



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCA FILE

LEG

June 24, 1988

LEGISLATIVE REFERRAL MEMORANDUM

OCA 2157-88

TO: SEE ATTACHED DISTRIBUTION LIST

SUBJECT: Republican Leadership Task Force on Drugs -- Summary of --
The Comprehensive Anti-Drugs Act of 1988.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than July 1, 1988.

Direct your questions to Gregory Jones (395-3454), of this office.

Gregory M Jones
Assistant Director for
Legislative Reference

Enclosures

- | | | | |
|--------------------|---------------------|----------------|---------------|
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Environmental Protection Agency

THE REPUBLICAN LEADERSHIP TASK FORCE ON DRUGS

SUMMARY OF

THE COMPREHENSIVE ANTI-DRUGS ACT OF 1988

TITLE I: DEMAND REDUCTION AND USER ACCOUNTABILITY

SUBTITLE A -- USER ACCOUNTABILITY ACT OF 1988

This subtitle renders any individual convicted of a drug trafficking offense or convicted of two drug possession offenses ineligible for any non-safety net federal grants, contracts, loans, or licenses (excluding retirement, welfare, health, disability and certain veteran's benefits) for a period of 5 years for misdemeanors and 10 years for a felony. It also creates a civil fine of up to 25% of the adjusted gross income and net assets of any person caught possessing illegal substances

The subtitle requires the Attorney General to study the feasibility of prosecuting drug cases in alternative or supplemental judicial forums.

Finally, the subtitle requires, as a precondition to a state receiving 10% of its federal highway funds, that state enact laws suspending drivers' licenses upon the conviction of a drug offense.

SUBTITLE B -- DRUG-FREE SCHOOLS AND BUSINESSES ACT OF 1988

This proposal requires, as a precondition to the receipt and maintenance of any federal contract or assistance, that a company maintain a drug-free workplace. A good faith effort satisfies the requirement, and agencies are instructed to issue regulations implementing this section.

SUBTITLE C -- DRUG TESTING IN THE FEDERAL CRIMINAL JUSTICE SYSTEM

This subtitle requires the Attorney General to test for illicit drug use all federal arrestees of drug related offenses. If an arrestee tests positive for drug use in a subsequent retesting, the arrestee's bond would be revoked. It also requires a clean drug test as a precondition to any federal probation, and authorizes the AG to require random testing of federal parolees.

SUBTITLE D -- INCREASED AND EXPANDED TREATMENT OF DRUG ABUSE

This subtitle increases drug abuse treatment services for expectant mothers under alcohol and drug abuse and mental health services block grants.

With respect to programs under the Public Health Service Act, authorizes \$100 million for grants to reduce delays in the availability of treatment programs. These grants are targeted at treatment programs with long waiting lines.

It also calls for a study of existing programs to highlight treatments that work and facilitate their use as the state of the art; and

Finally, it authorizes drug rehabilitation programs at the following levels (Same as President's budget request):

- Office of Substance Abuse Prevention, \$18 million for FY 89, such sums for fy 90 and 91;
- Prevention, Treatment, and Rehabilitation Model Projects for High Risk Groups, \$16.5 million for FY 89, such sums for FY 90 and 91;
- Preventive Health Services Block Grant, \$509 million for FY 89, such sums for FY 90 and 91;
- Emergency Substance Abuse Treatment and Preventive Rehabilitation: \$165 million for FY 89 and such sums for FY 90 and 91.

SUBTITLE E -- DRUG EDUCATION AMENDMENTS

This subtitle reauthorizes the Department of Education's drug education grant program at \$250 million for each of FYs 89, 90, 91 (Same as President's request).

It also improves the quality of the grant program by increasing accountability for the programs.

SUBTITLE F -- DRUG-FREE PUBLIC HOUSING ACT OF 1988

This proposal authorizes the Department of Housing and Urban Development to establish training and a clearing house of drug abuse and treatment information for housing officials.

TITLE II: DRUG LAW ENFORCEMENT

SUBTITLE A -- DEATH PENALTY FOR DRUG KINGPINS

This subtitle establishes the death penalty for two different types of conduct. The first involves the intentional killing of a person in the course of a continuing criminal enterprise. The second type of conduct involves a person who is convicted of distributing twice the amount of a controlled substance specified in the federal criminal law for a mandatory sentence of life in prison, and who is closely connected with a terrorist organization.

SUBTITLE B -- EXCLUSIONARY RULE REFORM

This subtitle permits the consideration in a criminal trial of evidence which was seized by an authorized individual acting in good faith. The individual acted in good faith if he had an objective, reasonable, and good faith belief that he was performing his duties in a manner consistent with the fourth amendment to the U.S. Constitution.

SUBTITLE C -- AUTHORIZATION OF APPROPRIATIONS FOR PRISONS AND PROSECUTORS

This subtitle proposes an appropriation of \$1,380,084,000 for the Federal Prison System and \$424,418,000 for the United States Attorneys for FY 1989. These are the same levels that the President requested in his FY 1989 budget. Authorization is also provided for the President's FY 1990 requests in these two areas and for leases of private prison facilities as an alternative to prison construction.

SUBTITLE D -- ELIMINATION OF DIVERSITY JURISDICTION

This provision eliminates the practice of filing law suits between parties of two different states in the Federal court system. It is estimated that 25% of all cases in Federal courts are so filed because of diversity jurisdiction.

SUBTITLE E -- STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE

This subtitle authorizes grants for states which establish innovative user accountability statutes, develop alternative or supplemental judicial systems for drug related offenses, and participate in multi-jurisdictional task forces. This subtitle also increases the requirement of states to match Federal grants, and it authorizes an FY 1989 appropriation of \$250,000,000.

SUBTITLE F -- DRUG ENFORCEMENT AGENCY PERSONNEL SUPPORT ACT OF 1988

This provision authorizes the Attorney General to provide personnel in the Department of Justice who serve overseas with the same benefits as overseas personnel in the Department of State.

SUBTITLE G -- THE ANTI-DRUG MANUFACTURING ACT OF 1988

This subtitle includes criminal penalties for persons who pollute U.S. lands while manufacturing, distributing, or dispensing a controlled substance, and who endanger human life while possessing or manufacturing a controlled substance.

SUBTITLE H -- CHEMICAL DIVERSION AND TRAFFICKING ACT OF 1988

This subtitle establishes a complex scheme of record keeping for and reporting of certain transactions involving chemicals used to manufacture illicit drugs. DEA was instructed to prepare a proposal for this legislation in the Anti-Drug Abuse Act of 1986.

SUBTITLE I -- LAW ENFORCEMENT OFFICER PROTECTION ACT OF 1988

This proposal includes several amendments to Federal offenses involving firearms and explosives. For example, this subtitle mandates a 10 year prison term for using a firearm in an assault on a Federal officer, and it prohibits the possession of a firearm in a Federal courthouse.

SUBTITLE J -- ANTI-PUBLIC CORRUPTION ACT OF 1988

This subtitle proposes the creation of a new criminal offense punishable by up to 10 years in prison (20 years for a drug related offense) for schemes intended to deprive or defraud citizens of the Federal, state or local governments of the honest services of a public official. The prohibited scheme must involve the mails, wire, radio, television, or interstate transportation.

SUBTITLE K -- INCREASED PENALTIES

This subtitle establishes increased penalties for second and third offenses of the current prohibition against possession of cocaine base. This subtitle also includes additional civil penalties for violations of the Controlled Substances Act in the amounts of \$100,000 for the first violation and \$500,000 for subsequent violations.

SUBTITLE L -- AMENDMENTS TO THE MONEY LAUNDERING CONTROL ACT

This subtitle involves two changes to the money laundering statutes: 1) it requires reporting of certain electronic fund transfers; and, 2) it provides for the successful conduct of "sting" operations.

SUBTITLE M -- NATIONAL FOREST SYSTEM DRUG CONTROL

This provision authorizes law enforcement personnel in the Forest Service to make arrests outside the boundaries of the National Forest System when they are in hot pursuit of a suspect.

SUBTITLE N -- UNITED STATES POSTAL SERVICE AUTHORITY EXPANSION

This subtitle authorizes Postal Service Inspectors to enforce Controlled Substances Act prohibitions involving the mail.

SUBTITLE O -- UNITED STATES MARSHALS SERVICES ACT OF 1988

This subtitle re-authorizes the Marshals Service and includes many basic authorities vital to the safe operation of the criminal justice system and the efficient administration of the asset forfeiture program.

SUBTITLE P -- ASSIMILATIVE CRIMES ACT AMENDMENTS OF 1988

This subtitle provides that the penalties established by a state law for drunk or drug driving are applicable to persons convicted for such driving on federal property located within that state. An implied consent provision for a blood, breath, or urine test upon arrest for drunk or drug driving is also included.

SUBTITLE Q -- NATIONAL GUARD DRUG LAW ENFORCEMENT ASSISTANCE ACT OF 1988

This provision requires the state governors to utilize the National Guard for assisting drug law enforcement efforts.

SUBTITLE R -- DRUG LAW ENFORCEMENT IN PUBLIC HOUSING PROJECTS

This subtitle authorizes the Secretary of HUD to establish a demonstration project for improving security at public housing. This is to be done by providing grants for a public housing security force or the reimbursement of local law enforcement agencies for their assistance in public housing law enforcement.

SUBTITLE S -- STUDY OF IMPROVEMENTS TO MONETARY REWARDS

This subtitle authorizes the Attorney General to study ways to increase assistance in drug law enforcement through the paying of rewards and the utilization of a "bounty" method.

SUBTITLE T -- DEPORTATION OF ALIENS AMENDMENT

This provision permits the Attorney General to petition the court to not deport an alien convicted of a drug offense if the alien has provided substantial assistance in a drug investigation or prosecution. If the Attorney General is successful, the alien would serve his prison sentence in the U.S..

SUBTITLE U -- THE STEROID CONTROL ACT

This provision adds steroids (Methandrosterolone) to Schedule I of the Controlled Substance Act.

SUBTITLE V -- TASK FORCE ON CLANDESTINE DRUG LABORATORIES

This subtitle establishes a joint DEA and EPA task force to develop and implement a program for the clean up and disposal of hazardous waste produced by clandestine drug laboratories.

SUBTITLE W -- ADDITIONAL PENALTIES FOR OPERATING A LOCOMOTIVE OR COMMON CARRIER WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

This subtitle increases the penalties applicable to an operator of a locomotive or common carrier who is convicted of operating such vehicles while under the influence of alcohol or drugs.

SUBTITLE X -- TECHNICAL CORRECTIONS

TITLE III: INTERNATIONAL DRUG CONTROL

SUBTITLE A -- MULTINATIONAL ANTI-DRUG STRIKE FORCES

This subtitle directs the President to develop and implement a multinational strike force for the Americas and a similar force for Asia to combat illicit drug manufacturing and production. The President shall undertake this effort through the National Drug Policy Board working in cooperation with the affected departments.

SUBTITLE B -- AMENDMENTS TO THE FOREIGN ASSISTANCE ACT

This subtitle expands the authority of the Secretary of State to provide assistance in the form of weapons, ammunition, and training of police officers to nations which the President determines to be in need of such assistance in order to fight drug trafficking organizations.

SUBTITLE C -- SENSE OF CONGRESS ON THE CONVENING OF A SUMMIT OF WESTERN HEMISPHERE NATIONS CONCERNING DRUG ABUSE

This proposal urges the President to convene a meeting of the heads of government of those countries in the Western Hemisphere directly affected by drug trafficking.

SUBTITLE D -- SENSE OF CONGRESS ON SUPPRESSION OF INTERNATIONAL NARCOTICS TRAFFICKING

This subtitle expresses the sense of Congress that the suppression of international narcotics trafficking is a major national security objective of the U.S. and the most important national security objective within the Western Hemisphere.

SUBTITLE E -- AUTHORIZATION OF APPROPRIATIONS FOR ASSISTING LAW ENFORCEMENT AUTHORITIES IN CERTAIN FOREIGN COUNTRIES

This subtitle authorizes additional appropriations to enhance foreign assistance relating to international military education, training and assistance.

SUBTITLE F -- EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES

This proposal directs the Secretary of State to place greater emphasis on updating extradition treaties and negotiating mutual legal assistance treaties with major illicit drug producing and transshipment countries.

SUBTITLE G -- EXPORT-IMPORT BANK FINANCING FOR DEFENSE AGAINST NARCO-TERRORISTS

This subtitle exempts countries severely threatened by drug traffickers from restrictions on the extension of credit by the U.S. Export-Import Bank for the purchase of military defense articles.

SUBTITLE H -- INCREASED INTELLIGENCE CAPABILITIES

This subtitle increases the role of the U.S. Intelligence community in the international anti-drug effort and permits the use of electronic surveillance in international anti-trafficking investigations.

SUBTITLE I -- MEXICO-U.S. INTERGOVERNMENTAL COMMISSION

This subtitle establishes a joint Mexico-U.S. anti-drug commission.

TITLE IV -- INTERDICTION IMPROVEMENT

SUBTITLE A -- INTERDICTION IMPROVEMENT

This subtitle mandates the use of armed forces for interdiction of narcotics at the United States borders. This subtitle is identical to language adopted by the House during its consideration of the DoD authorization bill. It calls for a greater role of the military in the interdiction effort and adds interdiction to the commitment of the National Guard.

SUBTITLE B -- DEPARTMENT OF TRANSPORTATION STUDY OF ESTABLISHING FLIGHT CORRIDORS

Requires the Dept. of Transportation, in consultation with

the AG and the Sec. of the Treasury to study the feasibility of establishing flight corridors across U.S. borders and interdicting aircraft that deviate from such corridors

SUBTITLE C -- MARITIME DRUG LAW ENFORCEMENT AND ENHANCEMENT ACT

Requires the President to provide with his budget request, a detailed budget report agency spending on drug law enforcement for the previous year, and a drug enforcement break down of the budget request. Each Committee must also estimate its drug enforcement budget authority request.

It also requires a Dept. of Transportation study on the feasibility of mandating that all vessels from drug producing countries dock at certain ports and be targeted for effective inspection.

The Coast Guard provisions:

- Sets forth CG duties and procedures for interdiction;
- Authorizes \$155 million for acquisition and construction of equipment, \$17 million to maintain this equipment, and the necessary personnel to operate and maintain the equipment, provided additional appropriations are provided;
- Creates an "innocent vessel owner" exception from drug seizure laws;
- Improve maritime interdiction on the Great Lakes; in the Great Lakes;
- Improve vessel identification;
- Makes technical and conforming changes

SUBTITLE D -- PROHIBITION ON REISSUANCE OF AIRMAN CERTIFICATES

Permanently revokes an airman's flight certificate following a conviction for drug trafficking

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HLC

100TH CONGRESS
2D SESSION

H. R. 4842

IN THE HOUSE OF REPRESENTATIVES

Mr. MICHEL (for himself, [see attached list of cosponsors])
introduced the following bill; which was referred to the
Committee on _____

A BILL

To combat the production, sale, and use of illicit drugs.

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

Original

Mr. LOTT, Mr. CHENEY, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. MCCOLLUM, Mr. ARCHER, Mr. ARMEY, Mr. BADHAM, Mr. BAKER, Mr. BALLENGER, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLAZ, Mr. BOULTER, Mr. BROWN of Colorado, Mr. BURTON, Mr. BUECHNER, Mr. CALLAHAN, Mr. COBLE, Mr. COMBEST, Mr. DAVIS of Michigan, Mr. DAVIS of Illinois, Mr. DEWINE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. DREIER of California, Mr. EMERSON, Mr. FAWELL, Mr. FISH, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILMAN, Mr. GRANDY, Mr. GREGG, Mr. GUNDERSON, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOLLOWAY, Mr. HOUGHTON, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mr. KEMP, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LENT, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LUJAN, Mr. Donald E. LUKENS, Mr. MADIGAN, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. McMILLAN of North Carolina, Mr. MCCANDLESS, Mr. MILLER of Ohio, Mr. MOLINARI, Mr. MOORHEAD, Mr. MORRISON of Washington, Mrs. MEYERS of Kansas, Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PARRIS, Mr. QUILLEN, Mr. RAVENEL, Jr., Mr. RHODES, Mr. RINALDO, Mr. RITTER, Mr. ROGERS, Mr. ROTH, Mr. SCHAEFER, Mr. SCHUETTE, Mr. SHAW, Jr., Mr. SHUMWAY, Mr. SLAUGHTER, Mr. Robert F. SMITH, Mr. SMITH of New Hampshire, Mr. Denny SMITH, Mr. SMITH of Texas, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, Mr. SWINDALL, Mr. THOMAS of California, Mr. VUCANOVICH, Mr. WALKER, Mr. WHITTAKER, Mr. WYLIE, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska)

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1 SECTION 1. SHORT TITLE; ORGANIZATION OF ACT.

2 (a) SHORT TITLE.--This Act may be cited as the
3 ``Comprehensive Anti-Drugs Act of 1988``.

4 (b) ORGANIZATION OF ACT.--

TITLE I--DEMAND REDUCTION AND USER ACCOUNTABILITY

Subtitle A--User Accountability Act of 1988

Subtitle B--Drug-Free Schools and Businesses Act of 1988

Subtitle C--Drug Testing in the Federal Criminal Justice
System

Subtitle D--Increased and Expanded Treatment of Drug Abuse

Subtitle E--Drug Education Amendments

Subtitle F--Drug Free Public Housing Act of 1988

TITLE II--DRUG LAW ENFORCEMENT

Subtitle A--Death Penalty for Drug Kingpins

Subtitle B--Exclusionary Rule Reform

Subtitle C--Authorization of Appropriations for Prisons and
Prosecutors

Subtitle D--Elimination of Diversity Jurisdiction

Subtitle E--State and Local Narcotics Control Assistance

Subtitle F--Drug Enforcement Agency Personnel Support Act of
1988

Subtitle G--Anti-Drug Manufacturing Act of 1988

Subtitle H--Chemical Diversion and Trafficking Act of 1988

Subtitle I--Law Enforcement Officer Protection Act of 1988

Subtitle J--Anti-Public Corruption Act of 1988

Subtitle K--Increased Penalties

Subtitle L--Amendments to the Money Laundering Control Act

Subtitle M--National Forest System Drug Control

Subtitle N--United States Postal Service Authority Expansion

Subtitle O--United States Marshals Services Act of 1988

Subtitle P--Assimilative Crimes Act Amendments of 1988

Subtitle Q--National Guard Drug Law Enforcement Assistance
Act of 1988

Subtitle R--Drug Law Enforcement in Public Housing Projects

Subtitle S--Study of Improvements to Monetary Rewards

Subtitle T--Deportation of Aliens Amendment

Subtitle U--The Steroid Control Act

Subtitle V--Task Force

Subtitle W--Additional Penalties for Operation of a
Locomotive or Common Carrier While Under the
Influence of Alcohol or Drugs

Subtitle X--Miscellaneous Technical Amendments

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TITLE III--INTERNATIONAL DRUG CONTROL

- Subtitle A--Multinational Anti-Drug Strike Force
- Subtitle B--Amendments to the Foreign Assistance Act
- Subtitle C--Sense of Congress on the Convening at a Summit of Western Hemisphere Nations Concerning Drug Abuse
- Subtitle D--Sense of Congress on Suppression of International Narcotics Trafficking
- Subtitle E--Authorization of Appropriations for Assisting Law Enforcement Authorities in Certain Foreign Countries
- Subtitle F--Extradition and Mutual Legal Assistance Treaties
- Subtitle G--Export-Import Bank Financing for Defense Against Narco-Terrorists
- Subtitle H--Increased Intelligence Capabilities
- Subtitle I--Mexico-United States Intergovernmental Commission

TITLE IV--INTERDICTION IMPROVEMENT

- Subtitle A--Use of Armed Forces for Interdiction of Narcotics at the United States Borders
- Subtitle B--Department of Transportation Study of Establishing Flight Corridors
- Subtitle C--Maritime Drug Law Enforcement and Enhancement Act of 1988
- Subtitle D--Prohibition on Reissuance of Airman Certificates

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1 TITLE I--DEMAND REDUCTION AND USER ACCOUNTABILITY

2 Subtitle A--User Accountability Act of 1988

3 SEC. 1001. INELIGIBILITY FOR FEDERAL BENEFITS.

4 (a) IN GENERAL.--Any individual who is convicted of--

5 (1) two or more drug or narcotic offenses; or

6 (2) any offense consisting of the distribution of a
7 controlled substance (as such terms are defined for the
8 purposes of the Controlled Substances Act);

9 shall be ineligible for any Federal benefits during the
10 period described in subsection (b).

