, one last comment. There are no additional funds that are requested in this amendment, although there obviously are additional funds contained in the authorization bill itself.

But what I wanted to do was to set the stage as to what I intend to do next year when it comes to appropriations time. At appropriations time, I intend to follow through on this type of authorization language seeking additional funds for research in the matter of such things as neuronal receptors. What I am trying to do is build a public knowledge in a direction which I feel will have a salutary effect on the problem that we all face.

Mr. CHILES. Mr. President, we concur in the amendment on this side and feel that it is a good amendment and urge its adoption.

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

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

I compliment my colleague from Connecticut.

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

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

Mr. THURMOND. I believe we have expressed our approval of the amendment.

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

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. KENNEDY 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 1968 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-dependent offenders for treatment as provided in section 403(a)(8)."

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

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

The TASC programs are currently funded by grants from the Bureau of Justice Assistance, but the Senate version of the State, Justice, Commerce appropriations bill contains no funding for Bureau of Justice Assistance grants. These vitally 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 72 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

their primary Justice Assistance Act Program. There are currently 100 TASC programs in 18 States receiving \$460,000 in Federal justice assistance funds.

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

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

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

Mr. President, one of the key components of an effective antidrug program is the treatment of drug abusers. Senator KENNEDY's amendment would authorize grants to the State and local governments to fund what are called treatment alternatives to street crime, TASC. This program provides treatment for drug-abusing offenders. The grants would be part of the Drug Law Enforcement Grant Program created by the Antidrug Abuse Act of 1986.

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

We all know why that is. The fact of the matter is that, unless you happen to be a multimillionaire or have access to a bank, if you have a drug habit, it is an expensive habit.

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

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

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

Mr. BIDEN. Well, you know, Mr. President, we sometimes smile about that, but the Senator from Arizona has raised a question that 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—over \$110 billion a year in 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 in the process, many times, killing, maiming, 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 in order to pay for their drug habit—they steal your television, sell your television, and buy the heroin—they say, "Well, if that is the case, why don't we just legalize 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 flourish 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, understandably, 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.

□ 1730

The second reason is that as a people it seems to me, I say to my friend from Arizona, the Government of the United States should not knowingly condone something they have no doubt about the effect of the use of. In other words, even though we would diminish, I have no doubt, diminish crime, and we would diminish the size

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

Quite frankly, as my colleague from Arizona knows, most people would not even want to raise that question for fear that the political opposition would run around saying, "Charlie Smith is for heroin, and Charlie Smith is for such and such." We need more of that kind of input into this question. I compliment my colleague. I do not ask him to accept the answer other than to acknowledge that that is the reason why we have chosen not to go that route.

Mr. GOLDWATER. I am quitting 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 have in their whole body, 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 at some point finish my statement.

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

I think part of the package that we are dealing with here recognizes that we are going to increase penalties, and 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

(g) **VESSEL, VEHICLE, OR AIRCRAFT DEEMED PUBLIC VESSEL OR PUBLIC AIRCRAFT.**—Any vessel, vehicle or aircraft while assigned to authorized Customs Service duty shall be deemed to be a public vessel, public vehicle or public aircraft of the United States, and shall be deemed to be a vessel, vehicle or aircraft of the Customs Service, but shall not be counted against any limits expressed in authorization acts.

(h) **AVAILABILITY OF APPROPRIATIONS.**—Appropriations of the Customs Service shall be available for the payment of incidental expenses, such as uniforms and necessary traveling expense and subsistence, or per diem in lieu of subsistence, of volunteers and members of the Reserve assigned to authorized specific duties and for actual necessary expenses of operation of any vessel, vehicle, aircraft, or radio station or other special equipment when assigned to Customs Service duty, but shall not be available for the payment of compensation for personal services, incident to such operation. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, or such vessel, aircraft, or radio station rests with the Customs Service.

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

(j) **FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.**—

(1) Employment status of volunteers. Except as otherwise provided in this section, a volunteer or member of the Reserve shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Tort claims and litigation. For the purpose of the tort claim provisions of title 28 of the United States Code, and litigation against individuals when performing official business, a volunteer under this Act and a

member of the Reserve on duty shall be considered a Federal employee and entitled to official representation by the Department of Justice.

(3) Civil employees. For the purposes of subchapter I of chapter 81 of title 5 of the United States Code relating to compensation to Federal employees for work injuries, volunteers and members of the Reserve when performing authorized activities under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply. When any volunteer or member of the Reserve is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Customs authority, such member or his beneficiary shall be the performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a volunteer or member of the Reserve.

(4) A volunteer shall be considered an employee of the Customs Service for purposes of—

(A) section 552a of title 5 (relating to disclosure of information);

(B) section 1905 of title 18 (relating to confidential business and trade secrets);

(C) any other laws governing access to records;

except that such information shall be made available to volunteers only to the extent that the Commissioner determines that the duties assigned to such volunteers so require.

HAWKINS AMENDMENT NO. 3041

Mrs. HAWKINS proposed an amendment to the bill (H.R. 5484), supra; as follows:

Section 1102 is amended by amending the proposed Section 405B of the Controlled Substances Act by adding at the end thereof the following subsection:

"(f) except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally provide or distribute any controlled substance to a pregnant individual in violation of any provision of this title. Any person who violates this subsection shall be subject to the provisions of subsections (b), (c), and (e)."

WEICKER (AND OTHERS) AMENDMENT NO. 3042

Mr. WEICKER (for himself, Mr. HATCH, and Mrs. HAWKINS) proposed an amendment to the bill (H.R. 5484), supra; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 4017. PRIORITY RESEARCH.

The Alcohol, Drug Abuse, and Mental Health Administration shall include as a top priority research on neuronal receptors.

KENNEDY (AND BIDEN) AMENDMENT NO. 3043

Mr. BIDEN (for Mr. KENNEDY (for himself and Mr. BIDEN)) proposed an amendment to the bill (H.R. 5484), supra; 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 Safety Streets Act of 1968 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-dependent offenders for treatment as provided in section 403(a)(8)."

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. 3602. 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 civilian 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 matters:

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

(B) Communications equipment, including secure communications.

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

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

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

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

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

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

(b) **COMMITTEE APPROVAL AND FINAL IMPLEMENTATION.**—Within 30 days after the date on which the Committees referred to in subsection (a) receive the list and plan submitted under such subsection, the Committees shall submit their approval or disapproval of such list and plan to the Secretary. The

ing an amendment, which is stipulated on page 2 of the calendar.

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.

The 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 addressing the whole drug problem—and we are urging a new approach to this problem that has been with us much too long. We know that a piece-meal approach simply 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 on enforcement 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 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 particu-

larly 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 airports in inland States 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 particular problem. As I indicated earlier, many are operated only in the daytime. At night they are unattended and they are unmonitored. They can be marked simply by automobile headlights being left on at one end of the airstrip and the other just to mark both ends. And a skilled drug smuggler can land his aircraft with just that type of illumination at night. They are perfect landing sites for drug smugglers, and what we are seeing is smugglers flying over Florida and even over Georgia as efforts to interdict drugs have intensified there, landing in the eastern part of Tennessee and drugs actually being moved by automobile back down to the markets in Florida.

Second, throughout the education, prevention, and treatment actions of this bill we ensure that there will be a broad community involvement in the development of these programs. As I have talked to the people in my State who are involved in drug abuse 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 I drug—that is those that have no medical value. That is where crack belongs. It is as dangerous as any drug on the street and more addictive than almost all of them. The bill also provides assistance to State and local law enforcement agencies, and it provides increased resources for Federal agencies and the military to fight drug smuggling.

On the other side of the equation—that is, what to do to prevent the use of drugs—we provide grants for drug education, treatment, and prevention. We simply must convince our people—especially our young people—to avoid drugs. This portion of the bill will provide the resources 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.

□ 1440

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

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

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

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

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 Record.

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

The message from the President follows:

To the Senate of the United States:

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

Iceland is a vital United States ally that provides defense facilities of strategic importance to the defense of the United States and NATO. Recently, a troublesome issue has arisen concerning the transportation of cargoes 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 drug 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 stands resolute in its position concerning death penalty provisions in this legislation and amends this Senate bill or otherwise ultimately requires that the legislation in the two Houses be conferenced between the two Houses so that a death penalty provision can be provided for in the ultimate legislation.

□ 1500

I want to say further, Mr. President, that the other night, I think it was Sunday morning, during the extended debate on this legislation, this Senator offered an amendment to use, to the extent practicable, our military in this country for drug interdiction and for hot pursuit of individuals who are trying to smuggle drugs into the United States from other countries. I pointed out at that time that this problem is just too large and too overwhelming for us to deal with it unless we ultimately do something about the posse comitatus law and permit, in certain instances, the use of the military when required for drug interdiction.

I just 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, that right there on that border, where 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 job could be done to support 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 this year. 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.

□ 1540

Mr. HATFIELD. Mr. President, I ask unanimous consent that proceedings under the quorum call be dispensed with.

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

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

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

Mr. HATFIELD. I thank the Chair.

AMENDMENT NO. 3091

(Purpose: To express the sense of the Senate with respect to the appropriation of funds to carry out this Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

(1) there is an urgent critical need for funds to carry out the programs and activities 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, 2d Session);

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

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

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 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 of any drug program that is authorized by the Senate at this time in the session, being it is 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 \$600 million of a very important program should it be authorized relating to drugs. This merely sets the Senate on record as saying in effect that we will lend our best efforts and we will fund such programs out of additional budget authority for the fiscal year 1987 when the drug legislation would be implemented.

We state further that 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. In other words, we are looking for additional resources. We are not specifying them at this point, but we are expecting the kind of support that the leadership of the Budget Committee and others who would be a participant in this would give in order to fund the drug program that we ultimately implement through authorization.

That is the sense of the amendment in the most succinct way that I could express it. I think it is very important under these unusual circumstances, for bear in mind that there is a drug program in the House resolution that we will go to conference on and also bear in mind that we are, with the exception of one bill, lower than the House appropriations bills, and we are going to have to have maneuvering room with the House of Representatives on each one of those 13 bills. And so to then superimpose upon that situation another \$600 million for 1987 would require additional resources that would be worked out at the time that the CR is finalized under an amendment to the CR.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have been working 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 at 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.

□ 1550

We are now in a very strange situation, where we will not have a drug bill finished—or I do not think we will, I say to the chairman—before the CR is voted on in the Senate; that is, the 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. Yet, we have to pay for some of it in a continuing resolution that is an appropriation bill that is basically pending before the Senate.

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

Basically, what our appropriators will have done is taken the budget resolution that came out of conference between the House and the Senate, and in all respects, pursuant to the Congressional Budget Office estimates, on every committee bill, all 13 have met the outlay limitations prescribed by Congress. They do not have much left over. In fact, they met the targets. But we will be asking them, supposedly, in the next 48 hours for a so-called national emergency drug bill, to fund it.

We did not have it in mind when we passed the budget resolution. I mean, at best, it was in the air. People knew we needed to do something. We did not contemplate it. Why not prescribe for it? Why not assume it? But at this late date, it appears that the President—although a little different program—and the House, and shortly the Senate, I assume, will vote in a drug bill they want funded.

I say adopt this amendment, because it is our sense that it is not right for the rest of the programs of the Government, when they have met their targets, met the prescription for what everyone called reasonably good fiscal sanity, to come along and say they are supposed to find this money for this program this late. This says they do not have to. They should not be required to. That would be my interpretation of it.

When the continuing resolution winds its way through, the Senator from New Mexico, as chairman of the Budget Committee, will support the appropriators as they attempt, in whatever manner they see fit, to ap-

propriate the necessary money for the drug bill on the continuing resolution.

What I believe I am saying in supporting it is that that should be done without going back through the appropriating accounts and cutting it—whether it be Defense, whether it be Health and Human Resources, whether it be Senator McCURE's Interior bill, whatever. That is it, in a nutshell.