11 (b) PERIOD OF INELIGIBILITY.--The period referred to in
12 subsection (a) begins on the date of the conviction creating
13 the ineligibility and ends--

14 (1) 5 years thereafter, if the term of imprisonment
15 imposed for the second such conviction is one year or
16 less; and

17 (2) 10 years in any other case.

18 (c) DEFINITIONS.--As used in this section--

19 (1) the term ``Federal benefits''--

20 (A) means any grant, contract, loan, license, or
21 public housing; .

22 (B) includes any veteran's benefit (other than a
23 benefit described in subparagraph (C)), only if any
24 offense involved was a trafficking offense; and

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1 (C) does not include any retirement, welfare,
2 health, disability or other similar benefit; and

3 (2) the term ``narcotics offenses`` means offenses
4 defined as narcotics offences in section 404(c) of the
5 Controlled Substances Act and also includes--

6 (A) juvenile adjudications based on conduct which
7 if committed by an adult would be narcotics offenses
8 as defined in such section; and

9 (B) civil penalties for conduct which if
10 prosecuted under the Controlled Substances Act would
11 be a crime.

12 (d) The Attorney General shall make rules to carry out
13 this section.

14 **SEC. 1002. GENERAL CIVIL PENALTY RELATING TO ANNUAL INCOME OR**
15 **ASSETS.**

16 The Attorney General may assess a civil penalty on any
17 person who violates the Controlled Substances Act, the
18 Controlled Substances Import and Export Act, or the Maritime
19 Drug Law Enforcement Act. The proceeds of any penalty under
20 this section shall, subject to appropriation, be allocated
21 equally to drug education, treatment, and State and local
22 narcotics assistance as the Attorney General shall prescribe.
23 The Attorney General shall determine the amount of such
24 penalty which may not exceed the greater of--

25 (1) 25 percent of the offender's adjusted gross

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1 income for the purposes of Federal income tax for the
2 last taxable year ending before assessment of the
3 penalty; or

4 (2) 25 percent of the offender's net assets.

5 **SEC. 1003. STUDY OF ALTERNATIVE JUDICIAL SYSTEM.**

6 The Attorney General shall study the feasibility of
7 prosecuting Federal drug-related offenses in a manner
8 alterative or supplemental to the current criminal justice
9 system, such as by using magistrates. The Attorney General
10 shall report the results of such study to Congress not later
11 than 180 days after the date of the enactment of this Act.

12 **SEC. 1004. REVOCATION AND SUSPENSION OF DRIVERS' LICENSES.**

13 (a) **GENERAL RULE.**--Chapter 1 of title 23, United States
14 Code, is amended by adding at the end thereof the following
15 new section:

16 ``§159. Drug and narcotic offenses

17 `` (a) **WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.**--

18 `` (1) **FIRST YEAR.**--The Secretary shall withhold 5
19 percent of the amount required to be apportioned to any
20 State under each of sections 104(b)(1), 104(b)(2),
21 104(b)(5), and 104(b)(6) of this title on the first day
22 of the fiscal year succeeding the first fiscal year
23 beginning after September 30, 1990, in which the State
24 does not have in effect and enforces a law which--

25 `` (A) revokes or suspends for a period of not

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1 less than 6 months the driver's license of a person
2 who----

3 (i) is convicted after the date of the
4 enactment of this section of a violation of the
5 Controlled Substances Act (21 U.S.C. 801 et
6 seq.), or

7 (ii) is convicted after such date of
8 enactment for any drug or narcotic offense
9 chargeable under the law of such State or any
10 other State; and

11 (B) revokes or suspends for a period of not
12 less than one year the driver's license of a person
13 who, in a 5-year period, is convicted of more than
14 one of the offenses described in subparagraph (A).

15 (2) AFTER THE FIRST YEAR.--The Secretary shall
16 withhold 10 percent of the amount required to be
17 apportioned to any State under each of sections
18 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this
19 title on the first day of each fiscal year after the
20 second fiscal year beginning after September 30, 1990, in
21 which the State does not have in effect and enforces a
22 law as described in paragraph (1).

23 (b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND
24 NONCOMPLIANCE.--

25 (1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.--

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1 ``(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30,
2 1993.--Any funds withheld under this section from
3 apportionment to any State on or before September 30,
4 1993, shall remain available for apportionment to
5 such State as follows:

6 ``(i) If such funds would have been
7 apportioned under section 104(b)(5)(A) of this
8 title but for this section, such funds shall
9 remain available until the end of the fiscal year
10 for which such funds are authorized to be
11 appropriated.

12 ``(ii) If such funds would have been
13 apportioned under section 104(b)(5)(B) of this
14 title but for this section, such funds shall
15 remain available until the end of the second
16 fiscal year following the fiscal year for which
17 such funds are authorized to be appropriated.

18 ``(iii) If such funds would have been
19 apportioned under section 104(b)(1), 104(b)(2),
20 or 104(b)(6) of this title but for this section,
21 such funds shall remain available until the end
22 of the third fiscal year following the fiscal
23 year for which such funds are authorized to be
24 appropriated.

25 ``(B) FUNDS WITHHELD AFTER SEPTEMBER 30,

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1 1993.--No funds withheld under this section from
2 apportionment to any State after September 30, 1993,
3 shall be available for apportionment to such State.

4 `` (2) APPORTIONMENT OF WITHHELD FUNDS AFTER
5 COMPLIANCE.--If, before the last day of the period for
6 which funds withheld under this section from
7 apportionment are to remain available for apportionment
8 to a State under paragraph (1)(A), the State makes
9 effective a law which is in compliance with subsection
10 (a), the Secretary shall on the day following the
11 effective date of such law apportion to such State the
12 withheld funds remaining available for apportionment to
13 such State.

14 `` (3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY
15 APPORTIONED FUNDS.--Any funds apportioned pursuant to
16 paragraph (2) shall remain available for expenditure as
17 follows:

18 `` (A) Funds apportioned under section
19 104(b)(5)(A) of this title shall remain available
20 until the end of the fiscal year succeeding the
21 fiscal year in which such funds are so apportioned.

22 `` (B) Funds apportioned under section 104(b)(1),
23 104(b)(2), 104(b)(5)(B), or 104(b)(6) of this title
24 shall remain available until the end of the third
25 fiscal year succeeding the fiscal year in which such

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1 funds are so apportioned.

2 Sums not obligated at the end of such period shall lapse
3 or, in the case of funds apportioned under section
4 104(b)(5) of this title, shall lapse and be made
5 available by the Secretary for projects in accordance
6 with section 118(b) of this title.

7 `` (4) EFFECT OF NONCOMPLIANCE.--If, at the end of the
8 period for which funds withheld under this section from
9 apportionment are available for apportionment to a State
10 under paragraph (1), the State has not made effective a
11 law which is in compliance with subsection (a), such
12 funds shall lapse or, in the case of funds withheld from
13 apportionment under section 104(b)(5) of this title, such
14 funds shall lapse and be made available by the Secretary
15 for projects in accordance with section 118(b) of this
16 title.

17 `` (c) DEFINITIONS.--As used in this section--

18 `` (1) DRIVER'S LICENSE.--The term `driver's license'
19 means a license issued by a State to any individual which
20 authorizes the individual to operate a motor vehicle on
21 highways.

22 `` (2) DRUG OR NARCOTIC OFFENSE.--The term `drug or
23 narcotic offense' means any offense which proscribes the
24 possession, distribution, manufacture, cultivation, sale,
25 transfer, or the attempt or conspiracy to possess,

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1 distribute, manufacture, cultivate, sell, or transfer any
2 substance the possession of which is prohibited under the
3 Controlled Substances Act.''.
4

5 (b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.--The table
6 of sections of chapter 1 of title 23, United States Code, is
7 amended by adding at the end thereof the following new item:
8 '159. Drug and narcotic offenses.''.
9

10 Subtitle B--Drug-Free Schools and Businesses Act of 1988
11 SEC. 1021. REQUIREMENT OF DRUG-FREE WORKPLACE OR ACTIVITY AS
12 CONDITION OF FEDERAL CONTRACT OR ASSISTANCE.
13

14 (a) IN GENERAL.--It shall be a condition of receiving any
15 Federal contract or assistance that the recipient maintain a
16 drug-free workplace or activity.
17

18 (b) AGENCY COMPLIANCE EFFORTS AND SANCTIONS FOR FAILURE
19 TO COMPLY.--
20

21 (1) AGENCY COMPLIANCE EFFORTS.--The Federal agency
22 administering the contract or assistance shall take
23 appropriate action to make the recipient aware of the
24 requirement of subsection (a) and to assure compliance
with that requirement.

(2) SANCTIONS.--If the agency, after opportunity for
an agency hearing on the record, determines that a
recipient has not complied with the requirement of
subsectin (a), the agency shall--

(A) terminate the contract or assistance; and

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1 (B) not enter into any further contract or
2 assistance with the recipient until the recipient
3 demonstrates effective compliance.

4 (c) DEFINITION OF ``DRUG-FREE WORKPLACE OR
5 ACTIVITY``.--The term ``drug-free workplace or activity``
6 means, with respect to a recipient, that the recipient's
7 entire operation is free from the illegal manufacture, use,
8 possession, dispensing, or distribution of any controlled
9 substance (as defined in section 102 of the Controlled
10 Substances Act (21 U.S.C. 802)).

11 (d) CONSTRUCTION.--

12 (1) IN GENERAL.--This section shall be broadly
13 construed to effectuate its purpose of reducing the
14 illicit use of drugs.

15 (2) CONSTRUCTION OF TERM ``ASSISTANCE``.--As used in
16 this section, the term ``assistance`` shall be broadly
17 construed to include such assistance as loans and loan
18 guarantees.

19 (e) GOOD FAITH EFFORT SUFFICIENT.--The requirement of
20 subsection (a) is satisfied by a demonstration by the
21 recipient of a good faith effort to maintain a drug-free
22 workplace or activity.

23 (f) ADMINISTRATIVE AUTHORITY.--

24 (1) RULES.--Each Federal agency engaged in either
25 extending Federal assistance or entering into contracts

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1 shall make rules to carry out this section. Each such
2 agency shall report to the Congress any such rules not
3 later than 30 days before such rules take effect.

4 (2) COORDINATION.--The President (or the President's
5 designee within the executive branch) shall coordinate
6 the actions of agencies under this section in order to
7 achieve a consistent and effective implementation of this
8 section.

9 Subtitle C--Drug Testing in the Federal Criminal Justice
10 System

11 SEC. 1031. TESTING OF ARRESTEES.

12 The Attorney General shall by rule provide for the
13 mandatory drug testing and retesting of all arrestees for
14 Federal drug-related offenses. It shall be a mandatory
15 condition of any release of such arrestee under chapter 207
16 of title 18, United States Code, that the person released
17 refrain from the illegal use of any controlled substance, as
18 that term is defined for the purposes of the Controlled
19 Substances Act.

20 SEC. 1032. ELIGIBILITY FOR PAROLE.

21 (a) IN GENERAL.--With respect to those persons on parole
22 under former chapter 311 of title 18, United States Code, it
23 is a mandatory condition of parole that--

24 (1) the parolee submit to regular drug tests
25 administered under the authority of the person

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1 supervising the parolee; and

2 (2) the parolee refrain from any use of any
3 controlled substance (as such term is defined in section
4 102 of the Controlled Substances Act) without a
5 prescription by a licensed medical practitioner.

6 (b) EFFECT OF NONCOMPLIANCE.--Noncompliance with a
7 condition of parole made mandatory under subsection (a) shall
8 be treated in the same manner as the noncompliance with other
9 conditions of release under former chapter 311 of title 18,
10 United States Code.

11 **SEC. 1033. MANDATORY CONDITION OF PROBATION.**

12 (a) IN GENERAL.--Section 3563(a)(1) of title 18, United
13 States Code, is amended by inserting after ``local crime``
14 the following: ``and refrain from any use of any controlled
15 substance (as defined in section 102 of the Controlled
16 Substances Act) without a prescription by a licensed medical
17 practitioner``.

18 (b) CONFORMING AMENDMENT.--Section 3563(b)(8) of title
19 18, United States Code, is amended by striking out `` , or any
20 use`` and all that follows through ``practitioner``.

21 (c) DRUG TESTING OF PAROLEES.--Section 3601 of title 18,
22 United States Code, is amended--

23 (1) by inserting ``(a) IN GENERAL.--`` before ``A
24 person who has``; and

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

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1 ``(b) MANDATORY DRUG TESTS.--Each probation officer shall
2 provide for the random testing of probationers under that
3 probation officer's supervision for the illicit use of
4 controlled substances (as defined in section 102 of the
5 Controlled Substances Act).``.

6 **Subtitle D--Increased and Expanded Treatment of Drug Abuse**
7 **SEC. 1041. ESTABLISHMENT OF PROGRAM OF GRANTS WITH RESPECT TO**
8 **REDUCTION OF WAITING PERIOD FOR DRUG ABUSE**
9 **TREATMENT.**

10 Part A of title V of the Public Health Service Act (42
11 U.S.C. 290aa et seq.) is amended by redesignating section
12 509C as section 509E and inserting after section 509B the
13 following new section:

14 ``REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT

15 ``SEC. 509C. (a) The Secretary may make grants to public
16 and nonprofit private entities for the purpose of expanding
17 the capacity of grantees to carry out programs of treatment
18 for drug abuse.

19 ``(b) The Secretary may not make a grant under subsection
20 (a) unless the applicant for the grant--

21 ``(1) is experienced in the delivery of treatment
22 services for drug abuse;

23 ``(2) is, on the date the application is submitted,
24 carrying out a program for the delivery of such services;

25 ``(3) as a result of the number of requests for

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1 admission into the program, is unable to admit any
2 individual into the program any earlier than one month
3 after the date on which the individual makes a request
4 for such admission; and

5 `` (4) provides assurances satisfactory to the
6 Secretary that, after funding is no longer available
7 under this section, the applicant will have access to
8 financial resources sufficient to continue the program.

9 `` (c) The Secretary may not make a grant under subsection
10 (a) unless--

11 `` (1) an application for the grant is submitted to
12 the Secretary;

13 `` (2) with respect to carrying out the purpose for
14 which the grant is to be made, the application provides
15 assurances of compliance satisfactory to the Secretary;
16 and

17 `` (3) the application otherwise is in such form, is
18 made in such manner, and contains such agreements,
19 assurances, and information as the Secretary determines
20 to be necessary to carry out this section.

21 `` (d)(1) For the purpose of carrying out this section,
22 there is authorized to be appropriated \$100,000,000.

23 `` (2) Amounts made available pursuant to paragraph (1)
24 shall remain available until expended.

25 `` (3) No grant may be made under this section after the

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1 aggregate amounts obligated by the Secretary pursuant to this
2 section are equal to \$100,000,000."

3 **SEC. 1042. REQUIREMENT OF EVALUATIONS OF FEDERALLY FUNDED**
4 **PROGRAMS OF TREATMENT FOR DRUG ABUSE.**

5 Part A of title V of the Public Health Service Act (42
6 U.S.C. 290aa et seq.), as amended by section _01, is further
7 amended by adding after section 509C the following new
8 section:

9 "EVALUATIONS OF PROGRAMS FOR TREATMENT OF DRUG ABUSE

10 "SEC. 509D. (a) The Secretary shall, directly or by
11 contract, provide for an independent evaluation of Federally
12 funded programs of treatment for drug abuse and for
13 independent evaluations of Federally funded programs of
14 research into methods of such treatment.

15 "(b) In carrying out the evaluations required in
16 subsection (a), the Secretary shall--

17 "(1) assess the comparative effectiveness and costs
18 of the various methods of treatment utilized for specific
19 patient groups served by programs described in subsection
20 (a);

21 "(2) clarify research and treatment objectives of
22 such programs;

23 "(3) clarify research and treatment methodologies of
24 such programs;

25 "(4) determine whether entities carrying out such

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1 programs have organizational biases with respect to
2 providing treatment for drug abuse; and

3 `` (5) determine the extent to which such programs are
4 contributing to progress in the development of effective
5 methods of treatment for drug abuse.

6 `` (c) The Secretary shall, not later than 1 year after
7 the [effective date of this section], complete the evaluation
8 required in subsection (a) and submit to the Congress a
9 report describing the findings made as a result of the
10 evaluation.

11 **SEC. 1043. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN TITLE**
12 **V PROGRAMS.**

13 (a) **OFFICE FOR SUBSTANCE ABUSE PREVENTION.--**

14 (1) Section 508 of the Public Health Service Act (42
15 U.S.C. 290aa-6) is amended by redesignating subsection
16 (d) as subsection (e) and inserting after subsection (c)
17 the following new subsection:

18 `` (d) The Director shall make grants and enter into
19 contracts and cooperative agreements for the purpose of
20 establishing--

21 `` (1) support groups for parents and families of
22 individuals who abuse drugs; and

23 `` (2) counseling and referral services for such
24 parents and families.``.

25 (2) Section 508(e) of the Public Health Service Act

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1 (as redesignated by paragraph (1) of this subsection) is
2 amended to read as follows:

3 `` (e) For the purpose of carrying out this section, there
4 are authorized to be appropriated \$18,000,000 for fiscal year
5 1989, and such sums as may be necessary for each of the
6 fiscal years 1989 and 1990.``.

7 (b) PREVENTION, TREATMENT, AND REHABILITATION MODEL
8 PROJECTS FOR HIGH RISK GROUPS.--Section 509A of the Public
9 Health Service Act (42 U.S.C. 290aa-8) is amended by adding
10 at the end the following new subsection:

11 `` (g) For the purpose of carrying out this section, there
12 are authorized to be appropriated \$16,500,000 for fiscal year
13 1989, and such sums as may be necessary for each of the
14 fiscal years 1989 and 1990.``.

15 **SEC. 1044. AMENDMENTS TO CERTAIN TITLE XIX PROGRAMS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS FOR PREVENTIVE HEALTH
17 SERVICES BLOCK GRANT.--Section 1911(a) of the Public Health
18 Service Act (42 U.S.C. 300w(a)) is amended--

19 (1) by striking ``and`` after ``1986``; and

20 (2) by inserting before the period the following: ``,
21 \$509,000,000 for fiscal year 1989, and such sums as may
22 be necessary for each of the fiscal years 1990 and
23 1991``.

24 (b) EMERGENCY SUBSTANCE ABUSE TREATMENT AND PREVENTIVE
25 REHABILITATION.--Section 1921 of the Public Health Service

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1 Act is amended--

2 (1) by amending subsection (a) to read as follows:

3 "(a)(1) For the purpose of carrying out sections 1922
4 and 1923, there are authorized to be appropriated
5 \$165,000,000 for fiscal year 1989, and such sums as may be
6 necessary for each of the fiscal years 1990 and 1991.

7 "(2) Of the amounts appropriated each fiscal year
8 pursuant to paragraph (1), the Secretary shall make available
9 4.5 percent for transfer to the Administrator of Veterans'
10 Affairs under section 1922 and 1 percent to carry out section
11 1923." ; and

12 (2) in subsection (b)--

13 (A) by striking the second sentence; and

14 (B) by inserting before the period in the first
15 sentence the following: "and on the basis of the
16 merit of the proposals of each State for carrying out
17 such programs and activities".

18 **SEC. 1045. INCREASED DRUG ABUSE TREATMENT SERVICES FOR**

19 **EXPECTANT MOTHERS UNDER ALCOHOL AND DRUG ABUSE**

20 **AND MENTAL HEALTH SERVICES BLOCK GRANT.**

21 (a) **IN GENERAL.**--Section 1916(c) of the Public Health
22 Service Act (42 U.S.C. 300x-4(c)) is amended by inserting
23 after paragraph (15) the following new paragraph:

24 "(16) The State agrees, with respect to the
25 treatment of drug abuse, to make grants for demonstration

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1 projects for the provision to expectant mothers of
2 residential treatment services provided in settings other
3 than hospitals.''.
4

5 (b) CONFORMING AMENDMENT.--Section 1915(b)(1) of the
6 Public Health Service Act (42 U.S.C. 300x-3(b)(1)) is
7 amended by striking ``drug abuse programs,`` and
8 inserting ``drug abuse programs (except as provided in
9 section 1916(c)(16),``.

9 SEC. 1046. AMENDMENTS TO THE REHABILITATION ACT OF 1973.

10 (a) DEFINITION OF INDIVIDUAL WITH HANDICAPS.--Section
11 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C.
12 706(8)(B)) is amended--

13 (1) in the first sentence, by inserting before the
14 period a comma and the following: ``except that such term
15 does not include any individual who uses, or is addicted
16 to, illegal drugs unless such individual is described in
17 clause (i), (ii), or (iii)`` , and

18 (2) in the second sentence--

19 (A) by striking out ``or drug abuser`` ,

20 (B) by striking out ``or drugs`` , and

21 (C) by striking out ``or drug`` .

22 (b) DEFINITION OF ILLEGAL DRUGS.--Section 7 of such Act
23 is amended by adding at the end the following:

24 `` (22) The term `illegal drugs' means controlled
25 substances as defined in section 102(6) of the Controlled

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1 Substances Act (21 U.S.C. 802(6)).''.

2 (c) AMENDMENT TO TITLE 5.--Section 2302(b)(10) of title
3 5, United States Code, is amended by inserting before the
4 semicolon the following: ``and nothing in this paragraph
5 shall be construed to permit or require the employment of an
6 individual who uses a controlled substance (as defined in
7 section 102(6) of the Controlled Substances Act)''.

8 SEC. 1047. EFFECTIVE DATE.

9 The amendments made by this title shall take effect
10 October 1, 1988, or upon the date of the enactment of this
11 Act, whichever occurs later.

12 Subtitle E--Drug Education Amendments

13 SEC. 1051. AMENDMENTS TO THE DRUG-FREE SCHOOLS AND
14 COMMUNITIES ACT.

15 (a) DRUG-FREE SCHOOLS REAUTHORIZATION.-- Section 4111(a)
16 of the Drug-Free Schools and Communities Act of 1986
17 (hereafter in this title referred to as the ``Act'') is
18 amended to read as follows:

19 ``(a) There are authorized to be appropriated
20 \$250,000,000 for fiscal year 1988 and such sums as may be
21 necessary for fiscal years 1989, 1990, and 1991 to carry out
22 the provisions of this Act.''

23 (b) STATE PROGRAM--LOCAL APPLICATIONS.--

24 (1) Section 4126(a)(2) of such Act is amended--

25 (A) by redesignating subparagraphs (D) through

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1 (J) as subparagraphs (G) through (M), respectively;
2 and

3 (B) by inserting after subparagraph (C) the
4 following new subparagraphs:

5 `` (D) describe the extent and nature of the
6 current illegal drug and alcohol problem in each
7 school of the applicant, including detailed
8 information that shows--

9 `` (i) the number or percentage of students
10 who use drugs or alcohol;

11 `` (ii) the grade level of those students;

12 `` (iii) the types of drugs they use; and

13 `` (iv) how the applicant obtained this
14 information;

15 `` (E) describe the applicant's drug and alcohol
16 policy, including an explanation of--

17 `` (i) the disciplinary practices and
18 procedures it will strictly enforce to eliminate
19 the sale or use of drugs and alcohol on school
20 premises; and

21 `` (ii) how it will convey to students the
22 message that drug use is not permissible;

23 `` (F) describe how the applicant will monitor the
24 effectiveness of its program; ``.

25 (2) Section 4126 of such Act is further amended by

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1 adding at the end thereof the following new subsection:

2 "(b)(1) In order to receive funds under this Act for the
3 third year of its plan, an applicant shall submit to the
4 State educational agency a progress report on the first 2
5 fiscal years of its plan. The progress report shall describe
6 in detail--

7 "(A) the applicant's significant accomplishments
8 under the plan during the preceding 2 years; and

9 "(B) the extent to which the original objectives of
10 the plan are being achieved, including the extent to
11 which there has been a reduction in the number of
12 students who use drugs and alcohol.

13 "(2) The State educational agency shall not award funds
14 under this Act to an applicant for the third year of its plan
15 unless the State educational agency determines that the
16 applicant's progress report shows that it is making
17 reasonable progress toward accomplishing the objectives of
18 its plan and the purposes of this Act. If the State
19 educational agency determines that reasonable progress is not
20 being made, the State educational agency shall instruct the
21 applicant in writing to modify its plan so as to provide
22 reasonable assurance of such progress. If after 90 days the
23 applicant has not submitted to the State educational agency a
24 modified plan which provides such assurance, the State
25 educational agency may reallocate the applicant's funds to

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1 other applicants on the basis of need.''

2 (c) STATE PROGRAM--REPORTS.--Part 2 of such Act is
3 amended by adding at the end thereof the following new
4 section:

5 ``SEC. 4127. STATE REPORTS.

6 ``Each State shall submit to the Secretary an annual
7 report, at such time and in such form as the Secretary may
8 prescribe, that contains information on the State or local
9 programs the State conducts under this subtitle, including--

10 `` (1) data on the number and characteristics of
11 program recipients and the persons who participated in
12 their programs; and

13 `` (2) an assessment of the degree to which those
14 programs accomplished their goals, including their impact
15 upon drug and alcohol use by students.''

16 (d) GOVERNOR'S PROGRAM--ADMINISTRATIVE COSTS.--Section
17 4122 of such Act is amended by adding at the end thereof the
18 following new subsection:

19 `` (c) Not more than 2.5 percent of the amount reserved
20 under section 4121(a) shall be available to pay for the
21 administrative costs of the chief executive officer in
22 meeting his or her responsibilities under this part.''

23 (e) GOVERNOR'S PROGRAM--HIGH RISK YOUTH.-- Section
24 4122(b)(1) of such Act is amended--

25 (1) in the first sentence therein by inserting ``that

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1 are designed'' immediately before ``for high risk
2 youth.''; and

3 (2) by adding immediately after the first sentence
4 therein the following new sentence: ``A small number of
5 individuals who are not high risk youth may participate
6 in such programs if their participation does not
7 significantly diminish the amount or quality of services
8 provided to high risk youth.''.
9

10 (f) LOCAL PROGRAMS--DRUG TREATMENT.--Section 4125(a)(5)
11 of such Act is amended to read as follows:

12 `` (5) referral programs for drug abuse treatment and
13 rehabilitation;''.

14 (g) EFFECTIVE DATE.--This section shall take effect 30
15 days after the date of the enactment of this Act.

16 Subtitle F--Drug-Free Public Housing Act of 1988

17 SEC. 1061. SHORT TITLE.

18 This subtitle may be cited as the ``Drug-Free Public
19 Housing Act of 1988''.

20 SEC. 1062. FINDINGS AND PURPOSE.

21 (a) FINDINGS.--The Congress finds that--

22 (1) the Federal Government has taken the leading role
23 in confronting the problem of drug abuse;

24 (2) the illegal activity of persons who sell and
25 abuse drugs has become more pervasive in society in
recent years, and threatens the lives and welfare of the

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1 citizens of the Nation; and

2 (3) the Federal Government, through the Department of
3 Housing and Urban Development, spent \$18,500,000,000
4 during fiscal year 1987 in an effort to make the people
5 of the Nation the best housed in the world, but the
6 pervasive abuse of drugs in public housing settings has
7 compromised the decent, safe, and sanitary conditions
8 established by the Congress for appropriate housing.

9 (b) PURPOSE.--The purpose of this subtitle is to reaffirm
10 the principle that decent affordable shelter is a basic
11 necessity, and the general welfare of the Nation and the
12 health and living standards of its people require better
13 coordination and training in drug prevention programs among
14 the public officials and agencies responsible for
15 administering the public housing programs of the Nation.

16 **SEC. 1063. CLEARINGHOUSE ON DRUG ABUSE IN PUBLIC HOUSING.**

17 (a) ESTABLISHMENT.--The Secretary of Housing and Urban
18 Development shall establish, in the Office of Public Housing
19 in the Department of Housing and Urban Development, a
20 clearinghouse to receive, collect, process, and assemble
21 information regarding the abuse of controlled substances in
22 public housing projects.

23 (b) FUNCTIONS.--The clearinghouse established under
24 subsection (a) shall--

25 (1) respond to inquiries by members of the public

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1 requesting assistance in investigating, studying, and
2 working on the problem of the abuse of controlled
3 substances; and

4 (2) receive, collect, process, assemble, and provide
5 information on programs, authorities, institutions, and
6 agencies, that may further assist members of the public
7 requesting information from the clearinghouse.

8 **SEC. 1064. REGIONAL TRAINING PROGRAM ON DRUG ABUSE IN PUBLIC**
9 **HOUSING.**

10 (a) **ESTABLISHMENT.**--The Secretary of Housing and Urban
11 Development shall establish a regional training program for
12 the training of public housing officials, to better prepare
13 and educate the officials to confront the widespread abuse of
14 controlled substances in the communities in which the
15 officials work.

16 (b) **OPERATION.**--The regional training program established
17 under subsection (a) shall be conducted--

18 (1) within 12 months after the date of the enactment
19 of this Act; and

20 (2) by a national training unit established by the
21 Secretary.

22 **SEC. 1065. REGULATIONS.**

23 Not later than 6 months after the date of the enactment
24 of this Act, the Secretary of Housing and Urban Development
25 shall issue any regulations necessary to carry out this Act.

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1 TITLE II--DRUG LAW ENFORCEMENT

2 Subtitle A--Death Penalty for Drug Kingpins

3 SEC. 2001. SHORT TITLE.

4 This subtitle may be cited as the ``Drug Kingpin Act of
5 1988``.

6 SEC. 2002. DEATH PENALTY FOR CERTAIN CONTINUING CRIMINAL
7 ENTERPRISE DRUG OFFENSES.

8 (a) ELEMENTS OF OFFENSE.--Section 408(a) of the
9 Controlled Substances Act (21 U.S.C. 848(a)) is amended--

10 (1) by striking out ``(a) Any`` and inserting

11 ``(a)(1) Except as otherwise provided in this section,
12 any`` in lieu thereof;

13 (2) by striking out ``; except that if`` and
14 inserting ``. If`` in lieu thereof; and

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

16 ``(2) If an individual intentionally engages in conduct
17 during the course of a continuing criminal enterprise and
18 thereby knowingly causes the death of any other individual,
19 the individual so engaging shall be subject to the death
20 penalty in accordance with this section.

21 ``(3) Any individual who engages in a continuing criminal
22 enterprise shall be subject to the death penalty in
23 accordance with this section if--

24 ``(A) such person is the principal administrator,

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1 organizer, or leader of the enterprise or is one of
2 several such principal administrators, organizers, or
3 leaders; and

4 `` (B) the violation referred to in subsection (d)(1)
5 involved at least 600 times the quantity of a substance
6 described in section 401(b)(1)(B).``

7 (b) PROCEDURE APPLICABLE WITH RESPECT TO THE DEATH
8 PENALTY.--Section 408 of the Controlled Substances Act is
9 amended by adding at the end the following:

10 ``Hearing Required With Respect To The Death Penalty

11 `` (f) A person shall be subjected to the penalty of death
12 for any offense under this section only if a hearing is held
13 in accordance with this section.

14 ``Notice By The Government In Death Penalty Cases

15 `` (g)(1) Whenever the Government intends to seek the
16 death penalty for an offense under this section for which one
17 of the sentences provided is death, the attorney for the
18 Government, a reasonable time before trial or acceptance by
19 the court of a plea of guilty, shall sign and file with the
20 court, and serve upon the defendant, a notice--

21 `` (A) that the Government in the event of conviction
22 will seek the sentence of death; and

23 `` (B) setting forth the aggravating factors which the
24 Government will seek to prove as the basis for the death
25 penalty.

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1 “(2) The court may permit the attorney for the
2 Government to amend this notice for good cause shown.

3 “Hearing Before Court Or Jury

4 “(h)(1) When the attorney for the Government has filed a
5 notice as required under subsection (g) and the defendant is
6 found guilty of or pleads guilty to an offense under
7 subsection (a)(2) or (a)(3), the judge who presided at the
8 trial or before whom the guilty plea was entered, or any
9 other judge if the judge who presided at the trial or before
10 whom the guilty plea was entered is unavailable, shall
11 conduct a separate sentencing hearing to determine the
12 punishment to be imposed. The hearing shall be conducted--

13 “(A) before the jury which determined the
14 defendant's guilt;

15 “(B) before a jury impaneled for the purpose of the
16 hearing if--

17 “(i) the defendant was convicted upon a plea of
18 guilty;

19 “(ii) the defendant was convicted after a trial
20 before the court sitting without a jury;

21 “(iii) the jury which determined the defendant's
22 guilt has been discharged for good cause; or

23 “(iv) after initial imposition of a sentence
24 under this section, redetermination of the sentence
25 under this section is necessary; or

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1 (C) before the court alone, upon the motion of the
2 defendant and with the approval of the Government.

3 (2) A jury impaneled pursuant to paragraph (1)(B) shall
4 consist of 12 members, unless, at any time before the
5 conclusion of the hearing, the parties stipulate with the
6 approval of the court that it shall consist of any number
7 less than 12.

8 Proof Of Aggravating And Mitigating Factors

9 (i) Notwithstanding rule 32(c) of the Federal Rules of
10 Criminal Procedure, when a defendant is found guilty of or
11 pleads guilty to an offense under subsection (a)(2) or
12 (a)(3), no presentence report shall be prepared. In the
13 sentencing hearing, information may be presented as to any
14 matter relevant to the sentence and shall include matters
15 relating to any of the aggravating or mitigating factors set
16 forth in subsections (l) and (m), or any other mitigating
17 factor. Where information is presented relating to any of the
18 aggravating factors set forth in subsection (m), information
19 may be presented relating to any other aggravating factor.
20 Information presented may include the trial transcript and
21 exhibits if the hearing is held before a jury or judge not
22 present during the trial. Any other information relevant to
23 such mitigating or aggravating factors may be presented by
24 either the Government or the defendant, regardless of its
25 admissibility under the rules governing admission of evidence

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1 at criminal trials, except that information may be excluded
2 if its probative value is substantially outweighed by the
3 danger of unfair prejudice, confusion of the issues, or
4 misleading the jury. The Government and the defendant shall
5 be permitted to rebut any information received at the hearing
6 and shall be given fair opportunity to present argument as to
7 the adequacy of the information to establish the existence of
8 any of the aggravating or mitigating factors, and as to
9 appropriateness in that case of imposing a sentence of death.
10 The Government shall open the argument. The defendant shall
11 be permitted to reply. The Government shall then be permitted
12 to reply in rebuttal. The burden of establishing the
13 existence of any aggravating factor is on the Government, and
14 is not satisfied unless established beyond a reasonable
15 doubt. The burden of establishing the existence of any
16 mitigating factor is on the defendant, and is not satisfied
17 unless established by a preponderance of the information.

18 `Return Of Findings

19 ` (j) The jury, or if there is no jury, the court, shall
20 consider all the information received during the hearing. It
21 shall return special findings identifying any mitigating
22 factors, and any aggravating factors set forth in subsection
23 (m), found to exist. If, in the case of a conviction under
24 subsection (a)(2), one of the aggravating factors set forth
25 in subsection (m)(1)(A) and another of the aggravating

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1 factors set forth in subsection (m)(1) is found to exist, a
2 special finding identifying any other aggravating factor may
3 be returned. If, in the case of a conviction under subsection
4 (a)(3), one of the aggravating factors set forth in
5 subsection (m)(2) is found to exist, a special finding
6 identifying any other aggravating factor may be returned. A
7 finding with respect to a mitigating factor may be made by
8 one or more of the members of the jury and any member of the
9 jury who finds the existence of a mitigating factor may
10 consider such a factor established for purposes of this
11 subsection, regardless of the number of jurors who concur
12 that the factor has been established. A finding of any
13 aggravating factor by a jury shall be made by unanimous vote.
14 If, in the case of a conviction under subsection (a)(2), an
15 aggravating factor set forth in subsection (m)(1)(A) is not
16 found to exist or an aggravating factor set forth in
17 subsection (m)(1)(A) is found to exist but no other
18 aggravating factor set forth in subsection (m)(1) is found to
19 exist, the court shall impose a sentence, other than death,
20 authorized by law. If, in the case of a conviction under
21 subsection (a)(3), an aggravating factor set forth in
22 subsection (m)(2) is not found to exist, the court shall
23 impose a sentence, other than death, authorized by law. If,
24 in the case of a conviction under subsection (a)(2), an
25 aggravating factor set forth in subsection (m)(1)(A) and one

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1 or more of the other aggravating factors set forth in
2 subsection (m)(1) are found to exist, or in the case of a
3 conviction under subsection (a)(3), an aggravating factor set
4 forth in subsection (m)(2) is found to exist, the jury, or if
5 there is no jury, the court, shall then consider whether the
6 aggravating factors found to exist sufficiently outweigh any
7 mitigating factor or factors found to exist, or in the
8 absence of mitigating factors, whether the aggravating
9 factors are themselves sufficient to justify a sentence of
10 death. Based upon this consideration, the jury by unanimous
11 vote, or if there is no jury, the court, shall return a
12 finding as to whether a sentence of death is justified.

13 ``Imposition Of Sentence

14 ``(k) Upon a finding that a sentence of death is
15 justified, the court shall sentence the defendant to death.
16 Otherwise the court shall impose a sentence, other than
17 death, authorized by law.

18 ``Mitigating Factors

19 ``(1) In determining whether a sentence of death is to be
20 imposed on a defendant, the following mitigating factors
21 shall be considered but are not exclusive:

22 ``(1) The defendant was less than 18 years of age at
23 the time of the crime.

24 ``(2) The defendant's capacity to appreciate the
25 wrongfulness of the defendant's conduct or to conform the

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1 defendant's conduct to the requirements of law was
2 significantly impaired, but not so impaired as to
3 constitute a defense to the charge.

4 "(3) The defendant was under unusual and substantial
5 duress, although not such duress as constitutes a defense
6 to the charge.

7 "(4) The defendant is punishable as a principal (as
8 defined in section 2(a) of title 18 of the United States
9 Code) in the offense, which was committed by another, but
10 the defendant's participation was relatively minor,
11 although not so minor as to constitute a defense to the
12 charge.

13 "(5) The defendant could not reasonably have
14 foreseen that the defendant's conduct in the course of
15 the commission of the offense resulting in death for
16 which the defendant was convicted, would cause, or would
17 create a grave risk of causing, death to any person.

18 "Aggravating Factors

19 "(m)(1) If the defendant is found guilty of or pleads
20 guilty to an offense under subsection (a)(2), the following
21 aggravating factors shall be considered but are not
22 exclusive:

23 "(A) The defendant--

24 "(i) intentionally killed the victim;

25 "(ii) intentionally inflicted serious bodily

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1 injury which resulted in the death of the victim; or
2 (iii) intentionally engaged in conduct
3 intending that the victim be killed or that lethal
4 force be employed against the victim, which resulted
5 in the death of the victim.

6 (B) The defendant has been convicted of another
7 Federal offense, or a State offense resulting in the
8 death of a person, for which a sentence of life
9 imprisonment or a sentence of death was authorized by
10 statute.

11 (C) The defendant has previously been convicted of
12 two or more State or Federal offenses punishable by a
13 term of imprisonment of more than one year, committed on
14 different occasions, involving the infliction of, or
15 attempted infliction of, serious bodily injury upon
16 another person.

17 (D) The defendant has previously been convicted of
18 two or more State or Federal offenses punishable by a
19 term of imprisonment of more than one year, committed on
20 different occasions, involving the distribution of a
21 controlled substance.

22 (E) In the commission of the offense or in escaping
23 apprehension for a violation of subsection (a)(1), the
24 defendant knowingly created a grave risk of death to one
25 or more persons in addition to the victim of the offense.

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1 ``(F) The violation of this chapter in relation to
2 which the conduct described in subsection (a)(2) occurred
3 was a violation of section 405.

4 ``(G) The defendant committed the offense in an
5 especially heinous, cruel, or depraved manner.

6 ``(H) The defendant procured the commission of the
7 offense by payment, or promise of payment, of anything of
8 pecuniary value.

9 ``(I) The defendant committed the offense as
10 consideration for the receipt, or in the expectation of
11 the receipt, of anything of pecuniary value.

12 ``(J) The defendant committed the offense against a
13 judge, a law-enforcement officer, or an employee of a
14 penal or correctional institution, while that victim was
15 performing official duties or because of that victim's
16 status as a public servant of the United States, or a
17 State or political subdivision of the United States. For
18 purposes of this paragraph the term 'law-enforcement
19 officer' means a public servant authorized by law to
20 conduct or engage in the prevention, investigation, or
21 prosecution of an offense.