Frankly, the appropriators have a lot of budget authority left in the budget resolution. They will need some assistance in the outlays by way of Budget Act restrictions, and I will be there, for what it is worth, saying that it is fair this year to do that. It is \$642 million at the most, and it may not be that much when they come out of conference.

So, yes, we will break the budget 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 the right thing to do, unless we want 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 Senator 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 Senator from Oregon, and the distinguished ranking minority member, the 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.

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 chairman 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 \$648 million on you now. So you just

me, was established by the budget resolution. The budget resolution total was far above what I thought was a responsible number.

But now we are saying no, that was not really the limit. When we get to the point that a program is truly deserving, truly popular, truly 5 weeks before an election, then by gosh, we will go even above the budget limit.

Mr. HATFIELD. Mr. President, I yield back the remaining part of my time.

Mr. CHILES. We yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 3091) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the substitute.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1630

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

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

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

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

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

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

The PRESIDING OFFICER. The amendment has not been presented.

AMENDMENT NO. 3092

(Purpose: To make certain technical corrections to sections of H.R. 5484 and appropriate amendments to H.R. 5484, 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 1009(b) is amended—

(1) on page 18, line 11, by striking out "Subsection" and inserting "Paragraph" in lieu thereof; and

(2) on page 16, 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 "State".

Sec. 3. Section 1102 is amended—

(1) on page 19, line 10, by striking out "Except as authorized by this title, it" and inserting in lieu thereof "It";

(2) on page 19, line 15, by inserting "or title III" after "title";

(3) on page 19, line 19, by inserting "or title III" after "title";

(4) on page 19, line 21, by striking out "at least eighteen years of age";

(5) on page 19, line 22, by striking out "section 405B(a)(1) or (2) of this title" and inserting in lieu thereof "subsection (a)";

(6) on page 20, line 2, by striking out "at least eighteen years of age";

(7) on page 20, line 3, by striking out "section 405B(a) (1) or (2) of this title" and inserting in lieu thereof "subsection (a)";

(8) on page 20, line 13, by inserting "a controlled substance or a controlled substance analog" after "distributing"; and

(9) on page 20, lines 24 and 25, by striking out "set out in section 401(b) of this title" and inserting in lieu thereof "applicable".

Sec. 4. Section 1103 is amended on page 21, line 6, by striking out "amended strike" and inserting in lieu thereof "amended by striking".

Sec. 5. Section 1104 is amended—

(1) on page 21, line 16, by inserting "(a)" before "Section 405A";

(2) on page 21, line 17, by striking out ", in subsection (a).";

(3) on page 21, line 18, by inserting "wherever it appears" after "distributing";

(4) on page 21, line 19, by inserting "wherever it appears" after "secondary school"; and

(5) on page 21, by inserting the following after line 22:

"(b) Section 405A(a) of the Controlled Substances Act (21 U.S.C. 845a(a)) is amended by striking out 'involving the same controlled substance and schedule'.

"(c) Section 405A(b) of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by striking out '(1) by' and all that follows through the end and inserting the following in lieu thereof:

'(1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) a term of imprisonment of up to three times that authorized by section 401(b) of this title for a first offense, or a fine up to three times that authorized by section 401(b) of this title for a first offense, or both, and (2) at least three times any special parole term authorized by section 401(b) of this title for a first offense.'"

Sec. 6. Section 1202 is amended—

(1) on page 32, line 14, by striking out "internationally" and inserting in lieu thereof "intentionally"; and

(2) on page 32, lines 18 and 22, by inserting "the greater of that authorized in accordance with the provisions of title 18, United States Code, or" after "fined not more than".

Sec. 7. Section 1204(2) is amended by inserting the following at the end thereof, on page 36:

"(g) Sections 924(c)(2) and 929(a)(2) are amended by inserting 'or controlled substance analog' after 'controlled substance'."

Sec. 8. Section 1751(b) is amended on page 92, line 19, by striking out "or" and inserting in lieu thereof "of".

Sec. 9. Title I is amended by striking out section 1872.

Sec. 10. Title I is amended by striking out section 1874.

Sec. 11. Section 1102 is further amended—

(1) on page 19, line 14, by striking out "twenty-one" and inserting in lieu thereof "eighteen";

(2) on page 19, line 17, by striking out "twenty-one" and inserting in lieu thereof "eighteen"; and

(3) on page 20, line 14, by striking out "twenty-one" and inserting in lieu thereof "eighteen".

Sec. 12. Section 1152(a)(6) is amended by amending proposed paragraph (9)(B) of section 524(c) of title 28, United States Code, by inserting "through the Office of Justice Programs," after "Attorney General."

Sec. 13. Section 1552 is amended—

(1) on page 82, line 2, by inserting ", through Bureau of Justice Assistance," after "Attorney General"; and

(2) on page 83, by inserting the following after line 19: "This program shall be administered by the Bureau of Justice Assistance pursuant to Part D of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741-3745), except that the minimum allotment under Part M of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be \$500,000."

Sec. 14. Section 1801 is amended by deleting subsection 1801(b) which appears on lines 4 through 12 of page 98 of the bill as introduced.

Amendments to title III:

Sec. 15. Section 3401(b)(1) is amended—

(1) on page 56, lines 20 and 25, by inserting "or controlled substance analog" after "controlled substance";

(2) on page 57, line 2, by inserting "or controlled substance analog" after "controlled substance";

(3) on page 57, line 6, by striking out "term" and inserting "terms" in lieu thereof;

(4) on page 57, line 7, by striking out "has the meaning given to such term" and inserting in lieu thereof "and 'controlled substance analog' have the meaning given to such terms";

(5) on page 57, line 8, by striking out "(5)"; and

(6) on page 57, line 9, by striking out "(6)".

Amendments to amendments previously adopted:

Sec. 16. Amendment No. 3076 is further amended on page 3, line 24, by striking out ", both" and "and outside".

Sec. 17. Amendment No. 3077 is further amended—

(1) on page 1, by striking out the material between the quotation marks on lines 4 through 9 and inserting in lieu thereof the following: "a term of imprisonment up to twice that otherwise authorized, or up to twice the fine otherwise authorized, or both, and at least twice any special parole term

otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year."

(2) on page 1, by striking out the material between the quotation marks on lines 13 through 18 and inserting in lieu thereof the following: "a term of imprisonment up to three times that otherwise authorized, or up to three times the fine otherwise authorized, or both, and at least three times any special parole term otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year."

(3) by striking out "section 405" on page 1, line 20, and all that follows through "both" on page 2, line 3 and inserting in lieu thereof the following: "Section 405(a) of the Controlled Substances Act (21 U.S.C. 845(a)) is amended by adding the following at the end thereof: 'Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall not be less than one year.'";

(4) by striking out "Section 405" on page 2, line 5 and all that follows through "both" on page 2, line 10, and inserting in lieu thereof the following: "Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended by adding the following at the end thereof: 'Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall not be less than one year.'"; and

(5) by striking out "Section 405A" on page 2, line 12, and all that follows through "and schedule" on page 2, line 20, and inserting in lieu thereof the following: "Section 405A(a) of the Controlled Substances Act (21 U.S.C. 845A(a)) is amended by adding the following at the end thereof: 'Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall not be less than one year.'"

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

Amend section 2002:

Referring to section 481(h)(1)(A) to read as follows:

"(A) 50 percent of United States assistance allocated for such country notified to Congress in the report required under section 653(a) of this Act shall be withheld from obligation and expenditure;"

Referring to (h)(2)(A)(ii) to read as follows:

"(ii) for a country that would not otherwise qualify for certification under subclause (i), the vital national interests of the United States require the provision of such assistance, financing, or preferential treatment to such country;"

Referring to the introductory clause of (h)(5) to read as follows:

"Any country for which the President has not made a certification under paragraph (2) or with respect to which the Congress has enacted a joint resolution disapproving such certification may not receive United States assistance as defined by subsection (1)(4) of this section, the financing described in (1)(B) of this subsection and the preferential tariff treatment described in (1)(C) of this subsection unless—"

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

The amendment (No. 3092) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, 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.

□ 1640

AMENDMENT NO. 3093

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

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be stated.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

Amend section 4218(b) to read as follows:

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

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

(A) section 3374(c)(2) of title 5, United States Code, and

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

(3) For purposes of subchapter III of chapter 81 of title 5, United States Code, an employee of a tribal, State, or local governmental agency shall be considered an eligible officer while acting in the capacity of an officer commissioned pursuant to this subsection.

(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 "After consultation with 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. 3034), as amended was agreed to.

FIGHTING DRUG ABUSE

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

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

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

The Anti-Drug Abuse Act recognizes the need to decrease the demand for drugs. It increases the authorization for treatment and rehabilitation programs. It also establishes a new grant program for education programs. 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 even heard of fetal alcohol syndrome. A recent National Center for Health Statistics study indicates that Americans know less about the adverse effects of alcohol on health than they do about the harmful effects of smoking.

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

The resolution which has been included in this legislation requests the Public Health Service to conduct studies on the most effective ways of providing such education. The Public Health Service is requested to include in their report to Congress findings on the 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.

RESPONDING TO THE CRISIS OF DRUG ABUSE

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

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

The bill before us is a broad-based approach to address our drug problem. It strengthens penalties and creates new criminal offenses for those who profit from the illicit drug trade in this country. It takes needed steps to stem the flow of illegal drugs into our country by 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 burden falls. Most importantly, 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, the demand for drugs can only be curtailed through major education, prevention, and treatment efforts. As a former chairman of the Alcoholism and Drug Abuse Subcommittee, I believe that we can continue to make important strides in reducing drug abuse by working together and making it very difficult to obtain drugs and unacceptable to use them.

Mr. BRADLEY. Mr. President, it is important that the Senate has turned its attention to a scourge which has infected every community in our country. The Anti-Drug Abuse Act of 1986 is a bipartisan effort to increase the ante in the war against drugs. Cocaine importation has nearly 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 the bill before us authorizes new and expanded drug education and treatment programs in schools and clinics, tougher and more expansive interdiction efforts at the borders, more expansive international efforts to try to slow down the production and shipment of drugs and tougher penalties for drug pushing.

I am pleased that the legislation addresses the problem on both fronts—enhanced interdiction and enforcement efforts to reduce the supply of drugs available in this country and expanded education and rehabilitation programs to reduce the demand for drugs in this country. For any effort to be successful, both the supply and demand of drugs must be reduced.

Although this legislation takes some important steps to combat drugs, Americans should not expect miracles. The use and abuse of drugs and alcohol has been part of our culture for some time and will be with us for some time into the future. The steps included in this legislation will clearly help, but there are no cure-alls. Changes in Federal law will help, but attitudes

must change if we are ever to see a sizable and dramatic reduction in drug use. I should point out, Mr. President, that I am heartened that Americans are becoming increasingly less tolerant of alcohol and drug abuse; this is reflected in the higher drinking age, tougher drunk driving penalties, and harsher treatment of drug pushers. I believe these changes in values will lead to improvements in the future. But no one should be surprised if America is not a drug-free society in the near future. These changes take time and hard work on all of our parts.

Finally, what is perhaps most disturbing is substance abuse, whether drugs, alcohol—or even smoking—by our young people. Substance abuse can destroy their lives. We need to challenge our children to value themselves and their futures. We as individuals need to set examples for our children. And we as a nation must speak with one voice on drugs, and that voice should say "drugs will harm you." You will never be the very best you can be if you are high on drugs.

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 BIDEN, and Senator CHILES, which produced the far-reaching bill introduced 2 weeks ago with 47 cosponsors.