22 ``(2) If the defendant is found guilty of or pleads
23 guilty to an offense under subsection (a)(3), the following
24 aggravating factors shall be considered but are not
25 exclusive:

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1 `` (A) Any factor which would be an aggravating factor
2 under subparagraphs (A) through (G) of paragraph (1).

3 `` (B) In the course of committing the offense, the
4 defendant also engaged in conduct that is an offense
5 under section 2331 (terrorism) or 1203 (hostage taking)
6 of title 18, United States Code.

7 `` (C) The proceeds of the continuing criminal
8 enterprise have been used to support any foreign power
9 engaged in international terrorism (as such terms are
10 defined in section 1801 of title 50).

11 `` Instruction To Jury On Right Of The Defendant To Justice
12 Without Discrimination

13 `` (n) In any hearing held before a jury under this
14 section, the court shall instruct the jury that in its
15 consideration of whether the sentence of death is justified
16 it shall not consider the race, color, national origin,
17 creed, or sex of the defendant. The jury shall return to the
18 court a certificate signed by each juror that consideration
19 of race, color, national origin, creed, or sex of the
20 defendant was not involved in reaching such juror's
21 individual decision.

22 `` Sentencing In Capital Cases In Which Death Penalty Is Not
23 Sought Or Imposed

24 `` (o) If a person is convicted for an offense under
25 subsection (a)(2) or (a)(3) and the court does not impose the

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1 penalty of death, the court may impose a sentence of life
2 imprisonment without the possibility of parole.''

3 ''Appeal In Capital Cases

4 ''(p)(1) In any case in which the sentence of death is
5 imposed under this section, the sentence of death shall be
6 subject to review by the court of appeals upon appeal by the
7 defendant. Notice of appeal must be filed within the time
8 prescribed for appeal of judgment in section 2107 of title 28
9 of the United States Code. An appeal under this section may
10 be consolidated with an appeal of the judgment of conviction.
11 Such review shall have priority over all other cases.

12 ''(2) On review of the sentence, the court of appeals
13 shall consider the record, the evidence submitted during the
14 trial, the information submitted during the sentencing
15 hearing, the procedures employed in the sentencing hearing,
16 and the special findings returned under this section.

17 ''(3) The court shall affirm the sentence if it
18 determines that--

19 ''(A) the sentence of death was not imposed under the
20 influence of passion, prejudice, or any other arbitrary
21 factor; and

22 ''(B) the information supports the special finding of
23 the existence of every aggravating factor upon which the
24 sentence was based, together with the failure to find
25 sufficient mitigating factors as set forth or allowed in

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1 this section.

2 In all other cases the court shall remand the case for
3 reconsideration under this section. The court of appeals
4 shall state in writing the reasons for its disposition of the
5 review of the sentence.''. .

6 **Subtitle B--Exclusionary Rule Reform**

7 **SEC. 2011. ADMISSIBILITY OF CERTAIN EVIDENCE.**

8 (a) **IN GENERAL.**--Chapter 223 of title 18, United States
9 Code, is amended by adding at the end the following new
10 section:

11 ``**§3508. Limitation of the fourth amendment exclusionary rule**

12 ``Except as specifically provided by Act of Congress,
13 evidence which is obtained as a result of a search or seizure
14 and which is otherwise admissible shall not be excluded in a
15 proceeding in a court of the United States if the search or
16 seizure was undertaken in an objective, reasonable, good
17 faith belief that it was in conformity with the fourth
18 amendment to the Constitution of the United States. A showing
19 that evidence was obtained pursuant to and within the scope
20 of a warrant constitutes prima facie evidence of such an
21 objective, reasonable good faith belief, unless the warrant
22 was obtained through intentional and material
23 misrepresentation.''. .

24 (b) The table of sections at the beginning of such
25 chapter is amended by adding at the end thereof the following

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1 item:

3508. Limitation of the fourth amendment exclusionary rule.

2 Subtitle C--Authorization of Appropriations for Prisons and
3 Prosecutors

4 SEC. 2016. AUTHORIZATION FOR PRISONS AND PROSECUTORS.

5 (a) IN GENERAL.--There are authorized to be appropriated
6 for each of the fiscal years 1989 and 1990 such sums as are
7 specified in the respective budgets transmitted by the
8 President to Congress for those years, for the purposes
9 specified in such budgets, for--

10 (1) the Federal prison system; and

11 (2) United States attorneys.

12 (b) LEASE OF PRISONS.--The Bureau of Prisons may lease
13 prison facilities subject to approval in advance in
14 appropriations Acts.

15 SEC. 2017. TIME FINANCING OF PRISON CONSTRUCTION.

16 (a) ISSUANCE OF DEBT INSTRUMENTS.--Whenever the Attorney
17 General of the United States determines that the best
18 interest of the United States will be served, the Attorney
19 General is authorized to issue debt instruments for purchase
20 by the Secretary of the Treasury, to the extent authorized in
21 annual appropriations Acts, in amounts necessary to finance
22 the acquisition or construction of a building or facility to
23 be used for penal or correctional purposes by the Bureau of

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1 Prisons.

2 (b) TERMS AND CONDITIONS.--Debt instruments issued under
3 this section shall be upon such terms and conditions as may
4 be prescribed by the Secretary of the Treasury, taking into
5 account that repayments shall not begin until the building or
6 facility is ready for occupancy and shall not extend beyond
7 the useful life of the building or facility but in no case
8 for more than 30 years from the date of the initial
9 repayment.

10 (c) INTEREST RATE.--Debt instruments under this section
11 shall bear interest at a rate determined by the Secretary of
12 the Treasury taking into consideration the average market
13 yield on outstanding marketable debt instruments of the
14 United States of comparable maturity.

15 (d) BUDGETARY AND ACCOUNTING TREATMENT.--Notwithstanding
16 any other provision of law, for budgetary and accounting
17 purposes--

18 (1) debt instruments authorized to be issued under
19 this section in a fiscal year shall be treated as budget
20 authority in such fiscal year only to the extent that
21 such debt instruments are issued in such fiscal year; and

22 (2) debt instruments issued under this section shall
23 be treated as outlays in a fiscal year only to the extent
24 that such debt instruments are liquidated in such fiscal
25 year.

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1 Subtitle D--Elimination of Diversity Jurisdiction

2 SEC. 2021. ELIMINATION OF DIVERSITY JURISDICTION.

3 (a) IN GENERAL.--Section 1332(a) of title 28, United
4 States Code, is amended by striking out paragraph (1) and
5 redesignating paragraphs (2) through (4) as paragraphs (1)
6 through (3), respectively.

7 (b) CONFORMING AMENDMENT TO HEADING.--The section heading
8 for section 1332 of title 28, United States Code, is amended
9 by striking out ``Diversity of citizenship`` and inserting in
10 lieu thereof ``Alienage``.

11 (c) CLERICAL AMENDMENT.--The item relating to section
12 1332 in the table of sections for chapter 85 of title 28,
13 United States Code, is amended by striking out ``Diversity of
14 citizenship`` and inserting in lieu thereof ``Alienage``.

15 (d) OTHER CONFORMING AMENDMENTS.--

16 (1) Section 1332(c) of title 28, United States Code,
17 is amended by striking out ``section 1441`` and inserting
18 in lieu thereof ``section 1335``.

19 (2) Section 1332(d) of such title is amended by
20 inserting ``and section 1335 of this title`` immediately
21 after ``section``.

22 (3) Section 1335(a)(1) of such title is amended by
23 striking out `` , of diverse citizenship as defined in
24 section 1332 of this title,`` and inserting in lieu
25 thereof ``of diverse citizenship``.

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1 (4) Section 1335 of such title is amended by adding
2 at the end thereof the following new subsection:

3 ``(c) For purposes of this section, the term `claimants
4 of diverse citizenship` means claimants who are--

5 ``(1) citizens of different States;

6 ``(2) citizens of a State and citizens or subjects of
7 a foreign state;

8 ``(3) citizens of different States and citizens or
9 subjects of a foreign state who are additional parties;

10 or

11 ``(4) a foreign state, as defined in section 1603(a)
12 of this title, and citizens of a State or of different
13 States.''.

14 (5) Section 1342(1) is amended by striking out
15 ``diversity of citizenship`` and inserting in lieu
16 thereof ``alienage``.

17 (6) Section 1391(a) of such title is amended by
18 striking out ``wherein jurisdiction is founded only on
19 diversity of citizenship``.

20 (7) Subsection (b) of section 1391 of such title is
21 repealed.

22 (8) Subsection (b) of section 1441 of such title is
23 repealed.

24 **Subtitle E--State and Local Narcotics Control Assistance**

25 **SEC. 2031. PURPOSES OF GRANT PROGRAM.**

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1 Section 1302 of part M, title I, of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (42 U.S.C. 3796i et
3 seq.) is amended--

4 (1) by inserting `` (a) `` after `` SEC. 1302. ``;

5 (2) by striking out `` and `` at the end of paragraph
6 (6);

7 (3) by striking out the period at the end of
8 paragraph (7) and inserting `` ; and `` in lieu thereof;

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

10 `` (8) introduce elements of individual accountability
11 on the part of the controlled substance abuser, including
12 innovations in penalties for possession of a controlled
13 substance such as revocation or suspension of drivers'
14 licenses, ineligibility for State grants, contracts,
15 loans, and licenses, increased criminal and civil fines,
16 and cost recovery of Government expenses incurred in
17 rehabilitation programs;

18 `` (9) reduce delays in time between arrest,
19 prosecution, adjudication, and detention of persons
20 accused of violating State or local drug laws, including
21 the development of an alternative or supplemental
22 judicial system for drug related offenses; and

23 `` (10) increase participation in multijurisdictional
24 task forces for enforcing Federal, State, and local drug
25 offenses. ``; and

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1 (5) by adding at the end the following:

2 (b) No grant under this section may be used to provide,
3 directly or indirectly, counsel who assist defendants accused
4 of violations of the Controlled Substances Act or of State or
5 local laws that establish offenses similar to those
6 established in the Controlled Substances Act."

7 **SEC. 2032. MATCHING REQUIREMENT FOR GRANTS FOR DRUG LAW**
8 **ENFORCEMENT PROGRAMS.**

9 Section 1307(a) of title I of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) is amended
11 by striking "75 percent" and inserting "50 percent".

12 **SEC. 2033. AUTHORIZATION OF APPROPRIATIONS.**

13 Subsection (a) of section 1001, title I, of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793)
15 is amended by striking paragraph (6) and inserting in lieu
16 thereof the following:

17 (6) There are authorized to be appropriated
18 \$250,000,000 for fiscal year 1989, and such sums as may
19 be necessary for each of fiscal years 1990 and 1991, to
20 carry out the programs under part M of this title."

21 Subtitle F--Drug Enforcement Agency Personnel Support Act of
22 1988

23 **SEC. 2041. BENEFITS FOR DRUG ENFORCEMENT AGENCY OVERSEAS**
24 **PERSONNEL.**

25 Part II of title 28, United States Code, is amended by

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1 adding at the end the following new section:

2 ``§530. Authorization to pay benefits to overseas personnel

3 (a) IN GENERAL.--The Attorney General is authorized to
4 use Department of Justice appropriations to make payments for
5 benefits and allowances for employees serving overseas as
6 authorized under section 901(3), (5), (6), (8), (9), (11),
7 (15) and section 904 of the Foreign Service Act of 1980 (22
8 U.S.C. 4081(3), (5), (6), (8), (9), (11), (15) and section
9 4084 of title 22, United States Code), and under the
10 regulations issued by the Secretary of State.

11 (b) REPORT.--Not later than 120 days after the date of
12 the enactment of this Act, the Attorney General shall report
13 to Congress on the implementation of this section.

14 Subtitle G--Anti-Drug Manufacturing Act of 1988

15 SEC. 2051. CRIMINAL PENALTY FOR POLLUTING UNITED STATES LANDS
16 WHILE MANUFACTURING, DISTRIBUTING, OR
17 DISPENSING A CONTROLLED SUBSTANCE.

18 (a) CRIMINAL PENALTY.--Chapter 91 of title 18, United
19 States Code, is amended by adding at the end thereof the
20 following new section:

21 ``§1864. Polluting United States lands while manufacturing,
22 distributing, or dispensing a controlled substance

23 (a) Whoever, in violating section 401(a)(1) of the
24 Controlled Substances Act (21 U.S.C. 841(a)(1)), or in
25 attempting to violate such section, places a pollutant on

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1 United States lands shall be fined in accordance with this
2 title, or imprisoned not more than 5 years, or both.

3 “(b) For the purposes of this section, the term
4 “pollutant” means any substance which--

5 “(1) pollutes, or could pollute, a stream, river,
6 pond, lake, or other body of water; or

7 “(2) is harmful to humans, wildlife, domestic
8 animals, or the environment.”.

9 (b) CONFORMING AMENDMENT.--The table of sections at the
10 beginning of chapter 91 of title 18, United States Code, is
11 amended by adding at the end the following new item:

 “1864. Polluting United States lands while manufacturing,
 distributing, or dispensing a controlled
 substance.”

12 **SEC. 2052. CRIMINAL PENALTY FOR ENDANGERING HUMAN LIFE WHILE**
13 **POSSESSING OR MANUFACTURING A CONTROLLED**
14 **SUBSTANCE.**

15 (a) CRIMINAL PENALTY.--Chapter 13 of title 21, United
16 States Code, is amended by adding [at the end] the following
17 new section:

18 “§841a. Endangering human life while possessing or
19 manufacturing a controlled substance

20 “Whoever creates a substantial risk of harm to human
21 life while possessing or manufacturing a controlled
22 substance, unless such manufacturing is authorized by this
23 subchapter, shall be fined in accordance with this title, or

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1 imprisoned not more than 10 years, or both.''.

2 (b) CONFORMING AMENDMENT.--The table of sections at the
3 beginning of chapter 13 of title 21, United States Code, is
4 amended by adding at the end the following:

``841a. Endangering human life while possessing, or
manufacturing a controlled substance.''

5 Subtitle H--Chemical Diversion and Trafficking Act of 1988

6 SEC. 2061. SHORT TITLE.

7 This subtitle may be cited as the ``Chemical Diversion
8 and Trafficking Act of 1988''.

9 SEC. 2062. PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS.

10 Section 310 of the Controlled Substances Act (21 U.S.C.
11 830) is amended to read as follows:

12 ``PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS

13 ``SEC. 310. (a)(1) Except as provided under paragraph (3)
14 of this subsection any person who manufactures, distributes,
15 imports or exports a substance listed under subsection (d)
16 shall maintain records and make reports as the Attorney
17 General may by regulation require concerning the
18 distribution, receipt, sale, importation or exportation of
19 said listed substances. Such records shall be in a form such
20 that they are readily retrievable from ordinary business
21 records and shall be kept and made available, for at least 5
22 years, for inspection and copying by officers or employees of
23 the United States authorized by the Attorney General. In

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1 establishing regulations concerning required records and
2 reports, the Attorney General may establish a threshold
3 quantity for recordkeeping and reporting requirements for
4 each listed chemical. The Attorney General may include in the
5 information required to be maintained or reported the
6 following:

7 “(A) The quantity, form, and manner in which, and
8 date on which, the substance was distributed, imported or
9 exported.

10 “(B)(i) In the case of the distribution or
11 exportation to an individual, the name, address, and age
12 of the individual and the type of identification
13 presented to establish the identity of the individual.

14 “(ii) In the case of the distribution or exportation
15 to an entity other than an individual, the name and
16 address of the entity and the name, address, and title of
17 the individual ordering or receiving the substance and
18 the type of identification presented to establish the
19 identity of the individual and of the entity.

20 “(2) Except as provided under paragraph (3) of this
21 subsection, no person may distribute or export a substance
22 listed under subsection (d) unless the recipient or purchaser
23 presents to the distributor a certification of lawful use and
24 identification, to establish the identity of the recipient or
25 purchaser (and any entity which the recipient or purchaser

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1 represents), of such a type as the Attorney General
2 establishes by regulation.

3 “(3) Under such conditions and to such extent as the
4 Attorney General establishes, paragraphs (1) and (2) shall
5 not apply to--

6 “(A) the distribution of listed substances between
7 agents or employees within a single facility (as defined
8 by the Attorney General), if such agents or employees are
9 acting in the lawful and usual course of their business
10 or employment;

11 “(B) the delivery of listed substances to or by a
12 common or contract carrier for carriage in the lawful and
13 usual course of its business, or to or by a warehouseman
14 for storage in the lawful and usual course of its
15 business; but where such carriage or storage is in
16 connection with the distribution, importation, or
17 exportation of substances to a third person, this
18 subparagraph shall not relieve the distributor, importer,
19 or exporter from compliance with paragraph (1) or (2); or

20 “(C) any distribution, importation, or exportation
21 with respect to which the Attorney General determines
22 that the reports or records required by paragraph (1) or
23 the presentation of identification or certification
24 required by paragraph (2) is not necessary for the
25 enforcement of this subchapter.

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1 (D) any distribution, importation or exportation of
2 any drug product which contains a listed substance and
3 which can be lawfully marketed in the United States under
4 the provisions of the Federal Food, Drug, and Cosmetic
5 Act.

6 (b) It shall be unlawful:

7 (1) To import into the customs territory of the
8 United States from any place outside thereof (but within
9 the United States), or to import into the United States
10 from any place outside thereof, any substance listed
11 under subsection (d) unless the substance is imported for
12 commercial, scientific, or other legitimate uses, and--

13 (A) in the case of substances listed in
14 subsection (d)(1), pursuant to a permit issued by the
15 Attorney General; or

16 (B) in the case of substances listed in
17 subsection (d)(2), pursuant to such notification or
18 declaration requirements as the Attorney General may
19 by regulation prescribe.

20 (2) To export from the United States to any other
21 country a substance listed under subsection (d) unless
22 there is furnished (before export) to the Attorney
23 General documentary proof that exportation is not
24 contrary to the laws or regulations of the country of
25 destination for consumption for medical, commercial,

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1 scientific, or other legitimate purposes--

2 `` (A) in the case of substances listed in
3 subsection (d)(1), pursuant to a permit issued by the
4 Attorney General; or

5 `` (B) in the case of substances listed in
6 subsection (d)(2), pursuant to such notification or
7 declaration requirements as the Attorney General may
8 by regulation prescribe.

9 `` (c) The Attorney General may by rule--

10 `` (1) add substances to the list in subsection (d) if
11 the Attorney General finds that--

12 `` (A) such substance is a precursor or essential
13 chemical which can be used to manufacture a
14 controlled substance; and

15 `` (B) such substance is being used in the
16 manufacture of controlled substances in violation of
17 this title.

18 `` (2) delete a substance listed in subsection (d) or
19 added to the list by rule if the Attorney General finds
20 that its listing no longer meets the criteria set forth
21 in paragraph (1).

22 `` (d) The provisions of this title shall apply to the
23 following:

24 `` (1) Precursor chemicals:

25 `` (A) N-Acetylanthranilic acide;

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- 1 `` (B) Anthranilic acid;
- 2 `` (C) Ergotamine tartrate;
- 3 `` (D) Ergonovine maleate;
- 4 `` (E) Phenylacetic acid;
- 5 `` (F) Ephedrine;
- 6 `` (G) Pseudoephedrine;
- 7 `` (H) Benzyl cyanide;
- 8 `` (I) Benzyl chloride;
- 9 `` (J) Piperidine;
- 10 `` (2) Essential chemicals:
- 11 `` (A) Potassium permanganate;
- 12 `` (B) Acetic anhydride;
- 13 `` (C) Acetone;
- 14 `` (D) Ethyl ether.
- 15 `` (e) Any information which is reported to or otherwise
- 16 obtained by the Attorney General under this section and which
- 17 is exempt from disclosure pursuant to subsection (a) of
- 18 section 552 of title 5, United States Code, by reason of
- 19 subsection (b)(4) thereof shall be considered confidential
- 20 and shall not be disclosed, except that such information may
- 21 be disclosed to officers or employees of the United States
- 22 concerned with carrying out this title or title III or when
- 23 relevant in any proceeding for the enforcement of this title
- 24 or title III or when necessary to meet United States treaty
- 25 obligations.

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1 “(f) For the purposes of this title:

2 “(1) The term ‘import’ has the meaning given such
3 term in section 1001 of title III (21 U.S.C. 951(a)(1)).