I strongly support the positive initiatives in the core package now before us to strengthen our arsenal in the war against drugs. The bill introduced last Thursday was a good start, and it has been improved by amendments to limit nondisclosure of information by the Government and provide for fee waivers for reporters and public interest groups seeking access to materials pursuant to the Freedom of Information Act. The Senate has accepted 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 unencumbered by proposals that would seriously undermine civil liberties, such as the death penalty, limitations on the exclusionary rule and the availability of habeas corpus. I urge my colleagues in the Senate to support the bill. I hope the House will accept

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

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

The widespread use of illegal drugs is one of the most pressing problems facing our 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 in the growing epidemic 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 street has fallen from \$250 a gram to \$109 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 symptoms of alcoholism. One high school student in five is drunk at least once a month. And one American family in three has suffered problems from alcohol abuse. Overall, alcohol abuse costs the American economy in excess of \$100 billion a year.

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

EDUCATION

The best way for a person to avoid becoming a drug abuser is never to try illegal drugs. There are a number of obvious steps that should be taken to encourage young people not to take drugs—greater focus in schools on the harmful consequences of drug abuse; education in 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 business community and 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 treatment and rehabilitation programs be available for those who abuse drugs and wish to stop. In every section of the country, treatment programs are filled to capacity. In the District of Columbia, there are 15,000 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, convincing the child to accept treatment, and then finding that the treatment programs have no vacancy or the cost is not affordable.

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

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

PREVENTION

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

One of the most critical roles for the Federal Government in the war against drugs is assistance to State and local law enforcement. Most drug offenses are prosecuted at the State or local level. This bill provides assistance to these jurisdictions to repeal the invasion of drugs in our neighborhood streets and homes across the country. In particular, the bill creates demonstration projects for drug offender units in local prosecutors' 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, when terrorists kill Americans abroad, we rightly feel a sense of outrage at the act. We take what steps we can to punish the terrorists.

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

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

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

We must meet this threat and eliminate it.

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

We cannot attack this problem piecemeal. We need an all-out assault

Fifth, provide assistance for State and local law enforcement agencies.

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

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

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

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

I thank Senator RUDMAN and his staff person Santal Manos.

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

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

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

Finally, I recognize Dennis Shedd, Diana Waterman, Terry Wooten, Mike Regan, Cindy Blackburn, Mike Tongour and Diane Morehead of my staff who contributed greatly to the success of this package.

In closing, illicit drugs have ruined untold numbers of lives. The cancer of drug abuse has continued to grow as 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 helping to rid this country of its 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. If passed, the Anti-Drug Abuse Act of 1986 will be the most encompassing revision to our approach to drug abuse since the comprehensive Drug Abuse Prevention and Control Act was passed some 16 years ago.

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

And just as the 1970 act did not solve the drug problem, the legislation we have before us today will not solve the problem either. The Anti-Drug Abuse Act of 1986 takes many positive and long overdue steps to decrease narcotics abuse, but we must avoid the political temptation to overstate our case. America's drug habit will not be cured overnight, or in the next year or even in the next decade. The struggle to move this country toward a drug-free society, will require a consistent and steady change of attitudes about drug use. We must be honest with the American people in these efforts, encouraging them with our victories, and being honest in our defeats. Most of all, we need to act carefully, and reasonably, always mindful of the enormous responsibility we have in responding to the drug epidemic in America.

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

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

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

I would like to return to the merits of this legislation. Any effective proposal to decrease drug abuse must in-

volve strategies to reduce both the supply and demand for drugs. This legislation addressed both of these areas.

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

Finally, in regards to domestic law enforcement, \$115 million is provided to directly assist State and local law enforcement agencies for drug law enforcement. Most of the fight against drug traffickers is waged, not by the Federal Government, but by State and local agencies who are all-too-often out manned and out gunned by the drug dealers and smugglers. These moneys will provide desperately needed funds to such agencies to assist in their efforts.

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

This legislation also provides for supply reduction efforts on the international side of the drug control equation. Almost \$75 million is provided for additional crop eradication and substitution programs, including funds for operations like that conducted recently in Bolivia, where the cocaine processing networks have been significantly disrupted.

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

crease the supply and distribution of drugs in the international community.

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

And finally, we must educate our young about the perils of drug use. Young people are this country's most precious resource. We can ill afford the loss of their talents and abilities to the destructive effects of drug abuse. This legislation would commit the Federal Government, for the first time, to a long-term campaign to educate our young people about the consequences of drug use. Last year, we spent almost \$1.4 billion on drug law enforcement in this country, while only \$3 million was available for education programs nationwide. This bill provides \$150 million in grant money to State and local school districts for drug abuse education. The purpose of this 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, in urging 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 Democratic Working Group for their hard work in preparing the original Democratic 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 pertaining to the voluntary rating system of the Motion Picture Association of America. I had intended to offer this provision, together with my distinguished colleague from South Dakota, as a floor amendment to this legislation. After we made known our intentions to offer the amendment, I am pleased to say the floor managers agreed to incorporate it in the committee bill. I appreciate their willingness to work with us in including our proposal in the committee bill, and I urge them to work on its behalf in the conference committee.

Mr. President, there are many things that can, and should, be done in the national effort to address the growing drug abuse problem. Individuals, civic groups, churches, schools, and Government must 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 Association has already demonstrated that it takes this responsibility very seriously. Its decision to establish the voluntary movie rating system in 1968 has proven to be a model of private sector initiative at its best. The information provided through the voluntary rating system has proven tremendously helpful to parents in guiding their decisions 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 MPAA to promote discussion of this issue among its membership, and then exercise its leadership in developing appropriate standards to identify movies which portray drugs in a glamorous or attractive manner. To those who question the feasibility of determining such standards, our answer must be that the drug abuse problem requires no less determination, judgment, and movie-industry concern than went into establishment of the original voluntary rating system. The MPAA has shown its ability to wrestle with such difficult tasks. Our resolution calls upon it to continue this effort in the fight against drug abuse.

Mr. President, in some countries an aggressive national effort to combat drug abuse might well include increased government regulation, perhaps even censorship, over the contents of such things as films and

books. I am proud that in this Nation 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. This legislation will do 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 carefully allocated and targeted in a manner that will permit thorough evaluation of the differential impact of alternative treatment and prevention modalities on specific types of drug/alcohol abusers, and evaluation of the prevention programs established in our schools.

Our intent is that the Secretary of the Department of Health and Human Services would evaluate these programs and activities as an integral part of the treatment and prevention activities established as a result of this bill. In this manner, future decisions regarding the financing and efficacy of alcohol and drug programs can be based upon the sound evidence that result from rigorous evaluation of alternative 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 seriously. Drugs are a continuing crisis in America, one that has not been addressed decisively and forthrightly by this administration in the past 6 years. I hope that will now change.

But the drug problem in America is not going to be solved by a "quick fix." It is not going to be 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 solutions. I hope that our commitment as a nation to deal with this problem will extend beyond Election Day. I hope that we will commit ourselves not to a 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

comprehensive drug bill, it makes sense to beef up ongoing programs with proven records before creating expensive new ones.

Although I believe we could have developed an even better bill had there been more time in which to do so, I feel this measure demonstrates our determination to act. This bill offers a solid foundation upon which to build. It has always seemed to me that one of the greatest needs in combatting drug abuse is greater coordination of efforts. This is an area which I think is deserving of particular attention when we revisit this issue in the 100th Congress.

Mr. QUAYLE. Mr. President, I am casting my vote in favor of this bill. While I have reservations about aspects of this proposal and the rapid process used to develop it, I believe it represents an improvement over the House-passed proposal and responds to the outcry we have heard from the American people about the need for stricter law enforcement and a stronger treatment and prevention effort.

However, I must caution my colleagues and the American people, that neither this legislation nor the dollars we will spend to implement it over the years are going to make a significant inroad in eradicating the drug habits of millions of Americans until our society decides that drug use in any form will no longer be tolerated. As I have stated before, societal tolerance of the drug culture is the most significant hurdle we must overcome if we are going to do anything meaningful about drug abuse. While the Federal Government is a powerful force in our society, it cannot solve a problem that society itself is unwilling to address.

Finally, I would like to take this opportunity to commend my distinguished colleagues, Mr. LEAHY and Mr. HATCH, for developing a compromise amendment which resolved concerns about a provision in the drug abuse bill which could have led to inappropriate restrictions on the press under the Freedom of Information Act.

This provision would have amended the Freedom of Information Act by giving the Attorney General complete discretion to withhold all files relating to organized crime under FOIA for a minimum period of 5 years. The intent of this provision was to prevent targets of organized crime investigations from using the disclosure provisions of FOIA to find out if they were under investigation and to protect the identity of informants. While I wholeheartedly agreed with this goal, there was concern that the original language might virtually terminate public knowledge of government activities relating to organized crime. Clearly, one important rationale for the first amendment is to allow the public the opportunity to monitor the activities of its government. I appreciate Mr. HATCH's sensitivity to this concern and his willingness to address it.

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 young people has reached epidemic proportions. More and more children from families of all income levels, from rural as well as urban communities, are smoking marijuana, using cocaine and experimenting with other dangerous drugs.

There are half a million heroin addicts in this country.

Between 4 and 5 million Americans regularly use cocaine. Seventeen percent of high school seniors have tried cocaine. Requests for treatment for cocaine use have increased 600 percent in the past 3 years.

My own State of Vermont is not immune from this plague.

Last year, the Vermont State Police investigated over 400 cases involving the sale or manufacture of illegal drugs. There were another 838 investigations of the possession of regulated drugs. Many of the crimes involving young people in Vermont, including burglaries, robberies, and assaults are directly related to drugs 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 the young, and it will be in the schools this fall. I have heard stories of children as young as nine who are already crack users. The sellers also use these children as look-outs and as workers in houses that manufacture crack. One hit costs just \$10. Users say addiction can begin after only the second use of crack.

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

Despite these efforts, the drug problem has gotten worse.

This year I supported bills to combat money laundering and new designer drugs, which have been incorporated into this package. But these address very specific problems. We desperately need a comprehensive strategy that attacks drugs from their source to their 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 pleased about.

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 used to fund antidrug 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 Federal and State drug programs—for law enforcement, education, treatment, and rehabilitation. This program is expected to net \$150 million in 1986, to help pay the cost of this bill.

The bill also closes a loophole in the current law, by permitting the seizure and forfeiture of substitute assets if a drug trafficker has transferred his profits to a third party or placed them beyond the jurisdiction of the court.

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 want to make special mention of the other parts of this legislation that deal with education, treatment, and rehabilitation.

We need to stop the demand for drugs, as well as the supply.

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

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

It also provides for model programs for young people who are particularly at risk of becoming drug or alcohol abusers—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 drug 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 programs. Thousands of drug addicts are on waiting lists because of this administration's cuts in funding for drug treatment and rehabilitation. Everywhere I go I hear stories of children on drugs who are waiting to get help, whose families cannot afford the high cost of treatment. The American public wants treatment, and this bill reauthorizes the Alcohol, Drug Abuse and Mental Health Services Block Grant Program at higher funding levels of \$675 million. Eighty percent will be used for alcohol and drug treatment and rehabilitation services.

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

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 and other business communications are secure.

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

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

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

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

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

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

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

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

In each case, the eavesdropper's conduct is still wrong. However, it is not clear that it is also illegal. The Leahy-Mathias Electronic Communications Privacy Act, which is now a part of the Senate drug package, updates the Federal wiretap statute to bring it into the computer age and address these new communications media.

It is designed to provide a reasonable level of Federal privacy protection to new forms of telecommunications and computer technology like electronic mail, computer-to-computer data transmissions, remote computing services, and private video teleconferencing. At the same time, it protects legitimate law enforcement needs. The Justice Department wants it because it will be particularly helpful in our fight against drug trafficking and drug abuse.

Let me point out that a summary of the Leahy-Mathias communications privacy amendment has been printed in the CONGRESSIONAL RECORD for Saturday, September 27. The relevant legislative history is the Senate Judiciary Committee's report on S. 2575.