4 “(2) The term ‘customs territory of the United
5 States’ has the meaning assigned to such term by section
6 1001 of title III (21 U.S.C. 951(a)(2)).

7 “(g) No person may distribute, sell, import, export, or
8 otherwise transfer to another person any commercial tableting
9 machine or encapsulating machine unless the purchaser,
10 recipient, transferee, or his agent presents to the
11 distributor or supplier a certification of lawful use and
12 identification to establish the identity of the recipient or
13 purchaser (and any entity which the recipient or purchaser
14 represents) of such a type as the Attorney General by
15 regulation may establish.

16 “(h) Any person who distributes, sells, imports,
17 exports, or otherwise transfers to another person any
18 commercial tableting machine or encapsulating machine shall
19 report the transfer to the Attorney General in such a form as
20 the Attorney General may by regulation require. The Attorney
21 General may require such information as the date of sale or
22 transfer, name and address of transferee, purpose for which
23 equipment is intended, serial numbers, and make/model of
24 equipment.”.

25 SEC. 2063. PROHIBITED ACTS A.

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1 (a) INTENT TO MANUFACTURE.--Section 401(d)(1) of the
2 Controlled Substances Act (21 U.S.C. 841(d)(1)) is amended
3 by--

4 (1) striking ``piperidine`` and inserting ``precursor
5 chemical or essential chemical listed under section
6 310(d)``; and

7 (2) striking ``phencyclidine`` and inserting ``any
8 controlled substance``.

9 (b) KNOWLEDGE OR BELIEF OF MANUFACTURE.--Section
10 401(d)(2) of the Controlled Substances Act (21 U.S.C.
11 841(d)(2)) is amended by--

12 (1) inserting ``or distributes`` after ``possesses``;

13 (2) striking ``piperidine`` the first place it
14 appears and inserting ``precursor chemical or essential
15 chemical listed under section 310(d)``;

16 (3) striking ``piperidine`` the second place it
17 appears and inserting ``precursor chemical or essential
18 chemical``; and

19 (4) striking ``phencyclidine`` and inserting ``any
20 controlled substance``.

21 (c) ADDITIONAL OFFENSES.--Section 401(d) of the
22 Controlled Substances Act (21 U.S.C. 841(d)) is amended by--

23 (1) striking ``or`` in paragraph (1); and

24 (2) adding new paragraphs (3), (4), and (5) as
25 follows:

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1 ``(3) manufactures, distributes, imports, or exports
2 a precursor chemical or essential chemical listed under
3 section 310(d) except as provided for by this title,

4 ``(4) possesses any precursor chemical or essential
5 chemical listed under section 310(d), with knowledge that
6 the recordkeeping or reporting requirements of section
7 310(a) or regulations issued thereunder have not been
8 adhered to, or

9 ``(5) with the intent of causing the evasion of the
10 recordkeeping or reporting requirements of section 310(a)
11 or the regulations issued thereunder, receives or
12 distributes a reportable amount of any chemical listed
13 under section 310(d) in units small enough so that the
14 making of records or filing of reports under section
15 310(a) is not required,``.

16 **SEC. 2064. PROHIBITED ACTS B.**

17 (a) **DISTRIBUTION AND SALES.**--Section 402(a)(9) of the
18 Controlled Substances Act (21 U.S.C. 842(a)(9)) is amended
19 by--

20 (1) striking ``or sell piperidine`` and inserting ``a
21 precursor chemical or essential chemical listed under
22 section 310(d)``; and

23 (2) inserting ``or certification`` after
24 ``identification``.

25 (b) **TECHNICAL CORRECTIONS.**--Section 402(c)(2) of the

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1 Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by
2 striking subparagraph (C).

3 **SEC. 2065. PROHIBITED ACTS C.**

4 Section 403(a) of the Controlled Substances Act (21
5 U.S.C. 843(a)) is amended by--

6 (1) in paragraph (4)(B) striking ``piperidine`` and
7 inserting ``a precursor chemical or essential chemical
8 listed under section 310(d)``;

9 (2) in paragraph (4)(B) inserting ``or certificate``
10 after ``identification`` where it appears;

11 (3) in paragraph (4)(B) striking ``or`` after the
12 semicolon; and

13 (4) adding the following paragraphs after paragraph
14 (5) as follows:

15 `` (6) to possess any drug manufacturing equipment,
16 tableting, or encapsulating machines, or gelatin capsules
17 with intent to manufacture a controlled substance except
18 as authorized by this title; or

19 `` (7) to manufacture, distribute, or import any drug
20 manufacturing equipment, tableting, or encapsulating
21 machines, or gelatin capsules knowing, or having
22 reasonable cause to believe, that they will be used to
23 manufacture a controlled substance except as authorized
24 by this title.``.

25 **SEC. 2066. ADDITIONAL PENALTY.**

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1 Section 403(c) of the Controlled Substances Act (21
2 U.S.C. 843(c)) is amended by adding at the end of the
3 paragraph: ``In addition, any person convicted of a violation
4 of this section or section 401 relating to the receipt,
5 distribution, importation, or exportation of substances
6 listed in section 310(d) shall be enjoined from conducting
7 business activities with such substances for a minimum of ten
8 years.'`.

9 **SEC. 2067. FORFEITURE.**

10 Section 511(a) of the Controlled Substances Act (21
11 U.S.C. 881) is amended by adding a new paragraph (9) as
12 follows:

13 `` (9) all chemicals listed under section 310(d), all
14 drug manufacturing equipment, all tableting, or
15 encapsulating machines, and all gelatin capsules, which
16 have been imported, exported, manufactured, possessed,
17 distributed, or intended to be distributed, in violation
18 of this title, as well as all conveyances and equipment,
19 including aircraft, vehicles, or vessels, which are used,
20 or are intended for use, to transport, or in any way
21 facilitate the transportation, distribution, receipt,
22 possession, or concealment of precursor chemicals and
23 essential chemicals, drug manufacturing equipment,
24 tableting, or encapsulating machines, or gelatin
25 capsules, in violation of this title, except as provided

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1 for under paragraph (4)(A) and (B) above.''

2 **SEC. 2068. DUTY OF ATTORNEY GENERAL.**

3 The Attorney General shall maintain an active program,
4 both domestic and international, to curtail the diversion of
5 precursor chemicals and essential chemicals used in the
6 illicit manufacture of controlled substances. This program
7 shall include appropriate controls on the purchase, sale,
8 import, and export of these chemicals and development of
9 cooperative efforts with foreign drug control authorities.

10 **SEC. 2069. DEFINITIONS.**

11 Section 102 of the Controlled Substances Act (21 U.S.C.
12 802) is amended by--

13 (1) in paragraph (11), inserting after ``a controlled
14 substance'' both places it appears ``or a precursor
15 chemical or essential chemical listed under section
16 310(d)'';

17 (2) in paragraph (8), inserting ``or a precursor
18 chemical or essential chemical'' after ``a controlled
19 substance''; and

20 (3) adding new paragraphs (33) and (34) as follows:

21 ``(33) The term `precursor chemical' means a
22 substance that may be used in the chemical process of
23 manufacturing controlled substances and which is
24 incorporated into the final product and is therefore
25 critical to its manufacture.

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1 “(34) The term ‘essential chemical’ means a
2 substance that may be used in the chemical process of
3 manufacturing controlled substances as a solvent,
4 reagent, or catalyst.”.

5 **SEC. 2070. SUBPOENA POWER.**

6 Section 506(a) of the Controlled Substances Act (21
7 U.S.C. 876(a)) is amended by adding “or precursor chemicals
8 or essential chemicals” after “with respect to controlled
9 substances”.

10 **SEC. 2071. CLERICAL AMENDMENT.**

11 The table of sections for part C of the Controlled
12 Substances Act is amended by striking the item relating to
13 section 310 and inserting the following in lieu thereof:

 “310. Precursor chemicals and essential chemicals.”.

14 **SEC. 2072. EFFECTIVE DATE.**

15 This subtitle shall take effect 120 days after enactment.

16 Subtitle I--Law Enforcement Officer Protection Act of 1988

17 **SEC. 2081. CLARIFICATION OF DEFINITION OF DRUG TRAFFICKING**

18 **CRIMES IN WHICH USE OR CARRYING OF FIREARMS AND**
19 **ARMOR PIERCING AMMUNITION IS PROHIBITED.**

20 Paragraph (2) of section 924(c) of title 18 of the United
21 States Code and paragraph (2) of section 929(a) of title 18
22 of the United States Code are both amended to read as
23 follows:

24 “(2) for purposes of this subsection, the term ‘drug

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1 trafficking crime' means any felony punishable under the
 2 Controlled Substances Act (21 U.S.C. 801 et seq.), the
 3 Controlled Substances Import and Export Act (21 U.S.C.
 4 951 et seq.), or the Maritime Drug Law Enforcement Act
 5 (46 App. U.S.C. 1901 et seq.).''

6 **SEC. 2082. MANDATORY PENALTY FOR USING OR CARRYING A FIREARM**
 7 **IN COMMITTING ASSAULTS ON FEDERAL OFFICERS.**

8 Section 111 of title 18, United States Code, is amended
 9 by inserting ``other than a firearm,`` after ``deadly or
 10 dangerous weapon,`` in the second paragraph and by adding at
 11 the end thereof the following new paragraph:

12 ``Whoever, during and in relation to the commission of
 13 any such acts, uses a firearm shall be imprisoned for 10
 14 years (which term shall not run concurrently with any other
 15 term of imprisonment) and may be fined in accordance with the
 16 provisions of this title, or both.''

17 **SEC. 2083. POSSESSION OF A FIREARM OR DANGEROUS WEAPON IN A**
 18 **FEDERAL COURTHOUSE.**

19 (a) **IN GENERAL.**--Chapter 44 of title 18, United States
 20 Code, is amended by adding at the end thereof the following
 21 new section:

22 ``**SEC. 930. POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN A**
 23 **FEDERAL COURTHOUSE.**

24 ``(a) Except as provided in subsection (d), whoever
 25 knowingly possesses or causes to be present any firearm or

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1 dangerous weapon in a Federal courthouse, or attempts to do
2 so, shall be sentenced to imprisonment for not more than one
3 year, or fined in accordance with the provisions of this
4 title, or both.

5 (b) Except as provided in subsection (d), whoever
6 knowingly possesses or causes to be present any firearm or
7 dangerous weapon in a Federal court facility, or attempts to
8 do so, shall be sentenced to imprisonment for not more than 2
9 years, or fined in accordance with the provisions of this
10 title, or both.

11 (c) Whoever knowingly possesses or causes to be present
12 any firearm or dangerous weapon in a Federal courthouse, or
13 attempts to do so, with intent that the firearm or dangerous
14 weapon be used in the commission of a crime, shall be
15 sentenced to imprisonment for not more than 5 years, or fined
16 in accordance with the provisions of this title, or both.

17 (d) Subsections (a) and (b) shall not apply to any act
18 performed in the lawful performance of official duties by an
19 officer, agent, or employee of the United States, a State, or
20 a political subdivision thereof, authorized by law to engage
21 in or supervise the prevention, detection, investigation, or
22 prosecution of any violation of law, and shall not apply to
23 the possession of a firearm or dangerous weapon by a judge of
24 the United States, a United States Magistrate, Tax Court
25 judge, or a bankruptcy judge.

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1 “(e) Nothing in this section shall interfere with or
2 prevent the exercise by any court of the United States of its
3 power to punish for contempt; nor shall anything in this
4 section interfere with or limit in any way the power of a
5 court of the United States to promulgate rules or orders
6 regulating, restricting, or prohibiting the possession of
7 weapons within any building, or upon any grounds appurtenant
8 thereto, housing any such court or any of its proceedings.

9 “(f) As used in this section--

10 “(1) the term ‘Federal courthouse’ means a building
11 which houses a court of the United States or is the site
12 of a proceeding before a judge or court of the United
13 States, a United States Magistrate, a bankruptcy judge, a
14 Tax Court, or a Federal grand jury;

15 “(2) the term ‘Federal courtroom’ means that part of
16 a Federal courthouse in which is conducted a proceeding
17 before a judge or court of the United States, a United
18 States Magistrate, a bankruptcy judge, a Tax Court, or a
19 Federal grand jury;

20 “(3) the term ‘Federal court facility’ means those
21 parts of a Federal courthouse which include Federal
22 courtroom, judges’ chambers, witness rooms, jury
23 deliberation rooms, attorney conference rooms, prisoner
24 holding cells, offices of clerks of court, offices of the
25 United States Attorney and the United States Marshal,

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1 probation and parole offices, any other area or part of a
2 Federal courthouse used exclusively to provide
3 operational or administrative support for the official
4 activities of a court of the United States, and corridors
5 or passageways directly adjacent to any of the foregoing
6 parts or areas of a Federal courthouse; and

7 (4) the term 'dangerous weapon' means any device
8 designed to expel or hurl a projective capable of causing
9 injury to persons or property, switch-blade knife, and
10 any knife having a blade over 3 inches in length.

11 (b) NOTICE.--Notice to the effect of subsections (a) and
12 (b) of section 930 of title 18, United States Code, shall be
13 posted conspicuously at each public entrance to each Federal
14 courthouse, and the failure to so post or maintain such
15 notice shall be an affirmative defense to any violation of
16 those subsections.

17 (c) CLERICAL AMENDMENT.--The table of sections at the
18 beginning of chapter 44 of title 18, United States Code, is
19 amended by adding at the end thereof the following:

 '930. Possession of firearms and dangerous weapons in
 Federal courthouses.'

20 **SEC. 2084. PERMITTING CONSIDERATION OF PRETRIAL DETENTION FOR**
21 **CERTAIN FIREARMS AND EXPLOSIVES OFFENSES.**

22 Paragraph (1) of section 3142(f) of title 18, United
23 States Code, is amended by--

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- 1 (1) striking out ``or`` before subparagraph (D);
- 2 (2) redesignating subparagraph (D) as subparagraph
- 3 (E); and
- 4 (3) inserting a new subparagraph (D) as follows:
- 5 `` (D) an offense under 18 U.S.C. 844(a) that is a
- 6 violation of 18 U.S.C. 842(d), (h), or (i), or an offense
- 7 under 18 U.S.C. 924(a) that is a violation of 18 U.S.C.
- 8 922(d), (g), (h), (i), (j), or (o); or``.

9 **SEC. 2085. EXPLOSIVES OFFENSES.**

10 (a) **EXPANSION OF POSSESSION OF EXPLOSIVES OFFENSE TO**
11 **CERTAIN AIRPORTS AND STRENGTHENING OF PENALTY.--Section**
12 **844(g) of title 18, United States Code, is amended--**

13 (1) by inserting ``in an airport that is subject to
14 the regulatory authority of the Federal Aviation
15 Administration or`` after ``possesses an explosive``;

16 (2) by inserting ``or airport`` after ``such
17 building``; and

18 (3) by striking out ``Not more than one year, or
19 fined not more than \$1,000, or both`` and inserting in
20 lieu thereof ``not more than 5 years, or fined under this
21 title, or both provided that the provisions of this
22 subsection shall not be applicable to the possession of
23 ammunition (as that term is defined in regulations issued
24 pursuant to this chapter) in an airport that is subject
25 to the regulatory authority of the Federal Aviation

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1 Administration if such ammunition is either in checked
2 baggage or in a closed container.''.
3

4 (b) STRENGTHENING OFFENSE OF USING OR CARRYING AN
5 EXPLOSIVE IN THE COMMISSION OF A FEDERAL FELONY.--Section
6 844(h) of title 18, United States Code, is amended--

7 (1) by striking out ``unlawfully'' in paragraph (2);
8 and

9 (2) by striking out ``shall be sentenced'' and all
10 that follows through the remainder of the subsection and
11 inserting in lieu thereof the following: ``including a
12 felony which provides for an enhanced punishment if
13 committed by the use of a deadly or dangerous weapon or
14 device, shall, in addition to the punishment provided for
15 such felony, be sentenced to imprisonment for 5 years. In
16 the case of a second or subsequent conviction under this
17 subsection, such person shall be sentenced to
18 imprisonment for 10 years. Notwithstanding any other
19 provision of law, the court shall not place on probation
20 or suspend the sentence of any person convicted of a
21 violation of this subsection, nor shall the term of
22 imprisonment imposed under this subsection run
23 concurrently with any other term of imprisonment
24 including that imposed for the felony in which the
25 explosive was used or carried. No person sentenced under
this subsection shall be eligible for parole during the

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1 term of imprisonment imposed herein.''

2 **SEC. 2086. PROHIBITION AGAINST TRANSFERRING FIREARMS TO**
3 **NONRESIDENTS.**

4 Paragraph (5) of section 922(a) of title 18, United
5 States Code, is amended by striking out ``resides`` and all
6 that follows through ``(or other than that in which its place
7 of business is located if the transferor is a corporation or
8 other business entity);`` and inserting in lieu thereof
9 ``does not reside in (or if the person is a corporation or
10 other business entity, does not maintain a place of business
11 in) the State in which the transferor resides;``.

12 **SEC. 2087. COMMERCE NEXUS FOR TRAFFICKING IN STOLEN FIREARMS.**

13 (a) **STOLEN FIREARMS AND AMMUNITION.**--Section 922(j) of
14 title 18, United States Code, is amended by striking out ``or
15 which constitutes,`` and inserting in lieu thereof ``which
16 constitutes, or which has been shipped or transported in,``.

17 (b) **TRAFFICKING IN FIREARMS WITHOUT SERIAL**
18 **NUMBERS.**--Section 922(k) of title 18, United States Code, is
19 amended by inserting ``or to possess or receive any firearm
20 which has had the importer's or manufacturer's serial number
21 removed, obliterated, or altered and has, at any time, been
22 shipped or transported in interstate or foreign commerce``
23 after ``altered``.

24 **SEC. 2088. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO**
25 **FIREARMS AND EXPLOSIVES.**

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1 (a) CROSS REFERENCE CORRECTION IN SECTION

2 923.--Subparagraph (B) of section 923(d)(1) of title 18,
3 United States Code, is amended by striking out `` (h) `` and
4 inserting in lieu thereof `` (n) ``.

5 (b) SECTION 925.--(1) Paragraph (1) of section 925(a) of
6 title 18, United States Code, is amended by inserting
7 ``possession,`` before ``or importation``.

8 (2) Section 925(c) of title 18, United States Code, is
9 amended by striking out ``conviction`` and inserting in lieu
10 thereof ``disability``.

11 (c) SYNTACTICAL CORRECTION.--Paragraph (3) of section
12 922(g) of title 18, United States Code, is amended by
13 inserting ``who`` before ``is an unlawful user``.

14 (d) PUNCTUATION CORRECTION IN SECTION 923.--Section
15 923(a) of title 18, United States Code, is amended by
16 striking out the period after ``licensing`` in the second
17 sentence.

18 (e) CONFORMING AMENDMENT RELATING TO PAROLE.--Section
19 924(a) of title 18, United States Code, is amended by
20 striking out `` , and shall become eligible for parole as the
21 Parole Commission shall determine `` each place it appears.
22 This amendment shall be effective with respect to any offense
23 committed after November 1, 1987.

24 (f) PUNCTUATION CORRECTIONS IN SECTION 924.--Paragraph
25 (1) of section 924(c) of title 18, United States Code, is

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1 amended by striking out the second comma after ``drug
 2 trafficking crime`` the first place it appears, by striking
 3 out the comma following ``drug trafficking crime`` the second
 4 time it appears, and by striking out the second comma
 5 following ``drug trafficking crime`` the third time it
 6 appears.

7 (g) PUNCTUATION CORRECTIONS IN SECTION 929.--Paragraph
 8 (1) of section 929(a) of title 18, United States Code, is
 9 amended by striking out the comma after ``drug trafficking
 10 crime`` the second time it appears, and by inserting a comma
 11 after ``device`` the first time it appears.

12 (h) CONFORMING AMENDMENTS TO SECTION 842.--(1) Paragraph
 13 (5) of section 842(d) of title 18, United States Code, is
 14 amended to read as follows:

15 `` (5) is an unlawful user of or addicted to any
 16 controlled substance (as defined in section 102 of the
 17 Controlled Substances Act (21 U.S.C. 802)). ``.

18 (2) Paragraph (3) of section 842(i) of title 18, United
 19 States Code, is amended to read as follows:

20 `` (3) who is an unlawful user of or addicted to any
 21 controlled substance (as defined in section 102 of the
 22 Controlled Substances Act (21 U.S.C. 802)); or ``.

23 **SEC. 2089. AUTHORIZATION OF APPROPRIATIONS TO THE DEPARTMENT**
 24 **OF JUSTICE FOR UNITED STATES NATIONAL CENTRAL**
 25 **BUREAU (USNCB) OF INTERPOL FOR HOSTING**

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1 PERIODICALLY THE GENERAL ASSEMBLY IN INTERPOL
2 AND AUTHORIZATION FOR THE ATTORNEY GENERAL TO
3 SOLICIT, RECEIVE, AND MAKE GIFTS AND BEQUESTS
4 FOR OFFICIAL INTERPOL ACTIVITIES.

5 (a) IN GENERAL.--The Attorney General is authorized--

6 (1) to make payments from Department of Justice
7 appropriations for expenses necessary for the periodic
8 hosting of the annual meeting of the General Assembly of
9 Interpol and for the periodic sponsorship of Interpol
10 conferences, meetings, symposia, and other events related
11 to topics of international crime;

12 (2) to make gifts of personal property or money to
13 individuals and organizations in connection with official
14 Interpol activities: *Provided, That--*

15 (A) gifts in excess of \$10,000 may be made only
16 with the prior concurrence of the Secretary of State;
17 and

18 (B) the Committees on the Judiciary of both
19 Houses of Congress, the Senate Foreign Relations
20 Committee, and the House Foreign Affairs Committee be
21 informed of any commitment by USNCB-Interpol to make
22 any gift valued at more than \$10,000; and

23 (3) to solicit and accept gifts or bequests of money,
24 property or services for the benefit and support of
25 activities sponsored by USNCB-Interpol, including

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1 official reception and representation expenses: *Provided,*
2 That--

3 (A) no gift may be solicited or accepted--

4 (i) that attaches conditions inconsistent
5 with applicable laws or regulations; or

6 (ii) that is conditioned upon or will require
7 the expenditure of appropriated funds unless such
8 expenditure has been authorized by Act of
9 Congress; and

10 (B) property accepted pursuant to this section
11 and the proceeds credited to appropriations of funds
12 pursuant to this section shall be used as nearly as
13 practicable in accordance with the terms of the gift
14 or bequest;

15 (C) gifts and bequests of money, as well as the
16 proceeds from sales of property received as gifts or
17 bequests shall be credited to the account that funds
18 the activities of USNCB-Interpol and shall remain
19 available in that account until the end of the
20 following fiscal year for use by USNCB-Interpol; and

21 (D) gifts, bequests of property, and property
22 acquired from the proceeds of gifts or bequests
23 pursuant to this section, and which are no longer
24 required by USNCB-Interpol for its needs and the
25 discharge of its responsibilities, shall be disposed

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1 of in accordance with the provisions of the Federal
2 Property and Administrative Services Act of 1949, as
3 amended.

4 (b) RULES.--The Attorney General shall promulgate rules
5 for soliciting, accepting, and giving gifts pursuant to this
6 provision, to ensure, among other things, that no gifts are
7 solicited, accepted, or given under circumstances that will
8 create a conflict of interest for the United States
9 Government.

10 (c) TREATMENT FOR TAX PURPOSES.--For the purpose of
11 Federal income, estate, and gift taxes, money and property
12 accepted under this section shall be considered as a gift or
13 bequest to or for the use of the United States.

14 (d) REPORT.--The Attorney General shall report annually
15 to Congress regarding all gifts that have been accepted or
16 given pursuant to this section. Such reports shall specify
17 the nature and value of any gift that has been accepted or
18 given, the identity of the donor or recipient, the nature of
19 any terms or restrictions attached to the gift, and the
20 reasons why acceptance or donation of the gift does not give
21 rise to an actual or potential conflict of interest.

22 **SEC. 2090. DISCLOSURE BY ELECTRONIC COMMUNICATIONS PROVIDERS.**

23 Section 2703 of title 18, United States Code, is
24 amended--

25 (1) in subsection (c)(1)(B), by striking out ``A``

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1 and inserting in lieu thereof ``Except as provided in
2 subparagraph (C), a'';

3 (2) by adding at the end of subsection (c)(1) the
4 following:

5 `` (C) A provider of electronic communication service may,
6 in response to a written request, disclose to a governmental
7 entity--

8 `` (i) any publicly available information; and

9 `` (ii) the name and address of the customer of such
10 service whose phone number is provided to such service by
11 such entity.''; and

12 (3) in subsection (e), by inserting `` , or in
13 accordance with subsection (c)(1)(C) of this section''
14 after ``certification under this chapter''.

15 **Subtitle J--Anti-Public Corruption Act of 1988**

16 **SEC. 2101. SHORT TITLE.**

17 This subtitle may be cited as the ``Anti-Public
18 Corruption Act of 1988''.

19 **SEC. 2102. OFFENSE OF PUBLIC CORRUPTION.**

20 (a) **AMENDMENT TO CHAPTER 11.**--Chapter 11 of title 18,
21 United States Code, is amended by adding at the end thereof
22 the following new section:

23 ``**§225. Public corruption**

24 `` (a) Whoever, in a circumstance described in subsection
25 (c), endeavors by any scheme or artifice corruptly to deprive

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1 or to defraud the inhabitants of a State or political
2 subdivision of a State of the honest services of an official
3 or employee of such State or subdivision--

4 “(1) shall be fined under this title, or imprisoned
5 for not more than 10 years, or both; or

6 “(2) if the scheme or artifice facilitated or was
7 intended to facilitate an offense under the laws of the
8 United States or a State for which the maximum term of
9 imprisonment is greater than 10 years, shall be
10 imprisoned as required or authorized by the law punishing
11 such offense.

12 “(b) Whoever, in a circumstance described in subsection
13 (c), endeavors by any scheme or artifice to deprive the
14 inhabitants of a State or political subdivision of a State of
15 a fair and impartially conducted election process in any
16 primary, run-off, special, or general election, through the
17 procurement, casting, or tabulation of ballots or voter
18 registration forms which are false, fictitious, fraudulent,
19 or illegal under the laws of the State in which the election
20 is held shall be fined under this title, or imprisoned for
21 not more than 10 years, or both.

22 “(c) The circumstances referred to in subsections (a)
23 and (b) are that--

24 “(1) for the purpose of executing or concealing such
25 scheme or artifice or attempting to do so, the actor--

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1 ``(A) places in any post office or authorized
2 depository for mail matter, any matter or thing
3 whatever to be sent or delivered by the Postal
4 Service, or takes or receives therefrom, any such
5 matter or thing, or knowingly causes to be delivered
6 by mail according to the direction thereon, or at the
7 place at which it is directed to be delivered by the
8 person to whom it is addressed, any such matter or
9 thing;

10 ``(B) transmits or causes to be transmitted by
11 means of wire, radio, or television communication in
12 interstate or foreign commerce any writing, signs,
13 signals, pictures, or sounds;

14 ``(C) transports or causes to be transported any
15 person or thing, or induces any person to travel in
16 or to be transported in, interstate or foreign
17 commerce; or

18 ``(D) uses any facility of interstate or foreign
19 commerce; or

20 ``(2) the scheme or artifice affects in any manner or
21 degree, or would if executed or concealed so affect,
22 interstate or foreign commerce.

23 ``(d) Whoever endeavors by any scheme or artifice
24 corruptly to deprive or to defraud the inhabitants of the
25 United States of the honest services of a public official or

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1 person who has been selected to be a public official--

2 “(1) shall be fined under this title or imprisoned
3 for not more than 10 years, or both; or

4 “(2) if the scheme or artifice facilitated or was
5 intended to facilitate an offense under the laws of the
6 United States or a State for which the maximum term of
7 imprisonment is greater than 10 years, shall be
8 imprisoned as required or authorized by the law punishing
9 such offense.

10 “(e) Notwithstanding any other provision of this
11 section, in the case of a conviction under this section for
12 an offense of which the motive was to facilitate or further a
13 violation of the Controlled Substances Act or the Controlled
14 Substances Import and Export Act if the maximum imprisonment
15 otherwise provided under this section is less than 20 years,
16 such maximum imprisonment shall be 20 years.

17 “(f) For purposes of this section--

18 “(1) the term ‘State’ means a State of the United
19 States, the District of Columbia, Puerto Rico, and any
20 other territory or possession of the United States;

21 “(2) the term ‘agency’ means a subdivision of the
22 executive, legislative, judicial, or other branch of
23 government, including a department, independent
24 establishment, commission, administration, authority,
25 board, and bureau, and a corporation or other legal

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1 entity established and subject to control by a government
2 or governments for the execution of a governmental or
3 intergovernmental program; and

4 “(3) the terms ‘public official’ and ‘person who has
5 been selected to be a public official’ have the meaning
6 set forth in section 201 of this title.”.

7 (b) AMENDMENT TO CHAPTER ANALYSIS.--The chapter analysis
8 for chapter 11 of title 18, United States Code, is amended by
9 adding at the end thereof the following item:

 “225. Public corruption.”.

10 (c) AMENDMENT TO RICO.--Section 1961(1) of title 18,
11 United States Code, is amended by inserting “section 225
12 (relating to public corruption),” after “section 224
13 (relating to sports bribery),”.

14 (d) WIRETAP AUTHORIZATION.--Section 2516(1)(c) of title
15 18, United States Code, is amended by inserting “section 225
16 (relating to public corruption),” after “section 224
17 (bribery in sporting contests),”.

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1 **Subtitle K--Increased Penalties**

2 **SEC. 2111. INCREASED PENALTIES FOR CRACK VIOLATIONS.**

3 Section 404(a) of the Controlled Substances Act (21
4 U.S.C. 844(a)) is amended by inserting after the second
5 sentence the following: ``Notwithstanding the preceding
6 sentence, a person convicted under this subsection for the
7 possession of a mixture or substance described in section
8 401(b)(1)(A)(ii) which contains cocaine base shall, if the
9 conviction is a first conviction under this subsection and
10 the amount of the mixture or substance exceeds 5 grams, if
11 the conviction is after a prior conviction for the possession
12 of such a mixture or substance under this subsection becomes
13 final and the amount of the mixture or substance exceeds 3
14 grams, or if the conviction is after 2 or more prior
15 convictions for the possession of such a mixture or substance
16 under this subsection become final and the amount of the
17 mixture or substance exceeds 1 gram, be imprisoned not less
18 than five or more than 20 years.'`.

19 **SEC. 2112. CIVIL PENALTIES.**

20 (a) **CONTROLLED SUBSTANCES ACT AMENDMENT.**-- Section 404 of
21 the Controlled Substances Act (21 U.S.C. 844) is amended by
22 adding at the end the following:

23 ``(d)(1) In addition to any criminal or civil sanction
24 incurred under this title or any other applicable law, any

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1 person who commits a violation of this section involving
2 heroin or cocaine shall be liable for a civil penalty of not
3 more than \$100,000 for a first violation, and not more than
4 \$500,000 for any subsequent violation.

5 `` (2) A civil penalty under this section shall be
6 assessed and enforced in the manner generally applicable to
7 civil penalties under this title and shall, subject to
8 appropriation, be allocated equally to drug education,
9 treatment, and State and local narcotics assistance as the
10 Attorney General shall prescribe.``.

11 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT
12 AMENDMENT.--Section 1014 of the Controlled Substances Act (21
13 U.S.C. 964) is amended--

14 (1) by inserting before the existing paragraph the
15 following:

16 `` (a) In addition to any criminal or civil sanction
17 incurred under this subchapter or any other applicable law,
18 any person who commits a violation of this subchapter
19 involving heroin or cocaine shall be liable for a civil
20 penalty of not more than \$100,000 for a first violation, and
21 not more than \$500,000 for any subsequent violation.

22 `` (b) A civil penalty under this section shall be
23 assessed and enforced in the manner generally applicable to
24 civil penalties under this title and shall be deposited in
25 the Department of Justice Assets Forfeiture Fund.``; and

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1 (2) by inserting `` (c) `` before `` Any penalty ``.

2 Subtitle L--Amendments to the Money Laundering Control Act
3 SEC. 2121. RECORDS AND REPORTS REQUIRED FOR ELECTRONIC FUND
4 TRANSFERS.

5 Section 5312(a)(3) of title 31, United States Code
6 (defining monetary instruments) is amended--

7 (1) by adding at the end thereof the following new
8 subparagraph:

9 `` (C) electronic fund transfers. ``;

10 (2) by striking out `` and `` at the end of
11 subparagraph (A); and

12 (3) by striking out the period at the end of
13 subparagraph (B) and inserting in lieu thereof `` ; and ``.

14 SEC. 2122. FINANCIAL TRANSACTIONS IN PROCEEDS OF UNLAWFUL
15 ACTIVITY.

16 Section 1956(a)(1) of title 18, United States Code, is
17 amended by striking out `` Whoever `` and all that follows
18 through `` activity-- `` and insert in lieu thereof the
19 following: `` Whoever, knowing that the property involved in a
20 financial transaction represents the proceeds of some form of
21 unlawful activity, or has been represented to be the proceeds
22 of some form of unlawful activity, conducts or attempts to
23 conduct a financial transaction which in fact involves the
24 proceeds of specified unlawful activity or has been
25 represented, directly or indirectly, to be the proceeds of

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1 unlawful activity--''.

2 Subtitle M--National Forest System Drug Control

3 SEC. 2131. NATIONAL FOREST SYSTEM DRUG CONTROL.

4 (a) POWERS.--Section 15003 of the National Forest System
5 Drug Control Act of 1986 (16 U.S.C. 559c) is amended--

6 (1) by striking out `` , not to exceed 500 officers
7 and employees'' and inserting in lieu thereof ``special
8 agents and law enforcement officers''; and

9 (2) by inserting `` , and outside of such boundaries
10 if in hot pursuit,`` after ``within the boundaries of the
11 National Forest System''.

12 (b) COOPERATION.--Section 15004 of the National Forest
13 System Drug Control Act of 1986 (16 U.S.C. 559d) is amended--

14 (1) in paragraph (1), by striking out ``any other
15 Federal law enforcement agency having primary
16 investigative jurisdiction over the offense committed;
17 and'' and inserting in lieu thereof ``and coordinate
18 investigations and enforcement activities, and prepare
19 national and regional strategy plans in coordination,
20 with the Drug Enforcement Administration and the Federal
21 Bureau of Investigation;''; and

22 (2) by adding at the end thereof the following:

23 `` (3) the Forest Service shall cooperate with the
24 Attorney General of the United States in carrying out the
25 seizure and forfeiture provisions of section 881 of the

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1 Controlled Substances Act (21 U.S.C. 841) as such
2 activity relates to the manufacture, distribution, or
3 dispensing of marijuana or other controlled substances
4 within the National Forest System.''.
5

6 **Subtitle N--United States Postal Service Authority Expansion**
7 **SEC. 2141. POSTAL SERVICE FORFEITURE AUTHORITY.**

8 Section 511 of the Comprehensive Drug Abuse Prevention
9 and Control Act of 1970 (21 U.S.C. 881) is amended--

10 (1) by inserting ``or the Postal Service`` after
11 ``Attorney General`` each place it appears in subsections
12 (b), (c), and (d);

13 (2) by inserting ``or the Postal Service`` after
14 ``Attorney General`` the first and third places it
15 appears in subsection (e)(1); and

16 (3) by striking out ``The`` in subsection (e)(2)(B)
17 and inserting ``With respect to forfeitures conducted by
18 the Attorney General, the`` in lieu thereof.''.
19

20 **SEC. 2142. POSTAL SERVICE CONTROLLED SUBSTANCES ACT**
21 **ENFORCEMENT AUTHORITY.**

22 Section 508 of the Comprehensive Drug Abuse Prevention
23 and Control Act of 1970 (21 U.S.C. 878) is amended by adding
24 at the end the following:

25 ``Postal Service Employees
26 (c) To the extent provided in an agreement between the
27 Attorney General and the Postal Service, officers and

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1 employees of the Postal Service who have authority to make
2 arrests under section 3061 of title 18, United States Code,
3 may also perform any of the enforcement functions relating to
4 this Act as an officer or employee of the Drug Enforcement
5 Agency may perform under subsection (a).''.

6 Subtitle O--United States Marshals Services Act of 1988

7 SEC. 2151. SHORT TITLE.

8 This subtitle may be cited as the ``United States
9 Marshals Service Act of 1988''.

10 SEC. 2152. BASIC AUTHORITIES OF THE MARSHALS SERVICE.

11 (a) IN GENERAL.--Chapter 37 of title 28, United States
12 Code, is amended by striking out sections 561 through 571 and
13 inserting in lieu thereof the following:

14 ``§561. United States Marshals Service

15 `` (a) There is hereby established a United States
16 Marshals Service as a bureau within the Department of Justice
17 under the authority and direction of the Attorney General.
18 There shall be at the head of the United States Marshals
19 Service (hereafter in this chapter referred to as the
20 `Service') a Director who shall be appointed by the
21 President, by and with the advice and consent of the Senate.

22 `` (b) The Director of the United States Marshals Service
23 (hereafter in this chapter referred to as the `Director')
24 shall, in addition to the powers and duties set forth in this
25 chapter, exercise such other functions as may be delegated by

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1 the Attorney General.

2 “(c) The President shall appoint, by and with the advice
3 and consent of the Senate, a United States marshal for each
4 judicial district of the United States and for the Superior
5 Court of the District of Columbia, except that any marshal
6 appointed for the Northern Mariana Islands may at the same
7 time serve as marshal in another judicial district. Each
8 United States marshal shall be an official of the Service and
9 shall serve under the direction of the Director.

10 “(d) Each marshal shall be appointed for a term of four
11 years. A marshal shall, unless that marshal has resigned or
12 been removed by the President, continue to perform the duties
13 of that office after the end of that 4-year term until a
14 successor is appointed and qualifies.

15 “(e) The Director shall designate places within a
16 judicial district for the official station and offices of
17 each marshal. Each marshal shall reside within the district
18 for which such marshal is appointed, except that--

19 “(1) the marshal for the District of Columbia, for
20 the Superior Court of the District of Columbia, and for
21 the Southern District of New York may reside within 20
22 miles of the district for which the marshal is appointed;
23 and

24 “(2) any marshal appointed for the Northern Mariana
25 Islands who at the same time is serving as marshal in

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1 another district may reside in such other district.

2 `` (f) The Director is authorized to appoint and fix the
3 compensation of such employees as are necessary to carry out
4 the powers and duties of the Service and may designate such
5 employees as law enforcement officers in accordance with such
6 policies and procedures as the Director shall establish
7 pursuant to the applicable provisions of title 5 and
8 regulations issued thereunder.

9 `` (g) The Director shall supervise and direct the United
10 States Marshals Service in the performance of its duties,
11 including criminal investigations and accounting for public
12 moneys.

13 `` (h) The Director may administer oaths and may take
14 affirmations of officials and employees of the Service, but
15 shall not demand or accept any fee or compensation therefor.

16 `` (i) The Director may delegate to other officials of the
17 Service the authority to carry out any functions of the
18 Director.

19 `` (j) There are authorized to be appropriated such sums
20 as may be necessary to carry out the functions of the
21 Service.

22 `` §562. Vacancies

23 `` (a) In the case of a vacancy in the office of a United
24 States marshal, the Attorney General may designate a person
25 to perform the functions of and act as marshal, except that

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1 the Attorney General may not designate to act as marshal any
2 person who was appointed by the President to that office but
3 with respect to such appointment the Senate has refused to
4 give its advice and consent.

5 “(b) A person designated by the Attorney General under
6 subsection (a) may serve until the earliest of the following
7 events:

8 “(1) The entry into office of a United States
9 marshal appointed by the President, pursuant to section
10 561(c).

11 “(2) The expiration of the thirtieth day following
12 the end of the next session of the Senate.

13 “(3) If such designee of the Attorney General is
14 appointed by the President pursuant to section 561(c),
15 but the Senate refuses to give its advice and consent to
16 the appointment, the expiration of the thirtieth day
17 following such refusal.

18 “§563. Oath of office

19 ““The Director and each United States marshal and law
20 enforcement officer of the Service, before taking office,
21 shall take an oath or affirmation to faithfully execute the
22 duties of that office.

23 “§564. Powers as sheriff

24 ““United States marshals, deputy marshals and such other
25 officials of the Service as may be designated by the

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1 Director, in executing the laws of the United States within a
2 State, may exercise the same powers which a sheriff of the
3 State may exercise in executing the laws thereof.