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

Section 1801 of the bill amends paragraph (b)(7) of the FOIA to modify the scope of the exemption for law enforcement records, codify certain explanatory case law, and clarify congressional intent with respect to the agency's burden in demonstrating the probability of harm from disclosure.

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

The Congressional Research Service of the Library of Congress recently analyzed the proposed amendments

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. HATFIELD, Mr. STENIS, Mr. STEVENS, Mr. BYRD, Mr. WEICKER, Mr. INOUE, Mr. MCCLURE, Mr. HOLLINGS, Mr. LAXALT, Mr. COCHRAN, Mr. BURDICK, Mr. ANDREWS, Mr. LEAHY, 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", \$50,000,000, to remain available until expended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance", \$117,000,000, to remain available until expended, for grants for drug law enforcement 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.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,000,000, to be available only for drug education programs abroad authorized in H.R. 5484 as passed in the Senate on September 30, 1986.

CHAPTER II.—FOREIGN ASSISTANCE

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY 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.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For an additional amount to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, \$55,000,000: *Provided*, That of this amount \$45,000,000 shall be made available only in accordance with the provisions of section 2001(2) of H.R. 5484, as passed in the Senate on September 30, 1986: *Provided further*, That funds made available by this paragraph shall be available through the regular notification procedures of the Committees on Appropriations.

CHAPTER III DEPARTMENT OF INTERIOR

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 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1988.

CONSTRUCTION

For an additional amount for "Construction", \$15,000,000, to remain available until expended.

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

ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", \$16,200,000: *Provided*, That funds made available to tribes and tribal organizations through grants or contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1988.

INDIAN HEALTH FACILITIES

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

CHAPTER IV DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT

For an additional amount for drug abuse prevention and treatment activities as authorized by title XIX of the Public Health Service Act, as amended by the Anti-Drug Abuse Act of 1986, \$236,000,000, of which \$11,000,000 shall be transferred to the Administrator of Veterans Affairs to be used in accordance with section 1922 of the Anti-Drug Abuse Act of 1986, as passed in the Senate on September 30, 1986.

NATIONAL INSTITUTE FOR DRUG ABUSE

RESEARCH

For an additional amount for "Research", as authorized by title V of the Public Health Service Act, as amended by the Anti-Drug Abuse Act of 1986, as passed in the Senate on September 30, 1986, \$27,000,000.

NATIONAL INSTITUTE FOR ALCOHOL ABUSE AND ALCOHOLISM

RESEARCH

For an additional amount for "Research", as authorized by title V of the Public Health Service Act, as amended by the Anti-Drug Abuse Act of 1986, as passed in the Senate on September 30, 1986, \$3,000,000.

INFORMATION CLEARINGHOUSE AND EVALUATION STUDIES

For an additional amount for "Information clearinghouse and evaluation studies", \$3,000,000.

DEPARTMENT OF EDUCATION

SPECIAL PROGRAMS

For an additional amount for "Special programs", \$150,000,000, to remain available until September 30, 1988: *Provided*, That the remaining funds shall be distributed in accordance with subtitle B of the Anti-Drug Abuse Act of 1986.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for public awareness and education as authorized by the Domestic Volunteer Service Act of 1973, part C of title I, as amended by the Anti-Drug Abuse Act of 1986, \$3,000,000, of which \$500,000 shall be available for administration, as authorized in title IV of the Domestic Volunteer Service Act of 1973, as amended.

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

FEDERAL HIGHWAY ADMINISTRATION

MOTOR CARRIER SAFETY GRANTS

[Highway Trust Fund]

For an additional amount to carry out the provisions of section 402 of Public Law 97-424, \$30,000,000, to be derived from the

AS PASSED BY SENATE
October 6, 1986

(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 of the funds authorized to be appropriated under this section, \$7,000,000 shall be for the procurement of secure voice radios for the Drug Enforcement Administration.

(c) 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.

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

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

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

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

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

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

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

Federal Bureau of Investigation.....	\$4,000,000
Secret Service.....	\$5,000,000.
Subtitle L—State and Local Narcotics Control Assistance	

SEC. 1551. SHORT TITLE.

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

SEC. 1552. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

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

(1) by redesignating part M as part N,

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

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

"Part M—Grants for Drug Law Enforcement Programs

"FUNCTION OF 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 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 law enforcement crime labs), personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution,

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

"(4) provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating 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,

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

"(6) to 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; and

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

This program shall be administered by the Bureau of Justice Assistance pursuant to Part D of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741-3745), except that the minimum allotment under Part M of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be \$500,000.

"APPLICATIONS TO RECEIVE GRANTS

"SEC. 1303. 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 State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau or to the State, as the case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

"REPORTS

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

"(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the

needs identified in the State strategy submitted under section 1303, and

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

Such report shall be submitted in such form and by such time as the Attorney General may require 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 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 to carry out any one of the five general purposes specified in section 1302. The non-Federal portion of the expenditures for such uses shall be paid in cash.

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

"(c)(1) 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.

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

"STATE OFFICE

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

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

"(2) 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)."

(b)(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 1306, as the case may be," after "section 408".

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

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"Sec. 1301. Function of the Attorney General.

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

"Sec. 1303. Applications to receive grants.

"Sec. 1304. Reports.

"Sec. 1305. Expenditure of grants; records.

"Sec. 1306. State office.

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER

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

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

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and 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 \$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 M of this title," and

(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 for felons, especially those who are a Federal responsibility 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; 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. 1631. DRUG LAW ENFORCEMENT COOPERATION STUDY.

(a) The National Drug Enforcement Policy Board, in consultation with the National Narcotics Border Interdiction System and State and local law enforcement officials,

shall study Federal drug law enforcement efforts and make recommendations 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 means of improving the Nation's drug interdiction programs;

(2) the relative effectiveness 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. 1751. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))"; and

(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance".

(b) Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11)) is amended by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any 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 this section shall apply to convictions occurring before, on, or after the date of the enactment of this part, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this part.

Subtitle Q—Federal Drug Law Enforcement Agent Protection Act of 1986

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the "Federal Drug Law Enforcement Agent Protection Act of 1986".

SEC. 1772. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

Subsection (e) of section 511 of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by—

(1) inserting after "(e)" the following: "(1)";

(2) redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) striking out the matter following subparagraph (D), as redesignated, and inserting in lieu thereof the following:

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

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

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

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

"(B) The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28, United States Code, any amounts of such moneys and proceeds remaining after payment of the expenses provided in subparagraph (A)."

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

SEC. 1791. OFFENSE.

(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.

"§ 341. 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 common carrier, and an air common carrier.

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

"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 individual."

(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) 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 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 on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority 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 controlled substances.

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

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

Mr. WRIGHT. That clearly is the intent of this legislation. You have pointed out a problem that was never intended by the drafters of this bill. Search and seizure authority should be narrowly drawn and it is certainly not the intent of the sponsors that imports of legitimate goods who might technically violate some customs law through simple negligence should be treated on a par with the importers of illegal drugs.

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

Mr. 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 demonstrations of what the House is able to do about important changes in the law if they move toward those changes by way of a bipartisan effort.

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

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

On the other side, the second thrust involved the very real concern of many Members that in order to effectively 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 asked and was given permission to revise and extend his remarks.)

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

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

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

Mr. CLAY. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule.

When will the Members of this body stop playing petty politics with serious societal problems? Today we are deliberating a crucial piece of legislation designed to fight the pervasive use of drugs in this Nation. When the bill was unanimously voted out of several House committees, it was a realistic bipartisan effort to launch a preemptive strike against those who deal in illegal trafficking of narcotics.

But, Mr. Speaker, when the busybodies of this House finished 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, in its imagined infallible wisdom, attached amendments to impose capital punishment; authorize use of the military to deploy equipment and personnel of the Armed Forces, for the first time, to enforce civilian laws; and waive constitutional protections against illegal search and seizures.

Today, this bill is before us again after the Senate has stripped it of these sinister assaults on the U.S. Constitution. I hope, Mr. Speaker, cooler heads in this body will quiet

the raging storm of misguided solutions, some with suspect motives, which threaten to kill our effort to combat drug trafficking, by insisting on their nongermane, irrelevant additions. Hopefully, we will accept the Senate version of this bill and avoid applying 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 organizers 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 to the penalties 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 1980's.

We have provided vitally needed assistance to State and local drug enforcement activities. The bill has a 75-25 matching grant program for State and local units of government to beef

up drug enforcement. We have provided for \$350 million for the next 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 drugs.

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 provisions adopted by the other body 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 about sending signals to drug traffickers. This bill doesn't 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.

□ 1205

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 has 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're 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 immigration reform legislation which we may yet consider 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 crime syndicates depend 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 in-

dividuals 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 up 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 detect 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 and to look 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 combat money laundering. The House Banking Committee reported this legislation last July by an overwhelming vote of 47 to 0. I would recognize the role of Chairman St GERMAIN for keeping this section of the bill a truly bipartisan effort.

Of utmost concern to the Banking Committee is the fact that drug 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

laundering, I believe that our provisions are superior in several respects.

How will the Banking Committee's title to this omnibus antidrug bill help in the fight against drugs? By stopping the practice of money laundering through our Nation's financial institutions, we will hurt the drug traffickers where they care the most—in their pocketbooks. Money laundering, wrong in itself, masks other crimes. We must use all reasonable means at our disposal to stop crime and I believe this bill goes a long way toward this goal.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

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

Mr. McCOLLUM. Mr. Speaker, I certainly support this rule and support this omnibus drug package. I think that it is an excellent work product, but I do not think we ought to kid ourselves. It is not perfect. No one piece of legislation, as some of us have stated a number of times in this debate, is going to solve the drug issue. We have a drug war that has to be waged. It is going to be long; it is going to be difficult; it is going to be taxing on everybody, including all of the American people who are required, in order for us to succeed, to do everything they can in their own communities to stop the demand side of this drug equation.

This bill does have some major features in it, though, that are more than worth supporting. The new money-laundering legislation that is in here creates a new crime that will, for the first time, allow Federal prosecutors to get at those big narcotics dealers and Colombian kingpins where it really hurts, in their pocketbooks.

It is going to allow, for the first time, the prosecution for knowingly engaging in a financial transaction and carrying money into a banking institution or transferring it out of the country when you know that it came from an illegal drug source.

I think that is a major step forward in the right direction.

There are many other things that can be gone over, but let me, for a moment, concentrate on what is not in here because we, as a Congress, have to come back and address some of these next time in the next Congress.

In the initial bill that went to the other body out of this body, we had enough funds in here over 3 years to build 17 new Federal correctional institutions. Sadly, when the legislation came back from one other body, there was only enough funding for one more new one.

We have got enough funding now in what is going back under this rule today for 2 more new ones, but that is 15 short of anybody's reasonable estimate of putting us anywhere close to the number of prisons necessary in the Federal system to take care of the

minimum mandatory sentences under this bill and under the new guidelines that will be coming out next spring for all criminal matters.

So we as a Congress have to worry about that. I also think that there is too much money and imbalance in this bill on the side of giving to local law enforcement, considering the fact that we have not done all that we should be doing in funding the Federal first.

It is always a question of priorities in this body, but we need to get on with it. I strongly support the passage of this legislation.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. SMITH].

(Mr. SMITH of Florida asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I think that we are facing again today another historic vote for us. This is a uniquely good bill. Yes, it is not the exact bill that the House originally passed, but it is close. It is, to a large degree, most of what the House wanted, with some small exceptions. They are important exceptions, but they are not the major portions of the bill.

I must remind my colleagues again that for years, some of us have been out there: my good friend, the gentleman from New York [Mr. RANGEL], a lot of the Members from south Florida, a lot of the Members, the majority leader, telling the country about the scourge of drugs.

We have had help over the last few years. The gentleman from Oklahoma [Mr. ENGLISH] has helped the people in south Florida. The gentleman from New Jersey [Mr. HUGHES] and the chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. FASCELL], all of these who have been involved in trying to formulate a total overall policy.

□ 1215

This is a unique opportunity to make that total overall drug policy come true. As the chairman of the International Task Force Against Drugs on Foreign Affairs, we have had a good portion of input in this bill. We are very proud of what is in the bill that this rule will allow to come to the floor. It is important. It concentrates our efforts from experiences over the years, and what is very important is that it integrates the foreign policy options with all the other options on drug awareness, drug rehabilitation, drug interdiction, and drug law enforcement.

For the first time ever we address the five legs against drug trafficking and against drugs: Eradication at the source, interdiction on the high seas, law enforcement at home, including prisons; rehabilitation and education, which has been so sorely lacking. We have all that in this bill.

The American people are now aware, painfully aware, maybe due to crack and designer drugs, that this is the time to act. We have been criticized for not having acted and then we get criticized for acting. Now is the time to do what we must do and if we do it, we will make a dent on the war against drugs.

Mr. QUILLEN. 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.)

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control and as a member of the Drug Task Force which had a part in crafting the original drug legislation, I rise in strong support of this amendment.

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.

I also regret that the House version of the exclusionary rule was dropped from this compromise package; but on the whole I think it is a good bill. I urge its support.

Mr. 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 their manufacturer, until approximately 1988.

Over the next 12 months we can expect 300,000 pounds of cocaine to come across.

I would join with my colleague, the gentleman from California [Mr. LUNGREN] who saw his clear exclusionary rule provision omitted from that, to say that we will continue to work on this, because the only way we can interdict narcotics coming across the southern border of the United States is to have radar coverage. We have no radar coverage.

In my State of California, Customs 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

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 an aerostat over 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.

Other provisions 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 the Northern Mariana Islands. Retained 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 allotments 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 Public Health Service 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 sweeping this country must be brought under control. This agreement, although not as strong as the House-passed version of the omnibus drug bill, is the cornerstone of the war on drugs. It is an important initiative and one which is worthy of our support. The future of the young people of this Nation is dependent upon the success of these antidrug endeavors—we must all work together to conquer this drug abuse monster which threatens to destroy our very future.

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 and drug abuse 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 vast 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 country's native Americans. New initiatives are essential to stop 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 includes many provisions 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 substitute assets. I would like to stress 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 courts, including *United States v. Rogers*, 602 F. Supp. 1332 (D.Colo. 1985); *United States v. Badalamenti*, 614 F. Supp. 194 (S.D. N.Y. 1985); *United States v. Ianniello*, 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. FASCELL. 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 amendment.

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 note that we have also retained, in section 2004 an earmark of \$2 million in International Military Education and Training funds [IMET] 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 481(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 2010 of the House substitute represents perhaps the most significant difference from the Senate amendment. This section amends the so-called Mansfield amendment, which prohibits U.S. officials from being present at drug arrest actions overseas. H.R. 5484 contained a carefully crafted provision which allowed U.S. officials to be present at such actions in 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 on the activities 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 of State 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 Extensoro 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 demonstrated willingness of the Bolivian 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 agreement being negotiated between the Government of Bolivia and the Government of the United States contain numerical eradication targets no less than the 1983 agreements which have now expired. 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 agreements 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. Continuing hearings by the task force on these cases has documented a depressing lack of progress in prosecuting the guilty parties. The other provision was included at the request of the chairman of the Agriculture Committee and relates to 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 failed to include 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-terrorist attacks, particularly in Colombia.

We have expressed our desire that administration of justice funds be used to help protect those who have put their lives on the line by helping us in the fight against narcotics. The second provision expresses the sense of the Congress that existing authorities be used to offer an information reward on Jorge Luis Ochoa Vasquez, a notorious Colombian drug kingpin who recently escaped judicial proceedings in that country.

The final significant difference from the Senate amendment relates to the role of the intelligence community in our antinarcotics efforts overseas. At the request of the executive branch, we have deleted a Senate provision on this subject with the understanding that the cost of aerial surveys on foreign narcotics production will henceforth be borne by appropriate Federal agencies instead of from the very limited budget of the Bureau of International Narcotics Matters at the State Department.

Mr. Speaker, the changes contained in the House substitute 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 the House amendment to H.R. 5484, the Omnibus Drug Enforcement, Education, and Control Act of 1986. The proposal reflects a legitimate compromise between the House- and Senate-passed drug abuse control initiatives.

Recent actions by the Congress reflect a bipartisan determination to get serious about curtailing the incidence and impact of drug and alcohol abuse. The legislation before us is the most comprehensive attempt by any Congress to tackle this problem. The legislation provides a significant increase in Federal resources to combat the public health and law enforcement consequences of drug abuse.

Equally important, the legislation recognizes that the abuse of alcohol, particularly among the young, has a significant public health impact and must be addressed in a comprehensive national drug abuse policy. The legislation takes note that the abuse and addiction to alcohol, like the abuse or addiction to licit and illicit drugs, requires the attention of every parent, school official and health professional.

The legislation before us is urgently needed. The extent of alcohol and drug abuse among the young, indeed among all population groups, is significant. Americans are using illicit drugs and abusing alcohol and prescription medicines in greater numbers than ever before. We know this from the mortality statistics. We know this from admissions to hospital emergency rooms. We know this from reports of drug treatment centers forced to turn patients away 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 will be exposed to and in too many cases, pressured to use 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 kept alive by public acquiescence 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—of reducing public willingness to abuse drugs.

It is increasingly clear that law enforcement alone cannot effectively deal with a public health crisis as complex and intractable as drug abuse.

The legislation before us carries forward on the President's call for a fundamental change in public attitudes toward drugs. If we are to have any chance of fundamentally affecting the incidence 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 hopefully 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 \$230 million for support of State drug and alcohol abuse prevention and treatment programs. The proposal before us will reverse this trend. The legislation authorized an additional \$200 million in Federal support for drug and alcohol treatment and prevention programs. Each State will be eligible to receive a portion of these additional funds to increase the availability of treatment services and initiate community-based prevention programs.

Additional funds for treatment will be allocated in accordance with a formula which considers a State's relative population and per capita income. In this regard, the Subcommittee on Health and the Environment worked closely with the Intergovernmental Relations Group of the General Accounting Office's Human Resources Division in developing the most equitable formulas for allocating funds to the States under this legislation. On behalf of the subcommittee, I want to express our appreciation for the timely and expert guidance this talented agency provided to our efforts.

Mr. Speaker, at this time I want to note the priority and importance placed by this legislation upon the prevention of alcohol and drug abuse. Six initiatives characterize this effort.

First, existing drug and alcohol abuse prevention programs within the Department of Health and Human Services are consolidated

into a new Agency for Substance Abuse Prevention (ASAP). The ASAP will be located within the Alcohol, Drug Abuse and Mental Health Administration. These activities are currently underfunded, lacking direction and have suffered in recent years from administrative neglect.

Second, the ASAP will initiate a clinical training program to train health professionals in better understanding the symptoms and proper treatment of drug and alcohol abuse as well as to assure the availability of qualified drug and alcohol abuse treatment counselors.

Third, the ASAP is charged with the development of model, innovative community-based programs to discourage 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 the illegal use of drugs by student athletes. The gentleman from Ohio [Mr. LUKEN] is a senior member of the Subcommittee on Health and the Environment and has been active in focusing attention upon the relationship between drug abuse by student athletes and college athletic and educational policies. This is an important issue because the actions of student athletes are often viewed as role models for other students. I want to commend the gentleman from Ohio for his concern and commitment to focusing national attention and the attention of the academic community on this serious problem.

Finally, \$47.5 million is authorized for a block grant program to assist States in developing and implementing substance abuse prevention programs at the State and local level. The block grant program will be administered by the Agency for Substance Abuse Prevention.

The principal feature of title IV is the authorization of \$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 abuse prevention policy.

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 of the legislation also contains a number of other provisions which I would like to note.

Part III of title IV contains provisions relating to the Alcohol, Drug Abuse and Mental Health Administration and the reauthorization of expiring drug and alcohol abuse research programs. The provisions of part III reflect the provisions of H.R. 5259, the "Alcohol, Drug Abuse and Mental Health Amendments of 1986," which were passed by the House on September 16, 1986, and reported by the Committee on Energy and Commerce on August 15, 1986 (House Committee Report 99-802). With the exception of minor, technical or conforming amendments, part III is identical to H.R. 5259 with the following exceptions.

First, expiring drug and alcohol abuse research activities are extended through fiscal year 1987 at a level of "such funds as may be necessary." The original House bill (H.R. 5259) extended the authorization of appropriations for 3 fiscal years.

Second, the 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 chairman of the Senate Committee on Labor and Human Resources, ORRIN HATCH and the ranking minority member of that committee, EDWARD KENNEDY. They and Senator METZENBAUM deserve special recognition for their personal commitment to assuring the nutritional quality of infant formula.

Mr. Speaker, section 4045 of the legislation closes a loophole in Federal drug abuse law and stops the sale of "Poppers," a widely abused drug 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 4001. SHORT TITLE

The first section cites the Act as "Alcohol and Drug Abuse Prevention and Treatment Act of 1986."

PART 1—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 1921-1926.

Section 1921 (Authorization of Appropriations) authorizes \$228 million in Fiscal Year 1987 for the allotments authorized under section 1914 and 1925, treatment program evaluations under section 1923, and the activities of the Agency for Substance Abuse Prevention.

Section 1922 (Agency for Substance Abuse Prevention) provides that of funds appropriated for the purposes specified 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 remain after funds are made 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 (Allotments 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 of each state (ages 15-65) weighed by its relative per capita income.

The General Accounting Office (GAO) worked closely with the Congress in devising 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 number of state residents ages 15 through 64 as reported by the

combat drug abuse—we need to confront both the supply and demand to win the war on drugs, and I believe that the enforcement and education aspects of this bill provide us a vehicle to begin this endeavor. Therefore, Mr. Speaker, I support the measure before us and urge my colleagues to join me in the battle against drug abuse in this country.

Mrs. LLOYD. Mr. Speaker, I rise today in strong support of the rule for further consideration of the omnibus drug bill of 1986.

This legislation is an affirmation of the strongest intent of the U.S. Congress to 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 bill. But not in the Senate 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 complete 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 provisions of this legislation represent a solid attempt to address the serious problems related to drug abuse which are prevalent in our country today. Drug abuse is a problem which cuts across all social and economic lines and is a clear and present threat to the health and well-being of our society. This measure represents a bipartisan consensus on how to attack this problem.

This measure provides \$350 million over 3 years in Federal Grants to State and local governments for drug-related law enforcement activities. It also provides authorization for \$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. 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 under the rules of evidence governing admissibility at criminal trials. 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 drug bill 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 United States has the 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 instead 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, 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 efforts to control the sale of paraphernalia and fight drug abuse. My legislation provides for prison terms of up to 3 years and fines of up to \$100,000 for drug paraphernalia peddlers. In addition, my language provides for the seizure and forfeiture of drug paraphernalia sold in violation of the law.

The legal sale of "poppers" is another important issue addressed by this bill. Poppers, the street name for alkyl nitrite inhalants, are sniffed or inhaled by teens and adults for a quick rush or high. Poppers are marketed as "room odorizers" or "liquid incense" to avoid FDA regulation. In fact, they actually have a foul smell which make them undesirable for their stated purpose. In reality, these products are used as affordable, legally obtainable drugs. Poppers are marketed in record stores and head shops, which cater to a teenage clientele, and in some bars and bookstores.