4 ``§565. Expenses of the service

5 ``The Director is authorized to use funds appropriated
6 for the Service to make payments for the conduct of its
7 activities, including payments for--

8 ``(1) the actual and necessary expenses associated
9 with the offices established under section 561;

10 ``(2) the expense of transporting prisoners,
11 including the transporting between the United States and
12 foreign countries of persons charged with crimes, and
13 including the cost of necessary guards and the travel and
14 subsistence expenses of prisoners and guards;

15 ``(3) the lease, acquisition, maintenance, and
16 operation of aircraft and vessels, and the lease and
17 acquisition of law enforcement and passenger motor
18 vehicles without regard to the general purchase price
19 limitation for any current fiscal year and including the
20 operation and maintenance for official use of vehicles
21 seized and forfeited to the United States Government;

22 ``(4) the supervision and care of United States
23 prisoners in non-Federal institutions;

24 ``(5) the purchase of firearms and ammunition and
25 attendance at firearms matches and law enforcement

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1 competitions;

2 (6) the payment of rewards, the purchase of
3 evidence and payments for information;

4 (7) expenses incurred for the use of facilities in
5 the protection of witnesses, and planning, acquisition,
6 construction, renovation, maintenance, remodeling, and
7 repair of buildings, and the purchase of equipment
8 incident thereto, for protected witness safesites;

9 (8) expenses incurred pursuant to personal services
10 contracts and cooperative agreements, authorized by the
11 Attorney General, for security guards and for the service
12 of summons upon complaints, subpoenas, and notices in
13 lieu of service by United States marshals and deputy
14 marshals; and

15 (9) other necessary expenditures authorized by law.

16 **§566. Powers and duties**

17 (a) It is the primary role and mission of the United
18 States Marshals Service to provide for the security and to
19 obey, execute, and enforce all orders of the United States
20 district courts, the United States courts of appeals, and the
21 Court of International Trade.

22 (b) The United States marshal of each district is the
23 marshal of the district court and of the court of appeals
24 when sitting in that district, and of the Court of
25 International Trade holding sessions in that district, and

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1 may, in the discretion of the respective courts, be required
2 to attend any session of court.

3 “(c) Except as otherwise provided by law or Rule of
4 Procedure, the United States Marshals Service shall execute
5 all lawful writs, process, and orders issued under the
6 authority of the United States, and shall command all
7 necessary assistance to execute its duties.

8 “(d) Each United States marshal, deputy marshal, and any
9 other official of the Service as may be designated by the
10 Director may carry firearms and make arrests without warrant
11 for any offense against the United States committed in his or
12 her presence, or for any felony cognizable under the laws of
13 the United States if he or she has reasonable grounds to
14 believe that the person to be arrested has committed or is
15 committing such felony.

16 “(e) The United States Marshals Service is authorized to
17 provide personal protection to judges and other Federal
18 officials and to conduct fugitive investigations, both within
19 and outside the United States, as directed by the Attorney
20 General.

21 “(f) In accordance with procedures established by the
22 Director, and except for public money deposited under section
23 2041 of this title, each United States marshal shall deposit
24 public moneys that the marshal collects into the Treasury,
25 subject to disbursement by the marshal. At the end of each

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1 accounting period, the earned part of public moneys accruing
2 to the United States shall be deposited in the Treasury to
3 the credit of the appropriate receipt accounts.

4 `` (g) Prior to resignation, retirement, or removal from
5 office--

6 `` (1) a United States marshal shall deliver to the
7 marshal's successor all prisoners in his custody and all
8 unserved process; and

9 `` (2) a deputy marshal shall deliver to the marshal
10 all process in the custody of the deputy marshal.

11 `` (h) The United States marshals shall pay such office
12 expenses of United States Attorneys as may be directed by the
13 Attorney General.``

14 (b) ADDITIONAL AMENDMENTS.--Chapter 37 of title 28,
15 United States Code, is amended--

16 (1) by striking out sections 572a, 573, and 574; and

17 (2) by redesignating sections 572, 575, and 576 as
18 sections 567, 568, and 569, respectively.

19 (c) CONFORMING AMENDMENTS.--The chapter heading for
20 chapter 37 of title 28, United States Code, and the table of
21 sections at the beginning of such chapter, are amended to
22 read as follows:

`` Chapter 37--United States Marshals Service

`` Sec.

`` 561. United States Marshals Service.

`` 562. Vacancies.

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- .. 563. Oath of office.
- .. 564. Powers as sheriff.
- .. 565. Expenses of the Service.
- .. 566. Powers and duties.
- .. 567. Collection of fees; accounting.
- .. 568. Practice of law prohibited.
- .. 569. Reemployment rights.

1 SEC. 2153. OTHER AMENDMENTS TO TITLE 28, UNITED STATES CODE.

2 (a) DEPARTMENT OF JUSTICE ASSETS FORFEITURE

3 FUND.--Section 524(c)(1)(A) of title 28, United States Code,
4 is amended by adding at the end thereof the following: "the
5 Attorney General may exempt the procurement of contract
6 services under the fund from section 3709 of the Revised
7 Statutes of the United States (41 U.S.C. 5), title III of the
8 Federal Property and Administrative Services Act of 1949 (41
9 U.S.C. 251 and following), and other provisions of law as may
10 be necessary to maintain the security and confidentiality of
11 related criminal investigations;".

12 (b) COMPENSATION OF BAILIFFS.--Section 755 of title 28,
13 United States Code, is amended by striking out the third
14 paragraph.

15 SEC. 2154. MARSHALS' FEES.

16 Section 1921 of title 28, United States Code, is
17 amended--

18 (1) by redesignating subsection (c) as subsection
19 (e); and

20 (2) by striking out subsections (a) and (b) and
21 inserting in lieu thereof the following:

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1 ``(a)(1) The United States marshals or deputy marshals
2 shall routinely collect, and a court may tax as costs, fees
3 for the following:

4 ``(A) Serving a writ of possession, partition,
5 execution, attachment in rem, or libel in admiralty,
6 warrant, attachment, summons, complaints, or any other
7 writ, order or process in any case or proceeding.

8 ``(B) Serving a subpoena or summons for a witness or
9 appraiser.

10 ``(C) Forwarding any writ, order, or process to
11 another judicial district for service.

12 ``(D) The preparation of any notice of sale,
13 proclamation in admiralty, or other public notice or bill
14 of sale.

15 ``(E) The keeping of attached property (including
16 boats, vessels, or other property attached or libeled),
17 actual expenses incurred, such as storage, moving, boat
18 hire, or other special transportation, watchmen's or
19 keepers' fees, insurance, and an hourly rate, including
20 overtime, for each deputy marshal required for special
21 services, such as guarding, inventorying, and moving.

22 ``(F) Copies of writs or other papers furnished at
23 the request of any party.

24 ``(G) Necessary travel in serving or endeavoring to
25 serve any process, writ, or order, except in the District

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1 of Columbia, with mileage to be computed from the place
2 where service is returnable to the place of service or
3 endeavor.

4 `` (H) Overtime expenses incurred by deputy marshals
5 in the course of serving or executing civil process.

6 `` (2) The marshals shall collect, in advance, a deposit
7 to cover the initial expenses for special services required
8 under paragraph (1)(E), and periodically thereafter such
9 amounts as may be necessary to pay such expenses until the
10 litigation is concluded. This paragraph applies to all
11 private litigants, including seamen proceeding pursuant to
12 section 1916 of this title.

13 `` (3) For purposes of paragraph (1)(G), if two or more
14 services or endeavors, or if an endeavor and a service, are
15 made in behalf of the same party in the same case on the same
16 trip, mileage shall be computed to the place of service or
17 endeavor which is most remote from the place where service is
18 returnable, adding thereto any additional mileage traveled in
19 serving or endeavoring to serve in behalf of the party. If
20 two or more writs of any kind, required to be served in
21 behalf of the same party on the same person in the same case
22 or proceeding, may be served at the same time, mileage on
23 only one such writ shall be collected.

24 `` (b) The Attorney General shall from time to time
25 prescribe by regulation the fees to be taxed and collected

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1 under subsection (a). Such fees shall, to the extent
2 practicable, reflect the actual and reasonable cost of the
3 service provided.

4 (c)(1) The United States Marshals Service shall collect
5 a commission of 3 percent of the first \$1,000 collected and 1
6 1/2 percent on the excess of any sum over \$1,000, for seizing
7 or levying on property (including seizures in admiralty),
8 disposing of such property by sale, setoff, or otherwise, and
9 receiving and paying over money, except that the amount of
10 commission shall be within the range set by the Attorney
11 General. If the property is to be disposed of by marshal's
12 sale, the commission shall be in such amount, within the
13 range set by the Attorney General, as may be allowed by the
14 court. In any case in which the vessel or other property is
15 sold by a public auctioneer, or by some party other than a
16 marshal or deputy marshal, the commission authorized under
17 this subsection shall be reduced by the amount paid to such
18 auctioneer or other party. This subsection applies to any
19 judicially ordered sale or execution sale, without regard to
20 whether the judicial order of sale constitutes a seizure or
21 levy within the meaning of State law. This subsection shall
22 not apply to any seizure, forfeiture, sale, or other
23 disposition of property pursuant to the applicable provisions
24 of law amended by the Comprehensive Forfeiture Act of 1984
25 (98 Stat. 2040).

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1 “(5) entering into contracts or cooperative
2 agreements with any State, territory, or political
3 subdivision thereof, for the necessary construction,
4 physical renovation, acquisition of equipment, supplies,
5 or materials required to establish acceptable conditions
6 of confinement and detention services in any State or
7 local jurisdiction which agrees to provide guaranteed bed
8 space for Federal detainees within that correctional
9 system, in accordance with regulations which are issued
10 by the Attorney General and are comparable to the
11 regulations issued under section 4006 of this title,
12 except that--

13 “(A) amounts made available for purposes of this
14 paragraph shall not exceed the average per-inmate
15 cost of constructing similar confinement facilities
16 for the Federal prison population,

17 “(B) the availability of such federally assisted
18 facility shall be assured for housing Federal
19 prisoners, and

20 “(C) the per diem rate charged for housing such
21 Federal prisoners shall not exceed allowable costs or
22 other conditions specified in the contract or
23 cooperative agreement.”.

24 (b) CONFORMING AMENDMENT.--The table of sections at the
25 beginning of chapter 301 of title 18, United States Code, is

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1 amended by adding at the end the following:

``4013. Support of United States prisoners in non-Federal institutions.``

2 **SEC. 2156. PAY OF DIRECTOR OF THE SERVICE.**

3 Section 5315 of title 5, United States Code, is amended
4 by adding at the end thereof the following:

5 ``Director, United States Marshals Service.``

6 **SEC. 2157. TECHNICAL AMENDMENTS RELATING TO FORFEITURE.**

7 (a) **EXEMPTION OF CONTRACT SERVICES FROM FEDERAL**
8 **ACQUISITION REGULATIONS.**--Section 524(c)(1)(A) of title 28,
9 United States Code, is amended by adding at the end the
10 following: ``the Attorney General may exempt the procurement
11 of contract services under the fund from section 3709 of the
12 Revised Statutes of the United States (41 U.S.C. 5), title
13 III of the Federal Property and Administrative Services Act
14 of 1949 (41 U.S.C. 251 and following), and other provisions
15 of law as may be necessary to maintain the security and
16 confidentiality of related criminal or civil
17 investigations.``

18 (b) **EXPANDING CIVIL FORFEITURE SALES AUTHORITY.**--Section
19 511 of the Controlled Substances Act (21 U.S.C. 881(e)(1)(B))
20 is amended by inserting ``by public sale or any other
21 commercially feasible means`` after ``sell``.

22 (c) **FUNDING SEIZED ASSET COMPUTER SYSTEMS.**--Section
23 524(c)(1)(A) of title 28, United States Code, is amended by

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1 striking out `` (not less than 90 percent of which use will be
2 program related) `` and inserting in lieu thereof `` or
3 services for information systems supporting seized asset
4 programs. ``.

5 Subtitle P--Assimilative Crimes Act Amendments of 1988

6 SEC. 2161. SHORT TITLE.

7 This subtitle may be cited as the ``Assimilative Crimes
8 Act Amendments of 1988``.

9 SEC. 2162. PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE
10 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL.

11 Section 13 of title 18, United States Code, is amended--

12 (1) by inserting ``(a)`` before ``Whoever``; and

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

14 `` (b) For purposes of subsection (a) of this section,
15 that which may or shall be imposed through judicial or
16 administrative action under the law of a State, territory,
17 possession, or district, for a conviction for operating a
18 motor vehicle under the influence of a drug or alcohol, shall
19 be considered to be a punishment provided by that law. Any
20 limitation on the right or privilege to operate a motor
21 vehicle imposed under this subsection shall apply only to the
22 special maritime and territorial jurisdiction of the United
23 States. ``.

24 SEC. 2163. IMPLIED CONSENT FOR CERTAIN TESTS.

25 (a) IN GENERAL.--Chapter 205 of title 18, United States

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1 Code, is amended by adding at the end the following:

2 ``§3117. Implied consent for certain tests

3 ``(a) CONSENT.--Whoever operates a motor vehicle in the
4 special maritime and territorial jurisdiction of the United
5 States consents thereby to a chemical test or tests of such
6 person's blood, breath, or urine, if arrested for any offense
7 of driving while under the influence of a drug or alcohol in
8 such jurisdiction. The test or tests shall be administered
9 upon the request of a police officer having reasonable
10 grounds to believe the person arrested to have been driving a
11 motor vehicle upon the special maritime and territorial
12 jurisdiction of the United States while under the influence
13 of drugs or alcohol in violation of the laws of a State,
14 territory, possession, or district.

15 ``(b) EFFECT OF REFUSAL.--Whoever, having consented to a
16 test or tests by reason of subsection (a), refuses to submit
17 to such a test or tests, after having first been advised of
18 the consequences of such a refusal, shall be denied the
19 privilege of operating a motor vehicle upon the special
20 maritime and territorial jurisdiction of the United States
21 during the period of a year commencing on the date of arrest
22 upon which such test or tests was refused. Any person who
23 operates a motor vehicle in the special maritime and
24 territorial jurisdiction of the United States in violation of
25 this subsection shall be treated for the purposes of any

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1 civil or criminal proceedings arising out of such violation
2 as operating such vehicle without a license to do so.''.
3

4 (b) CLERICAL AMENDMENT.--The table of sections at the
5 beginning of chapter 205 of title 18, United States Code, is
6 amended by adding at the end the following:

7 ``3117. Implied consent for certain tests.''.
8

9 Subtitle Q--National Guard Drug Law Enforcement Assistance
10

11 Act of 1988

12 SEC. 2171. NATIONAL GUARD ASSISTANCE TO CIVILIAN LAW
13

14 ENFORCEMENT OFFICIALS.
15

16 Section 672(f) of title 10, United States Code, is
17 amended--
18

19 (1) by inserting ``(1)'' after ``(f)''; and
20

21 (2) by adding at the end the following new paragraph:
22

23 `` (2) The consent of a Governor described in subsections
24 (b) and (d) may not be withheld (in whole or in part) with
regard to active duty for assistance to civilian law
enforcement officials authorized under chapter 18 of this
title or otherwise authorized to be provided by members of
the armed forces.''.
25

26 Subtitle R--Drug Law Enforcement in Public Housing Projects
27

28 SEC. 2181. SECURITY AND PROTECTIVE SERVICES FOR THE
29

30 PREVENTION OF DRUG-RELATED CRIMES IN PUBLIC
31

32 HOUSING.
33

34 The Secretary of Housing and Urban Development is

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1 authorized to establish a demonstration project under which
2 the Secretary will provide grants to public housing agencies
3 to permit the agencies to prevent drug-related crimes in
4 public housing projects through (1) the establishment and
5 operation of public housing security forces to provide
6 security and protective services for public housing projects;
7 or (2) the reimbursement of local law enforcement agencies
8 for additional security and protective services for public
9 housing projects.

10 **Subtitle S--Study of Improvements to Monetary Rewards**

11 **SEC. 2191. STUDY.**

12 (a) **IN GENERAL.**--The Attorney General shall study--

13 (1) ways to increase cooperation and assistance for
14 drug law enforcement from informants eligible for rewards
15 from the Asset Forfeiture Fund; and

16 (2) the feasibility of establishing a bounty system
17 for alternative rewards.

18 (b) **REPORT TO CONGRESS.**--Not later than 180 days after
19 the date of the enactment of this Act, the Attorney General
20 shall report the results of such study to Congress.

21 **Subtitle T--Deportation of Aliens Amendment**

22 **SEC. 2201. EXEMPTIONS ON DEPORTATION OF ALIENS.**

23 Section 1251(b) of title 8, United States Code, is
24 amended by inserting before the period at the end the
25 following: "except on motion of the Government, requesting

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1 the court to consider applying the subsection, to reflect an
2 alien's substantial assistance in the investigation or
3 prosecution of another person who has committed a drug
4 offense as defined by section 404(c) of the Controlled
5 Substance Act''.

6 **Subtitle U--Steroid Control Act**

7 **SEC. 2211. STEROID CONTROL ACT.**

8 Section 202(c) of the Controlled Substances Act (21
9 U.S.C. 812(c)) is amended by adding at the end of Schedule I
10 the following:

11 ''(d) Methandrosterolone.''.
12

13 **Subtitle V--Task Force on Clandestine Drug Laboratories**

14 **SEC. 2221. SHORT TITLE.**

15 This subtitle may be cited as the ''Joint Federal Task
16 Force on Clandestine Drug Laboratories Establishment Act of
17 1988''.

18 **SEC. 2222. FINDINGS.**

19 Congress finds the following:

20 (1) The illegal manufacture of drugs has escalated
21 dramatically in recent years.

22 (2) Law enforcement officials and emergency response
23 personnel require specific training in the safe and
24 environmentally sound handling and disposal of hazardous
25 and toxic waste produced by clandestine drug laboratories
to ensure compliance with applicable State laws and

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1 regulations.

2 (3) The Drug Enforcement Administration of the
3 Department of Justice has indicated that the number of
4 clandestine drug laboratories has tripled in recent
5 years.

6 (4) The precursor chemicals that are combined in
7 clandestine drug laboratories, such as those combined in
8 illegal methamphetamine laboratories, produce extremely
9 hazardous substances.

10 (5) Illegal drug laboratories have been found in
11 apartments, motel rooms, motor homes, and inhabitable
12 dwellings in both urban and rural settings.

13 (6) Cleanup operations undertaken at the site of a
14 seized illegal drug laboratory often neglect residual
15 hazardous wastes which threaten the health of innocent
16 tenants, homeowners, and livestock, as well as the water
17 supply of surrounding communities.

18 (7) Clandestine drug laboratories are hazardous waste
19 producers.

20 (8) No Federal agency has been granted budgetary
21 authority to provide for the effective disposal and
22 cleanup of hazardous waste produced by clandestine drug
23 laboratories.

24 (9) The failure to cleanup and dispose of hazardous
25 waste produced by clandestine drug laboratories presents

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1 long-term health hazards.

2 (10) State and local authorities are currently ill-
3 equipped to effectively cleanup and dispose of hazardous
4 waste produced by clandestine drug laboratories.

5 **SEC. 2223. ESTABLISHMENT OF TASK FORCE.**

6 There is established the Joint Federal Task Force on
7 Clandestine Drug Laboratories (hereafter in this Act referred
8 to as the ``Task Force``).

9 **SEC. 2224. MEMBERSHIP OF TASK FORCE.**

10 (a) **APPOINTMENT.**--The members of the Task Force shall be
11 appointed jointly by the Administrators of the Environmental
12 Protection Agency and the Drug Enforcement Administration of
13 the Department of Justice (hereafter in this Act referred to
14 as the ``Administrators``).

15 (b) **MEMBERSHIP.**--The Administrators shall appoint the
16 members of the Task Force from among employees of the
17 Environmental Protection Agency and the Drug Enforcement
18 Administration of the Department of Justice. Such employees
19 shall include Emergency Response Technicians of the
20 Environmental Protection Agency and Field Agents of the Drug
21 Enforcement Administration of the Department of Justice.

22 **SEC. 2225. DUTIES OF TASK FORCE.**

23 (a) **IN GENERAL.**--The Task Force shall formulate,
24 establish, and implement a program for the cleanup and
25 disposal of hazardous waste produced by clandestine drug

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1 laboratories.