A number of studies have examined the health consequences of nitrite inhalant use. Side effects include: facial dermatitis, eye irritation, delirium, confusion, headaches, nausea, vertigo, weakness, tolerance, profound hypotension, and transient electrocardiographic changes. A more serious side effect of poppers use is methemoglobinemia, an impairment of the blood to carry oxygen to the brain and tissues. Methemoglobinemia, induced by the ingestion of poppers has resulted in the death of a Washington, DC, man in 1980.

Several States and 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. ANNUNZIO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a

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forfeiture by any evidence otherwise admissible.

"(j) For purposes of this section—

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

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

"§ 982. Criminal forfeiture

"(a) The court, in imposing sentence on a person convicted of an offense under section 1956 or 1957 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 indirectly, as a result of such offense, or which is traceable to such gross receipts.

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

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

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

SEC. 1367. SEVERABILITY CLAUSE.

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

Subtitle I—Armed Career Criminals

SEC. 1401. SHORT TITLE.

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

SEC. 1402. 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)(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 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

"(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. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law; and

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

"(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

"(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another."

Subtitle J—Authorization of Appropriation for Drug Law Enforcement

SEC. 1451. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, \$60,000,000; except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(b) The Drug Enforcement Administration of the Department of Justice is hereby authorized to plan, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident thereto for an All Source Intelligence Center.

(c) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, \$168,000,000, of which \$140,000,000 shall be for the construction of Federal penal and correctional institutions and \$28,000,000 shall be for salaries and expenses.

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

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

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

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

(h) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys, \$31,000,000.

(i) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the United States Marshals Service, \$20,000,000.

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

(k) 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 voice radios:

Federal Bureau of Investigation.. \$4,000,000
Secret Service..... 5,000,000.

(l) This section may be cited as the "Drug Enforcement Enhancement Act of 1986".

Subtitle K—State and Local Narcotics Control Assistance

SEC. 1551. SHORT TITLE.

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

SEC. 1552. BUREAU OF JUSTICE ASSISTANCE DRUG GRANT PROGRAMS.

(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 part M as part N,

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

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

"Part M—Grants for Drug Law Enforcement Programs

"FUNCTION OF THE DIRECTOR

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

"DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

"SEC. 1302. The Director is authorized to make grants to States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

"(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 (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution;

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

"(4) provide additional public correctional resources for the detention of persons convicted of violating State and local 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 and local laws;

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

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

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

"APPLICATIONS TO RECEIVE GRANTS

"SEC. 1303. To request a grant under section 1302, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances;

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

"(3) a certification that funds 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 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

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

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

"REVIEW OF APPLICATIONS"

"Sec. 1304. (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 1303 of this title.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved, in 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 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 UNDER FORMULA GRANTS"

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

"(1) \$500,000 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 paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) 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 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 it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to 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.

"(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 1309 of this title.

"REPORTS"

"Sec. 1306. (a) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

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

"(2) a summary of the activities carried out in such year with any grant received under section 1309 of this title by such State; and

"(3) such other information as the Director may require by rule.

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

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

"(1) the aggregate amount of grants made under sections 1302 and 1309 of this title to such State for such fiscal year;

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

"(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a).

"EXPENDITURE OF FUNDS; RECORDS"

"Sec. 1307. (a) A grant made under section 1302 of this title may not be expended for more than 75 per centum of the cost of the

identified uses, in the aggregate, for which such grant is received to carry out any purpose specified in section 1302, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

"(b) Not more than 10 per centum of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

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

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

"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 Director, 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).

"DISCRETIONARY GRANTS"

"Sec. 1309. 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 awarded 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 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 Director.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS"

"Sec. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for section 1309 of this title in a special discretionary fund for use by the Director in carrying out the purposes specified in section 1302 of this title. Grants under section 1309 may be made for amounts up to 100 per

centum of the costs of the programs or projects contained in the approved application.

"LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

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

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

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by inserting "or M" after "part D".

(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by inserting "or 1308, as the case may be," after "section 408".

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

"Sec. 1306. Reports.

"Sec. 1307. Expenditure of grants; records.

"Sec. 1308. State office.

"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—TRANSITION—EFFECTIVE DATE—REPEALER

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

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

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and 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 \$350,000,000 for fiscal year 1987, \$350,000,000 for fiscal year 1988, and \$350,000,000 for fiscal year 1989, to carry out the programs under part M of this title," and

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

Subtitle L—Study on the Use of Existing Federal 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 for felons, especially those who are a Federal responsibility 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; the time periods they could be 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 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 M—Narcotics Traffickers Deportation Act
SEC. 1751. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))"; and

(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance".

(b) Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11)) is amended by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

(c) The amendments made by subsections (a) and (b) of this section shall apply to convictions occurring before, on, or after the date of the enactment of this section, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this section.

(d) Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official (or another official)—

"(1) has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,

"(2) expeditiously informs an appropriate officer or employee of the Service authorized and designated by the Attorney General of the arrest and of facts concerning the status of the alien, and

"(3) requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien."

(e)(1) From the sums appropriated to carry out this Act, the Attorney General,

through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the computer capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

(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 extended or expanded.

Subtitle N—Freedom of Information Act

SEC. 1801. SHORT TITLE.

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

SEC. 1802. LAW ENFORCEMENT.

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

"(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (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 State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;"

(b) EXCLUSIONS.—Section 552 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:

"(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and—

"(A) the investigation or proceeding involves a possible violation of criminal law; and

"(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably 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

enemy within—the drug crisis. We will make no progress on educating our youth as long as drugs dominate their culture. We will make no progress in protecting our citizens as long as drugs motivate crime.

We will make no progress in improving the quality of life for our 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 the ills which we face in our society, or will we treat drugs as an isolated problem confined to a pigeon-hole 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 distributors. To suggest that drugs are 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 the 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 soldiers 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 use the death penalty for an isolated murder on a rural street, then what about murder by the tens of thou-

sands from the importation of mass amounts of narcotics.

There are those who say that we should not have mandatory minimum sentencing for drugs because we overcrowd our prisons and we 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 murderers; 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 do not spend billions of dollars today to explain the evils of drugs to our children and deter them from becoming ensnared in the drug culture, then of what use are the tens of billions of dollars spent on public education?

Why should we pay a teacher, pay for the construction of the school building; pay for a principal; pay for custodians; and pay for school buses all to transport students to class when their minds are all befuddled by narcotics? Of what use is it possibly to approve higher education standards when we are teaching students who cannot possibly focus on the subject matter if they are too high on drugs.

The money that we are spending on drug education today is a prerequisite to all other spending that we are committing to education. It represents a fundamental trigger which must be pulled if the other money that we are putting in education at the State, local, and Federal level is going to be effective.

Finally, I hear those today who say that we must turn away from a program of drug testing. That we have no right to ask all Government workers to take drug tests. I ask them, if we have no right to ask that workers for the Federal Government are straight and sober and not high, then what do we have a right to ask them?

If we have no right to ask them when we pay them, we pay them to give their efforts fully to their jobs as opposed to dividing those efforts between the never, never world of drug addiction and their jobs. Finally, American Government must take the initial step of providing help to those who are afflicted by the drug culture.

Unless we do that, and unless we are able to provide rehabilitation to those Government workers we find are ensnared in drugs then the American Government is failing its duty to its employees and in turn failing its duty to the American people.

The central issue that we face today 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 new funds be made available only to those States who have comprehensive data collection systems. We in Congress recognize there is a great need for treatment funding and the extent of that need may not be fully documented. However, it is our hope that States will develop the capacity to measure the demand for such services.

Mr. MOYNIHAN. Mr. President, I agree with my colleague the Senator from Utah, with respect to his concern that States develop data-collection techniques for purposes of documenting need under the treatment formula.

I would add that those States most in need of additional treatment and rehabilitation resources because of a high incidence of drugs and alcohol abuse are more likely to have such data-collection procedures in operation. It is our desire to ensure that the portion of funds to be distributed on the basis of need criteria are used just for that—those States which are experiencing the greatest difficulty in accommodating the demand for treatment and rehabilitation services by drug and alcohol abusers.

Mr. President, the Omnibus Drug Enforcement Act of 1986, marks an important turning point in the war against drug abuse in this country. At last, we have turned from talk to action.

I have been involved in the drafting of this bill ever since my colleague, the minority leader, Senator BYRD, appointed me to the Democratic Working Group on Drugs in early August. And I note, Mr. President, that the law enforcement provisions, and the treatment and rehabilitation provisions of this legislation are based on S. 15, the bill I introduced on the first day of the 99th Congress. I am pleased that as we draw near to the end of this session, the provisions of this bill will indeed become law.

The law enforcement provisions of this bill will assist State and local authorities in combating drug trafficking. Specifically, the legislation we consider today calls for \$230 million to be distributed in the form of grants to State and local governments to assist them in apprehending, prosecuting, and incarcerating drug pushers and traffickers.

I have personally heard from many of these local authorities, ranging from the Erie County sheriff's department, to the New York City mayor's office, thanking me and my colleagues for finally giving them the ammunition with which to wage this long and continuous battle.

Law enforcement is only half of the armaments needed in the war against drugs. Treatment is just as critical in any effort to combat illegal drug use. We must treat people who need help and we must do so with the most recent and effective methods available. Thus we must give States with the highest incidence of drug abuse a significant share of the funds. That is why I insisted on the distribution of treatment funds based on both population and need.

Permit me to explain. In the Senate version of this bill, recognizing that some areas of the country are in greater need of assistance than others, we provided that 75 percent of the \$175 million grant program be allocated on the basis of need, and 25 percent allocated on the basis of population.

The language substituted by the House states that 100 percent of the money for treatment programs be allocated on the basis of State population between ages 15 through 65, weighted by the State's relative per capita income, regardless of need.

Fortunately, a compromise was reached, and the bill before us today guarantees that over one-half of the money is allocated on the basis of need, with the rest allocated on the basis of population—not weighted by per capita income. This arrangement benefits those States, like New York, which have a disproportionate number of drug abusers in need of treatment, while ensuring that each State will receive at least some of the funds.

Mr. President, one aspect of treatment that holds some promise is the development of chemical antidotes and narcotic antagonists. According to Dr. Herbert D. Kleber and Dr. Frank H. Gawin, both with the Yale School of Medicine and affiliated with the National Institute on Drug Abuse, the key component of treatment of drug abuse is preventing an addict from relapsing into old habits after successfully withdrawing from his or her addiction.

Narcotic antagonists do just that.

I have spoken to the Director of the National Institute on Drug Abuse, Dr. Charles Schuster, on this very subject. He informed me that we do have a drug that is available and which successfully blocks the effect of heroin.

However, we do not currently have such antagonists for cocaine.

That is why I urged the inclusion of specific language in this bill directing NIDA to increase and intensify its research into these and other forms of chemical treatments for drug addiction.

Again, let me reiterate how proud and pleased I am to have played an active role in bringing this major anti-drug abuse initiative to the floor of the Senate and seeing it passed here today. Since 1969, when I served as President Nixon's Special Assistant for Urban Affairs, I have been immersed in the efforts to stop both the supply of drugs into America, and to reduce the demand. Today, we have finally proven to the people of this country that we are serious, and committed to curing the plague of drug abuse that infects every sector of our society.

COMMENDING STEVEN GERSTEN, A STUDENT AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, FOR HIS EFFORTS AGAINST DRUG PARAPHERNALIA

Mr. WILSON. Mr. President, I rise today in support of the bill, the Anti-Drug Abuse Act of 1986.

Among the bill's important provisions is a section containing the text of a bill that I introduced last year, S. 713, which will ban the import, export, and interstate shipment of drug paraphernalia.

Since introducing the Mail Order Drug Paraphernalia Control Act, community groups and public officials from across the country, including a number of Governors, have contacted me to express their support for this legislation. Among those supporting the bill is the Governor of my own State of California, Gov. George Deukmejian, as well as Californians for Drug-Free Youth and the California Parents and Teachers Association. I am extremely pleased that the bill has been included in the historic anti-drug abuse legislation now before us.

Thirty-eight States have laws to regulate the sale of drug paraphernalia at local "head shops" or to regulate the sale of such items to minors. But these laws often are to no avail, because young people can order drug paraphernalia through magazines and mail order catalogs. My bill, as incorporated in this omnibus legislation, will prohibit such mail order sales of drug paraphernalia, which have grown drastically in recent years.

Catalogs and publications promoting drug use, such as *High Times*, which has a reported circulation of approximately 4 million, advertise numerous types of drug paraphernalia, including so-called bongos and cocaine spoons. These products glorify the use of drugs, thereby serving to undermine efforts to educate young people about the real dangers of drug abuse. By eliminating mail order sales of drug-related products, this legislation will help discourage drug abuse among teenagers and young adults.

Mr. President, I would like to express my sincere thanks to Steven Gersten of Los Angeles, CA, who first brought the mail order paraphernalia problem to my attention. Steven is a senior at the University of Southern California, majoring in political science and minoring in chemistry. He is active in a number of organizations concerned about drug abuse, including Californians for Drug-Free Youth, the National Federation of Parents for Drug-Free Youth, and Tough on Drugs.

Steven's involvement in the antidrug movement began through his work as a reporter for his high school newspaper. When a fellow student offered drugs to Steven, he turned down the offer and asked the other student if he would be willing to grant an interview. Through the interview, Steven became aware of the drug paraphernalia industry and its advertising. Realizing the impact that the availability of paraphernalia had had on his fellow student, Steven decided to investigate the industry further. During what became a 5-year study, Steven made some frightening discoveries. Most significantly, he became aware of the deceptive methods used by drug paraphernalia companies in their attempts to communicate to our Nation's youth that getting high is "cool," normal and even lawful.

Mr. President, these parasitic, unscrupulous merchants are preying on our young people. Their products enhance or aid consumption of illegal drugs, glorify their usage, and enrich those who would victimize our youth through mind-destroying drugs. If we are to curb the drug abuse problem in this country, we must outlaw such devices. By attacking the drug paraphernalia industry, we are effectively attacking the abuse of drugs.

Mr. President, Steven Gersten, by pressing the need for Federal drug paraphernalia legislation both with the Congress and officials throughout the country, has proven once again that a single individual, young or old, can make a difference—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

time to time, as I made mention the other night in our tribute to the Speaker, that word between Members is something extra special. And when we can trust one another of what we have agreed to on a handshake or a verbal commitment across that table that is going to be bound in cement or gold or whatever, that is what really counts. To find, if we do, that that has been violated unbeknownst to us, then there is the tendency to shake that confidence between the Members.

So I just wanted to rise in joining with the distinguished majority leader in making these comments, because I think it has shown that when we put out hearts and minds together on both sides of the aisle and on both sides of the Capitol, what wonders we can behold.

□ 1140

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. MICHEL, the chairman of the rules committee, Mr. PEPPER, 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 helping to craft this omnibus drug measure and who have helped bring this measure to the floor.

Mr. Speaker, the House has a historic opportunity to enact one of the most comprehensive drug prevention and control measures crafted by the Congress, and we should not forget that this measure is truly a congressional initiative representing the best efforts by this Chamber and the other body in formulating a strong drug measure that provides significant funding, approximately \$1.7 billion in law enforcement, in narcotics treatment, rehabilitation, prevention, education, and international narcotics control efforts. Some \$200 million will be devoted to drug abuse education, \$241 million will be authorized for drug treatment programs, \$225 million in State and local drug enforcement assistance, \$63 million in international narcotics control efforts, along with additional funding for Coast Guard and assistance from our Department of Defense.

Mr. Speaker, we can recognize that this is not a perfect bill, few measures of such complexity are ever enacted that receive unanimous approval. Some Members have found elements of this bill to their disagreement, but I must say to my colleagues that on balance, this is a sound bill, and it is one that will enable our Federal Government to more effectively combat the complex problem of drug trafficking and drug abuse both here in our Nation and throughout the world.

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

Mr. TORRES. I thank the gentleman for yielding me this time.

Mr. Speaker, indeed this House and its bipartisan leadership has done a creditable job. It is said that this anti-drug bill is the best we can have at this late hour in the session. Late hour or not, the plain truth is that this bill is deficient. The other body has deleted from the bill an entire section, section 508, which would put an end to the way drug traffickers launder huge cash profits through our banks.

Our banks are the unwitting partners in criminal activity. Every day, in hundreds of banks and savings institutions across this country, drug traffickers take their cash profits to unsuspecting tellers in amounts of less than \$10,000. They exchange the cash for cashier's checks, which they then take to other banks or send out of the country. This is called money laundering which is used to pay off the producers of drugs. Why less than \$10,000? Because the drug traffickers know that at \$10,000 they have to fill out a report on a cash transaction.

The money laundering provision passed by this House as a part of H.R. 5484 was very carefully written to put a stop to 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 said that this requirement would not be a nationwide requirement, but would only apply at those banks, or in those areas of the country, where the Secretary of the Treasury believed there was a problem.

When this simple money laundering provision was sent to the other body as part of H.R. 5484, the banking industry lobbyists went into high gear. Arguing that it would be an administrative burden, they succeeded in get-

ting it deleted from the Dole substitute. They did so by working the back rooms. The other body never voted to delete the money laundering section. It was already deleted by the banking lobby through stealth.

I do not want to believe that the bankers of this country wish to be a part of the drug trafficking industry. I do not want to believe that the bankers of this country want to keep their teller windows open to criminal activities. Almost every part of our society has pledged to do its part to fight the drug war. Educators, network executives, employers, public officials, sports figures—they have all joined the fight. Have bankers opted out? Are they not with us? Are they going to look the other way?

I challenge the bankers to come to me with an effective proposal we can write into law to put a stop to money laundering. I am not going to vote against this bill today, even though it does not have the money laundering provision in it. But I am not going to give up either. I am going to continue pressing for a money laundering law. The bankers can fight against me if they wish, but I would rather have the bankers with me, and, together, we can fight drug trafficking.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the proposed rule.

My fellow colleagues, twice this body has sent to the other body tough legislation to deal with the drug crisis facing our country and destroying our youth. The first time we passed overwhelmingly a bill with a full set of law enforcement teeth that every drug dealer in America felt the bite of. The second time we passed a bill by an even more overwhelming margin with undeniably fewer teeth, but certainly with its most important one—the death penalty—still intact. We were presented on its return to this body an alternative that lacks even that—it had become a bill with no teeth—only gums.

The latest version of the bill passed by the Senate not only lacks the death penalty provision this body enacted so decisively, its place has been taken by a tragically comic provision claiming to provide a death penalty without parole for drug dealer kingpins who 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 most heinous of homicides under the law that exists either now or will exist when sentencing guidelines go into effect. It will actually be harder to sentence a murdering drug kingpin to life imprisonment than for any other category of homicide—and for no explainable reason. This is a result over which the public and law enforcement could justifiably be chagrined—particularly considering the focus the death penalty has gained in the public mind.

Americans beset by a drug problem at its door demand the swiftest and sternest measures to drive that threat away for good. Ever Member here knows that citizens can distinguish between a drug solution that papers over the problem and one that addresses it squarely. The American people know the message that its Congress sends by either enacting the death penalty for drug kingpins who murder or by failing to do so. This is now the central issue in their minds in determining whether their legislators are serious about their problem. Ladies and gentlemen, I am serious about their problem. We sit here today a representative assembly—not as workers devoted to our own concerns but as servants of the public. The people cannot be mocked by superficial solutions to real problems. The people will not be misled by a fancy package called drug control when they find inside only paper.

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, that is a matter 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 entrenchment 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. The American people want and deserve a solution to the drug problem that contains both features of this proposed rule.

□ 1150

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

Mr. GEKAS. I yield to the gentleman from New York.

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 in the well 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. KILDEE). 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 yesterday to meet with our counterparts 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 from 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 LUNGREN in working with the chairman and ranking minority member of the Judiciary Committee of the other body to resolve differences in title I, which contains important new tools and resources for 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 the organizers of drug trafficking syndicates.

The Designer Drug Enforcement Act which will close the loopholes that have permitted criminal chemists to manufacture and distribute deadly designer drugs.

A new crime of money laundering, that will enable us to prosecute the henchmen of drug traffickers who specialize in laundering their enormous criminal profits.

We have strengthened the Armed Career Criminal Act by expanding its coverage to drug crimes and violent crimes other than just robbery and burglary.

Mandatory sentences for those who sell drugs to juveniles or sell drugs at or near schools.

We have authorized calling a White House conference on drug abuse and control to develop an effective national strategy to combat drug abuse in the 1980's.

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 have demanded.

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

respect to that country for that fiscal year under paragraph (2) of that section.

"(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including property which is sought as evidence of a crime committed in the foreign country.

"(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of 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 certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.

"(4) A certified order or judgment of conviction 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 certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, 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, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.

"(j) For purposes of this section—

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

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

"§ 982. Criminal forfeiture

"(a) The court, in imposing sentence on a person convicted of an offense under section 1956 or 1957 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 indirectly, as a result of such offense, or which is traceable to such gross receipts.

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

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

"46. Forfeiture 981".

SEC. 1367. SEVERABILITY CLAUSE.

If any provision of this subtitle or any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the provisions of

every other part, and their application, shall not be affected thereby.

Subtitle I—Armed Career Criminals

SEC. 1401. SHORT TITLE.

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

SEC. 1402. 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)(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 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

"(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. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law; and

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

"(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

"(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another."

Subtitle J—Authorization of Appropriation for Drug Law Enforcement

SEC. 1451. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, \$60,000,000; except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(b) The Drug Enforcement Administration of the Department of Justice is hereby authorized to plan, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident thereto for an All Source Intelligence Center: "Provided, That the existing El Paso Intelligence Center shall remain in Texas."

(c) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, \$124,500,000, of which \$96,500,000 shall be for the construction of Federal penal and correctional institutions and \$28,000,000 shall be for salaries and expenses.

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

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

(f) There is authorized to be appropriated for fiscal year 1987 for the Department of

Justice for the Office of Justice Assistance, \$5,000,000 to carry out a pilot prison capacity program.

(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, \$5,000,000.

(h) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys, \$31,000,000.

(i) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the United States Marshals Service, \$17,000,000.

"(j) Authorizations of appropriations for fiscal year 1987 contained in this section are in addition to those amounts agreed to in the conference agreement reached on Title I of H.J. Res. 738."

(k) 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 voice radios:

Federal Bureau of Investigation	\$2,000,000
Secret Service	\$5,000,000.

(l) This section may be cited as the "Drug Enforcement Enhancement Act of 1986".

Subtitle K—State and Local Narcotics Control Assistance

SEC. 1551. SHORT TITLE.

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

SEC. 1552. BUREAU OF JUSTICE ASSISTANCE DRUG GRANT PROGRAMS.

(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 part M as part N,
(2) by redesignating section 1301 as section 1401, and
(3) by inserting after part L the following new part:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"FUNCTION OF THE DIRECTOR

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

"DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

"SEC. 1302. The Director is authorized to make grants to States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

"(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 (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution;

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

rary facilities in which to conduct adjudications of such cases;

"(4) provide additional public correctional resources for the detention of persons convicted of violating State and local 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 and local laws;

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

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

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

"APPLICATIONS TO RECEIVE GRANTS

"SEC. 1303. To request a grant under section 1302, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances;

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

"(3) a certification that funds 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 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

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

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

"REVIEW OF APPLICATIONS

"SEC. 1304. (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 1303 of this title.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved, in 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 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 UNDER FORMULA GRANTS

"SEC. 1305. (a) Of the total amount appropriated for this part in any fiscal year, 80 per centum shall be set aside for section 1302 and allocated to States as follows:

"(1) \$500,000 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 paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) 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 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 it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to 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.

"(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 1309 of this title.

"REPORTS

"SEC. 1306. (c) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

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

"(2) a summary of the activities carried out in such year with any grant received under section 1309 of this title by such State; and

"(3) such other information as the Director may require by rule.

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

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

"(1) the aggregate amount of grants made under sections 1302 and 1309 of this title to such State for such fiscal year;

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

"(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a).

"EXPENDITURE OF GRANTS; RECORDS

"SEC. 1307. (a) A grant made under section 1302 of this title may 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 to carry out any purpose specified in section 1302, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

"(b) Not more than 10 per centum of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

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

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

"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 Director, 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)."

"DISCRETIONARY GRANTS"

"Sec. 1309. 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 awarded 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 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 Director.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS"

"Sec. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for section 1309 of this title in a special discretionary fund for use by the Director in carrying out the purposes specified in section 1302 of this title. Grants under section 1309 may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.

"LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS"

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

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

"(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by inserting "or M" after "part D".

"(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by inserting "or 1308, as the case may be," after "section 408".

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

"Sec. 1306. Reports.

"Sec. 1307. Expenditure of grants; records.

"Sec. 1308. State office.

"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—TRANSITION—EFFECTIVE DATE—REPEALER"

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

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

"(1) in subsection (a)—

"(A) in paragraph (3) by striking out "and 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 \$230,000,000 for fiscal year 1987, \$230,000,000 for fiscal year 1988, and \$230,000,000 for fiscal year 1989, to carry out the programs under part M of this title. . . . and

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

Subtitle L—Study on the Use of Existing Federal 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 for felons, especially those who are a Federal responsibility 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; the time periods they could be 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 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 M—Narcotics Traffickers Deportation Act

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

"(a) Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended—

"(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))"; and

"(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance".

"(b) Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11)) is amended by striking out

"any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any 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 this subsections (a) and (b) of this section shall apply to convictions occurring before, on, or after the date of the enactment of this section, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this section.

"(d) Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official (or another official)—

"(1) has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,

"(2) expeditiously informs an appropriate officer or employee of the Service authorized and designated by the Attorney General of the arrest and of facts concerning the status of the alien, and

"(3) requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien."

"(e)(1) From the sums appropriated to carry out this Act, the Attorney General, through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the computer capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

"(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 extended or expanded.

Subtitle N—Freedom of Information Act

SEC. 1801. SHORT TITLE.

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

SEC. 1802. LAW ENFORCEMENT.

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

"(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impar-

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

R E P O R T

[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.

○

Weekly Compilation of
**Presidential
Documents**



Monday, November 3, 1986
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Mrs. Gildenhorn is currently cochairman, Washington Committee for the Endowment of the John F. Kennedy Center for the Performing Arts. Previously she was president of Bristol Antiques, 1973-1984.

She graduated from the University of Maryland (B.A., 1953). Mrs. Gildenhorn is married, has two children, and resides in Bethesda, MD. She was born January 14, 1932, in Baltimore, MD.

Marine Mammal Commission

*Designation of Robert Elsner as Chairman.
October 27, 1986*

The President today announced his intention to designate Robert Elsner to be Chairman of the Marine Mammal Commission. He would succeed William Evans.

Since December 12, 1984, Dr. Elsner has been a member of this Commission. He currently is professor of marine science, Institute of Marine Science, University of Alaska in Fairbanks, a position he has held since 1973.

Dr. Elsner graduated from New York University (B.A., 1950), the University of Washington (M.S., 1955), and the University of Alaska (Ph.D., 1959). He is married, has three children, and resides in Ester, AK. Dr. Elsner was born June 3, 1920, in Boston, MA.

Anti-Drug Abuse Act of 1986

*Remarks on Signing H.R. 5484 Into Law.
October 27, 1986*

Well, today it gives me great pleasure to sign legislation that reflects the total commitment of the American people and their government to fight the evil of drugs. Drug use extracts a high cost on America: the cost of suffering and unhappiness, particularly among the young; the cost of lost productivity at the workplace; and the cost of drug-related crime. Drug use is too costly for us not to do everything in our power,

not just to fight it, but to subdue it and conquer it.

The magnitude of today's drug problem can be traced to past unwillingness to recognize and confront this problem. And the vaccine that's going to end the epidemic is a combination of tough laws—like the one we sign today—and a dramatic change in public attitude.

We must be intolerant of drug use and drug sellers. We must be intolerant of drug use on the campus and at the workplace. We must be intolerant of drugs not because we want to punish drug users, but because we care about them and want to help them.

This legislation is not intended as a means of filling our jails with drug users. What we must do as a society is identify those who use drugs, reach out to them, help them quit, and give them the support they need to live right.

Let me take a moment here and salute a special person who has turned the fight against drug abuse into a national crusade. She started long before the polls began to register our citizens' concern about drugs. She mobilized the American people, and I'm mighty proud of her. I know the work Nancy's been doing has been appreciated.

And Nancy's made a special commitment to assist young people who are just getting started to quit and to prevent others from starting in the first place. One young person asked her advice about what to do if offered drugs. And she came up with a bit of simple, yet profound, wisdom. She said, "Just say no." And today there are thousands of Just Say No clubs all over America.

In all of our endeavors here in Washington, we're striving for a world where our young people can live happier, more opportunity-filled lives. Our goal in this crusade is nothing less than a drug-free generation. America's young people deserve our best effort to make that dream come true.

In the last few years, we've made much progress on the enforcement end of solving the drug problem. Interdiction is up, drug crops are being destroyed while still in the fields all over the country and overseas, organized crime is being hit and hit hard, cooperation between governments is better than ever before. This legislation allows us to do even more.

Nevertheless, today marks a major victory in our crusade against drugs—a victory for safer neighborhoods, a victory for the protection of the American family. The American people want their government to get tough and to go on the offensive. And that's exactly what we intend, with more ferocity than ever before. But as I've said on previous occasions, we would be fooling ourselves if we thought that new money for new government programs alone will solve the problem.

Let's not forget that in America people solve problems, and no national crusade has ever succeeded without human interest. So, at the same time that government sends a long, loud, clear message, I ask each American to be strong in your intolerance of illegal drug use and firm in your commitment to a drug-free America. United, together, we can see to it that there's no sanctuary for the drug criminals who are pilfering human dignity and pandering despair.

There've been some real champions in the battle to get this legislation through Congress: Senators Bob Dole, Robert Byrd, and Strom Thurmond; Congressmen Bob Michel, Jim Wright, Benjamin Gilman, Charles Rangel, and Jerry Lewis.

I'd like to single out Senator Paula Hawkins in particular. She took this battle to the public and has been a driving force behind the effort to rid our society of drug abuse. Like Nancy, she made her commitment to fighting drugs long before it was the popular thing to do. This kind of honest, hard-working leadership is what makes all the difference. And now, Paula, if you and your colleagues will join Nancy and me, we will get on with the signing of that bill, making it the law of the land.

Note: The President spoke at 2:39 p.m. in the East Room at the White House.

As enacted, H.R. 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(a)(2), 317, 318, 401(b)(2), 501(b), 504, 506, and 508 of the Act. Responsibility for transmitting the report required by Section 509 of the Act is delegated to the Secretary of State.

Sec. 3. Functions of the Department of the Treasury. The Secretary of the Treasury shall be responsible for implementing Sections 301, 302 (to the extent it relates to permanent imports), 303, 305, 308, 309, 310, 319, 320, 323(a)(1), and 510 of the Act.

Sec. 4. Functions of the Department of Commerce. The Secretary of Commerce shall be responsible for implementing Sections 304, 321, and 502(b) of the Act.

Sec. 5. Functions of the Department of Defense. The Secretary of Defense shall be responsible for implementing Section 322 of the Act.

Sec. 6. Functions of the United States Trade Representative. The United States Trade Representative shall be responsible for implementing Sections 323(a)(2) and (b) of the Act and Section 402 (except for the imposition of import restrictions).

Sec. 7. Functions of the Agency for International Development. The Administrator of the Agency for International Development shall be responsible for implementing Sections 210 (to the extent of determining the existence of food shortages only) and 505 of the Act.

Sec. 8. Functions of the Department of Transportation. The Secretary of Transportation shall take the steps specified in Sections 306(a)(2) and (3).

Sec. 9. Definition of Strategic Minerals. The Secretary of State shall be responsible,

National Security Act of 1947 will be repealed. I also view those provisions of the bill that set forth the policy of the Congress as advisory and not binding on me as President.

Despite these concerns, I believe that this legislation as a whole represents another positive step toward fulfilling our commitment to strengthen our nation's foreign intelligence capabilities.

Note: As enacted, H.R. 4759 is Public Law 99-569, approved October 27.

Anti-Drug Abuse Act of 1986

*Statement on Signing H.R. 5484 Into Law.
October 27, 1986*

As I stated in my remarks at the signing ceremony for this bill, I am pleased to sign the Anti-Drug Abuse Act of 1986.

One other matter concerning the act is worthy of note. This act contains several important provisions reforming the Freedom of Information Act (FOIA) that will considerably enhance the ability of Federal law enforcement agencies, such as the Federal Bureau of Investigation and the Drug Enforcement Administration, to combat drug offenders and other criminals. My administration has been seeking such reforms since 1981.

These FOIA reforms substantially broaden the law enforcement exemptions in that act, thereby increasing significantly the authority of Federal agencies to withhold sensitive law enforcement documents in their files. The statutory language changes make clear, for example, that any Federal law enforcement information relating to pending investigations or confidential sources may be withheld if its disclosure could reasonably be expected to cause an identified harm. The act also includes, for the first time, special exclusions whereby certain law enforcement records would no longer be subject to the requirements of the FOIA under particularly sensitive, specified circumstances.

Additionally, this act makes several changes with respect to the charging of fees under the FOIA. Agencies will now be able

to charge and recover the full costs of processing requests for information under the FOIA, consistent with the Federal user fee concept, in the large number of cases in which FOIA requests are made for commercial purposes, a term that has been broadly construed in other contexts of the FOIA. At the same time, the act will somewhat limit the fees applicable to noncommercial educational or scientific institutions and to bona fide representatives of established news media outlets. It is important that no such special treatment is accorded to organizations engaged in the business of reselling government records or information.

Finally, the bill improves the standard governing the general waiver of FOIA fees, by mandating that such waivers be granted only where it is established that disclosure is in the "public interest" because it is likely to "contribute significantly to public understanding" of the operations or activities of the Government. This standard is intended to focus upon benefits to the public at large, rather than upon the interest of a particular segment of the public, and thus clarifies the type of public interest to be advanced.

Note: As enacted, H.R. 5484 is Public Law 99-570, approved October 27.

Government Securities Act of 1986

*Statement on Signing H.R. 2032 Into Law.
October 28, 1986*

I have signed H.R. 2032, the Government Securities Act of 1986. This important piece of legislation, which represents the culmination of 18 months of cooperative, bipartisan efforts by the Congress and the administration, will help assure the continued safety and efficiency of the markets for United States Treasury and other government-related debt.

The Government Securities Act, for the first time, establishes requirements for registration, financial responsibility, customer protection, recordkeeping, and audit of brokers and dealers who transact business solely in government securities. It will be

Index of Authorities

I. Volume 132 Congressional Record.

Daily Editions:

September 12, 1986
September 24, 1986
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II. H.R. 5484, 99th Cong., 2d Sess., As First Read in Senate (September 15, 1986).

III H. Rep. No. 99-974, 99th Cong., 2d Sess (1986).

IV. President's Remarks And Statement On Signing H.R. 5484 Into Law, 22 Weekly Comp. Pres. Doc. 1458, 1463 (Oct. 27, 1986).