2 (b) CONSIDERATION OF FACTORS.--In formulating a program
3 under subsection (a), the Task Force shall consider the
4 following factors:

5 (1) The volume of hazardous waste produced by
6 clandestine drug laboratories.

7 (2) The cost of cleaning up and disposing of
8 hazardous waste produced by clandestine drug
9 laboratories.

10 (3) The effectiveness of the various methods of
11 cleaning up and disposing of hazardous waste produced by
12 clandestine drug laboratories.

13 (4) The coordination of the efforts of the
14 Environmental Protection Agency and the Drug Enforcement
15 Administration of the Department of Justice in cleaning
16 up and disposing of hazardous waste produced by
17 clandestine drug laboratories.

18 (c) DEFINITION.--For the purposes of this Act, the term
19 "clandestine drug laboratory" means any location, dwelling,
20 or site which contains precursor chemicals intended for use
21 in the illegal manufacture or synthesis of controlled
22 substances.

23 SEC. 2226. REPORTS.

24 (a) INITIAL REPORT.--The Task Force shall transmit to the
25 President and to each House of Congress not later than 120

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1 days after the date of the enactment of this Act a report
2 describing the program established by the Task Force under
3 section 5(a).

4 (b) PERIODIC REPORTS.--The Task Force shall periodically
5 transmit to the President and to each House of Congress
6 reports describing the implementation of the program
7 established by the Task Force under section 5(a) and the
8 progress made in the cleanup and disposal of hazardous waste
9 produced by clandestine drug laboratories.

10 Subtitle W--Additional Penalties for Operation of a
11 Locomotive or Common Carrier While Under the Influence of
12 Alcohol or Drugs

13 SEC. 2231. AMENDMENTS TO SECTION 342 OF TITLE 18.

14 Section 342 of title 18, United States Code, is amended
15 to read as follows:

16 (a) Except as provided in subsection (b), whoever
17 operates or directs or participates in the operation of a
18 railroad car, locomotive, bus, water craft, or aircraft while
19 under the influence of alcohol or drugs in the transaction of
20 the business of a common carrier shall be fined not more than
21 \$10,000 or imprisoned not more than 5 years, or both.

22 (b)(1) In a case in which such operation, direction, or
23 participation results in death, such operator, director, or
24 participant shall be imprisoned not less than 5 and not more
25 than 30 years per death, and may be fined not more than

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1 \$100,000 per death.

2 `` (2) In a case in which such operation, direction, or
3 participation results in serious bodily injury, such
4 operator, director, or participant shall be imprisoned not
5 less than 3 and not more than 15 years and may be fined not
6 more than \$50,000 per injured person.``.

7 **SEC. 2232. TECHNICAL AMENDMENT REGARDING TREATMENT OF BUS AS**
8 **COMMON CARRIER.**

9 Section 341 of title 18, United States Code, is amended
10 by striking ``a bus transporting passengers in interstate
11 commerce,`` and inserting ``a motor vehicle carrier engaged
12 in the business of transporting passengers in interstate
13 commerce by bus,``.

14 **Subtitle X--Miscellaneous Technical Amendments**

15 **SEC. 2241. PAYMENT IN KIND.**

16 Section 511(a)(6) of the Controlled Substances Act (21
17 U.S.C. 881(a)(6)) is amended by striking out ``and
18 securities`` the second place it appears and inserting
19 ``securities, and other things of value`` in lieu thereof.

20 **SEC. 2242. CONTROLLED SUBSTANCES AND RELATED AMENDMENTS.**

21 (a) **ATTEMPT AND CONSPIRACY AMENDMENTS.**--Section 406 of
22 the Controlled Substance Act (21 U.S.C. 846) and section 1013
23 of the Controlled Substances Import and Export Act (21 U.S.C.
24 963) are amended by striking out ``is punishable`` and all
25 that follows through ``punishment`` and inserting ``shall be

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1 subject to the same penalties as those''.

2 (b) CLARIFYING AMENDMENTS RELATING TO FORFEITURE OF
3 PROCEEDS OF A FOREIGN DRUG OFFENSE.--Subparagraph (B) of
4 section 981(a)(1) of title 18, United States Code, is amended
5 by--

6 (1) inserting `` , real or personal, '' after
7 ``property'';

8 (2) striking out ``which represents the proceeds of''
9 and inserting ``constituting, derived from, or traceable
10 to, any proceeds obtained directly or indirectly from'';

11 (3) striking out ``or activity'' the first place it
12 appears;

13 (4) inserting ``under the laws of the United States''
14 after ``punishable'' the second place it appears; and

15 (5) inserting ``constituting the offense against the
16 foreign nation'' after ``such act or activity''.

17 (c) CLARIFICATION OF CONTROLLED SUBSTANCE ANALOGUE
18 PROVISION.--Section 203 of the Controlled Substances Act (21
19 U.S.C. 813) is amended by striking out ``this title and title
20 III'' and inserting ``any Federal law''.

21 (d) CORRECTION OF REFERENCE RELATING TO MANDATORY PRISON
22 TERMS FOR JUVENILE DRUG TRAFFICKING.--Section 405B(e) of the
23 Controlled Substances Act (21 U.S.C. 845b(e)) is amended by
24 striking out ``required by section 401(b)''.

25 (e) CORRECTION OF TYPOGRAPHICAL ERROR.--Section 981(a)(2)

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1 of title 18, United States Code, is amended by striking out
2 ``emission`` and inserting ``omission``.

3 (f) CORRECTION OF REFERENCE TO SUBSECTION.--Section
4 981(i)(1) of title 18, United States Code, is amended by
5 striking out ``subchapter`` and inserting ``subsection``.

6 (g) MANDATORY MINIMUM PENALTY FOR TRAFFICKING IN
7 SUBSTANTIAL QUANTITY OF METHAMPHETAMINE.--Subparagraph (A) of
8 section 401(b)(1) of the Controlled Substances Act (21 U.S.C.
9 841(b)(1)) is amended--

10 (1) by striking out ``or`` at the end of clause (vi);

11 (2) by inserting ``or`` at the end of clause (vii);

12 and

13 (3) by adding a new clause (viii), as follows:

14 `` (viii) 100 grams or more of
15 methamphetamine, its salts, isomers, and salts of
16 its isomers or 1 kilogram or more of a mixture or
17 substance containing a detectable amount of
18 methamphetamine, its salts, isomers, or salts of
19 its isomers; ``.

20 (h) CONFORMING AMENDMENT.--Subparagraph (B) of section
21 401(b)(1) of the Controlled Substances Act (21 U.S.C.
22 841(b)(1)) is amended--

23 (1) by striking out ``or`` at the end of clause (vi);

24 (2) by inserting ``or`` at the end of clause (vii);

25 and

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1 (3) by adding a new clause (viii), as follows:

2 (viii) 10 grams or more of methamphetamine, its
3 salts, isomers, and salts of its isomers or 100 grams or
4 more of a mixture or substance containing a detectable
5 amount of methamphetamine, its salts, isomers, or salts
6 of its isomers;''.

7 **SEC. 2243. MONEY LAUNDERING AMENDMENTS.**

8 (a) INSERTION OF OFFENSE INADVERTENTLY DELETED FROM ANTI-
9 DRUG ABUSE ACT OF 1986.--Section 1956 of title 18, United
10 States Code, is amended--

11 (1) in subsection (a), by adding a new paragraph (3),
12 as follows:

13 (3) Whoever conducts or attempts to conduct a
14 financial transaction that in whole or in part involves
15 the proceeds of specified unlawful activity with intent
16 to violate or promote a violation of section 7201 or 7206
17 of the Internal Revenue Code of 1986 shall be sentenced
18 to a fine of not more than \$500,000 or twice the value of
19 the monetary instrument or funds involved in the
20 transaction, whichever is greater, or imprisonment for
21 not more than twenty years, or both.''; and

22 (2) in subsection (b) by adding the words ``or
23 (a)(3)'' after ``subsection (a)(1)''.

24 (b) CLARIFICATION OF SCOPE OF STAY OF CIVIL
25 FORFEITURE.--Section 981(g) of title 18, United States Code,

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1 is amended by inserting `` , Federal, State, or local, `` after
2 ``law``.

3 **SEC. 2244. CLARIFICATION OF PROHIBITION OF POSSESSION WITH**
4 **INTENT TO DISTRIBUTE CONTROLLED SUBSTANCES ON**
5 **AIRCRAFT.**

6 Section 1010(a)(3) of the Controlled Substances Import
7 and Export Act (21 U.S.C. 960(a)(3)) is amended by striking
8 out ``manufactures or distributes a controlled substance``
9 and inserting ``manufactures, possesses with intent to
10 distribute, or distributes a controlled substance``.

11 **SEC. 2245. CLARIFICATION OF DEFINITION OF DRUG TRAFFICKING**
12 **CRIMES IN WHICH USE OF FIREARMS AND ARMOR**
13 **PIERCING AMMUNITION IS PROHIBITED.**

14 Paragraph (2) of section 924(c) of title 18, United
15 States Code, and paragraph (2) of section 929(a) of title 18,
16 United States Code, are each amended to read as follows:

17 `` (2) for purposes of this subsection, the term `drug
18 trafficking crime` means any felony punishable under the
19 Controlled Substances Act (21 U.S.C. 801 et seq.), the
20 Controlled Substances Import and Export Act (21 U.S.C.
21 951 et seq.), or the Maritime Drug Law Enforcement Act
22 (46 App. U.S.C. 1901 et seq.). ``

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1 TITLE III--INTERNATIONAL DRUG CONTROL

2 Subtitle A--Multinational Anti-Drug Strike Force

3 SEC. 3001. ESTABLISHMENT OF A MULTINATIONAL STRIKE FORCE TO
4 COMBAT ILLICIT DRUG PRODUCTION AND TRAFFICKING
5 IN THE AMERICAS AND ASIA.

6 (a) UNITED STATES STRIKE FORCE PLAN.--The President shall
7 develop, through the National Drug Policy Board, and in
8 consultation with the Secretary of State, the Attorney
9 General, and the Secretary of Defense, a plan to establish a
10 multinational strike forces to combat illicit narcotics
11 production and trafficking in the Americas and in Asia, and
12 is encouraged to enter into negotiations with other nations
13 to implement these strike forces.

14 (b) REPORT.--Not later than 180 days, the President shall
15 submit to the Congress a report describing the plan developed
16 pursuant to subsection (a), and detailing the actions taken
17 to implement the strike forces.

18 Subtitle B--Amendments to the Foreign Assistance Act

19 SEC. 3021. EXEMPTIONS FROM PROHIBITION ON USING INTERNATIONAL
20 NARCOTICS CONTROL ASSISTANCE TO PROCURE
21 WEAPONS.

22 Section 482(b) of the Foreign Assistance Act of 1961 (22
23 U.S.C. 2291a(b)) is amended by adding at the end the
24 following: "This subsection does not apply with respect to a

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1 foreign country if the President determines that that country
2 needs to use assistance under this chapter to procure weapons
3 and ammunition in order to combat illicit drug production or
4 trafficking.''.

5 **SEC. 3022. EXEMPTIONS FROM PROHIBITION ON POLICE TRAINING.**

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

8 (1) by striking out ``or`` at the end of paragraph
9 (2);

10 (2) by striking out the period at the end of
11 paragraph (3) and inserting in lieu thereof ``; or``; and

12 (3) by inserting after paragraph (3) the following:

13 `` (4) with respect to assistance for a major illicit
14 drug producing country or a major drug-transit country
15 (as those terms are defined in section 481(i) of this
16 Act) if the President determines that that country needs
17 that assistance in combatting illicit drug production or
18 trafficking.''.

19 **Subtitle C--Sense of Congress on the Convening of a Summit of**
20 **Western Hemisphere Nations Concerning Drug Abuse**

21 **SEC. 3031. WESTERN HEMISPHERE DRUG SUMMIT.**

22 The Congress urges the President to convene a meeting of
23 the heads of government of those countries in the Western
24 Hemisphere in which illicit drugs are produced, through which
25 illicit drugs transit, or in which illicit drug use is a

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1 significant problem. The purpose of this meeting should be to
2 reach agreement on enhancing international cooperation,
3 including increased information sharing, with respect to
4 efforts to combat illicit drug production and trafficking.

5 Subtitle D--Sense of Congress on Suppression of International
6 Narcotics Trafficking

7 SEC. 3041. SENSE OF CONGRESS ON SUPPRESSION OF INTERNATIONAL
8 NARCOTICS TRAFFICKING.

9 It is the sense of Congress that the suppression of
10 international narcotics trafficking is a major national
11 security objective of the United States and the most
12 important national security objective within the Western
13 Hemisphere.

14 Subtitle E--Authorization of Appropriations for Assisting Law
15 Enforcement Authorities in Certain Foreign Countries

16 SEC. 3051. DRUG INTERDICTION AND ERADICATION TRAINING.

17 In addition to amounts otherwise authorized to be
18 appropriated to carry out chapter 5 of part II of the Foreign
19 Assistance Act of 1961 (relating to international military
20 education and training), there are authorized to be
21 appropriated to carry out that chapter for fiscal year 1989
22 such sums as may be necessary to provide education and
23 training to assist major illicit drug producing and major
24 drug transit countries in their efforts to enhance their
25 illicit drug interdiction and eradication efforts.

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1 **SEC. 3052. MILITARY ASSISTANCE FOR DRUG INTERDICTION AND**
2 **ERADICATION EFFORTS.**

3 In addition to amounts otherwise authorized to be
4 appropriated to carry out chapter 2 of part II of the Foreign
5 Assistance Act of 1961 (relating to the grant military
6 assistance program), there are authorized to be appropriated
7 to carry out that chapter for fiscal year 1989 such sums as
8 may be necessary to assist major illicit drug producing and
9 major drug transit countries in their efforts to enhance
10 their illicit drug interdiction and eradication efforts,
11 especially their rapid deployment capabilities.

12 **Subtitle F--Extradition and Mutual Legal Assistance Treaties**
13 **SEC. 3061. EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES.**

14 (a) **FINDINGS.--**The Congress finds that--

15 (1) section 133 of the Foreign Relations
16 Authorization Act, Fiscal Years 1986 and 1987 (enacted
17 August 16, 1985), directed the Secretary of State to
18 increase United States efforts to negotiate updated
19 extradition treaties relating to narcotics offenses with
20 each major drug-producing country;

21 (2) section 803 of the Foreign Relations
22 Authorization Act, Fiscal Years 1988 and 1989 (enacted
23 December 22, 1987) directed the Secretary of State to
24 ensure that an objective of the United States diplomatic
25 mission in each major illicit drug producing or major

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1 drug-transit country be to ensure that drug traffickers
2 can be extradited to the United States; and

3 (3) although some progress has been made pursuant to
4 these directives in increasing international law
5 enforcement cooperation with respect to illicit drug
6 production and trafficking, much greater international
7 law enforcement cooperation is required in combating the
8 illicit drug problem.

9 (b) **GREATER EMPHASIS REQUIRED.**--Therefore, the Congress
10 directs the Secretary of State to place greater emphasis on
11 updating extradition treaties, and on negotiating mutual
12 legal assistance treaties, with major illicit drug producing
13 countries and major drug-transit countries.

14 **Subtitle G--Export-Import Bank Financing for Defense Against**
15 **Narco-Terrorists**

16 **SEC. 3071. EXPORT-IMPORT BANK FINANCING FOR DEFENSE ARTICLES**
17 **AND SERVICES TO COMBAT ILLICIT DRUG PRODUCTION**
18 **AND TRAFFICKING.**

19 Notwithstanding section 32 of the Arms Export Control Act
20 and section 2(b)(6) of the Export-Import Bank Act of 1945,
21 the Export-Import Bank of the United States may guarantee,
22 insure, and extend credit (or participate in the extension of
23 credit) in connection with a credit sale of defense articles
24 or defense services to a major illicit drug producing country
25 or a major drug-transit country (as those terms are defined

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1 in section 481(i) of the Foreign Assistance Act of 1961) if
2 the President certifies to the Congress that that country
3 needs those defense articles or defense services in
4 combatting illicit drug production or trafficking.

5 **Subtitle H--Increased Intelligence Capabilities**
6 **SEC. 3081. SPECIAL ACTIVITIES BY INTELLIGENCE AGENCIES**
7 **DIRECTED AT ILLICIT INTERNATIONAL DRUG**
8 **TRAFFICKING.**

9 (a) **AMENDMENT TO NATIONAL SECURITY ACT.**--Title V of the
10 National Security Act of 1947 is amended by adding at the end
11 the following:

12 ``**SPECIAL ACTIVITIES BY INTELLIGENCE AGENCIES DIRECTED AT**
13 **ILLICIT INTERNATIONAL DRUG TRAFFICKING**

14 ``**SEC. 504.** A special activity directed at illicit
15 international drug trafficking shall be deemed to be
16 important to the national security of the United States for
17 purposes of requirements for Presidential approval.``.

18 (b) **CONFORMING AMENDMENT.**--The table of contents in the
19 first section of that Act is amended by inserting after the
20 item relating to section 503 the following new item:

``**Sec. 504.** Special activities by intelligence agencies
 directed at illicit international drug
 trafficking.``.

21 **SEC. 3082. USE OF INFORMATION CONCERNING ILLICIT DRUG**
22 **TRAFFICKING OBTAINED BY ELECTRONIC SURVEILLANCE**
23 **CONDUCTED FOR FOREIGN INTELLIGENCE PURPOSES.**

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1 Section 101(h) of the Foreign Intelligence Surveillance
2 Act of 1978 (50 U.S.C. 1801(h)) is amended--

3 (1) by striking out the period at the end of
4 paragraph (4) and inserting in lieu thereof ``; and``;
5 and

6 (2) by inserting after paragraph (4) the following:
7 ``except that such procedures are not required to
8 preclude the retention, dissemination, and use in
9 combatting illicit drug trafficking of information
10 obtained through electronic surveillance authorized
11 pursuant to this Act.``.

12 Subtitle I--Mexico-United States Intergovernmental Commission

13 SEC. 3091. COMMISSION.

14 Section 2024 of the International Narcotics Control Act
15 of 1986 is amended by adding at the end the following:

16 ``(d) PURPOSE OF THE COMMISSION.--The purpose of the
17 Mexico-United States Intergovernmental Commission on
18 Narcotics and Psychotropic Drug Abuse and Control should be
19 to review narcotics-related issues between the United States
20 and Mexico, to improve relations between the two countries
21 with respect to these issues, and to make recommendations
22 with respect to these issues to the appropriate executive and
23 legislative agencies and bodies of each country.

24 ``(e) APPOINTMENT OF CONGRESSIONAL MEMBERS.--

25 (1) HOUSE MEMBERSHIP.--(A) The Speaker of the House

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1 of Representatives is authorized to appoint, in
2 consultation with the minority leader of the House, at
3 least 5 Members of the House to serve as members of the
4 commission. Of the Members so appointed, at least one
5 shall be a member of the Committee on Foreign Affairs and
6 at least one shall be a member of the Committee on the
7 Judiciary. The Members of the House so appointed shall be
8 known as the House delegation to the commission.

9 (B) The Speaker shall designate one of the Members
10 so appointed as chairman of the House delegation and one
11 of the Members so appointed as vice chairman of the House
12 delegation.

13 (C) The membership of the House delegation shall
14 reflect the ratio in party membership in the House.

15 (2) SENATE MEMBERSHIP.--(A) The majority leader of
16 the Senate is authorized to appoint, in consultation with
17 the minority leader of the Senate, at least 5 Members of
18 the Senate to serve as members of the commission. Of the
19 Members so appointed, at least one shall be a member of
20 the Committee on Foreign Relations and at least one shall
21 be a member of the Committee on the Judiciary. The
22 Members of the Senate so appointed shall be known as the
23 Senate delegation to the commission.

24 (B) The majority leader of the Senate shall
25 designate one of the Members so appointed as chairman of

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1 the Senate delegation and one of the Members so appointed
2 as vice chairman of the Senate delegation.

3 `` (C) The membership of the Senate delegation shall
4 reflect the ratio in party membership in the Senate.

5 `` (3) TERM OF EACH APPOINTMENT.--Members of the House
6 and Senate appointed to the commission under this
7 subsection shall be appointed to serve as members of the
8 commission during the Congress in which they are
9 appointed.

10 `` (4) FUNDING.--(A) Of the amounts appropriated to
11 the Department of State for 'International Conferences
12 and Contingencies' for each fiscal year, \$25,000 may be
13 used for the expenses of the House delegation and \$25,000
14 may be used for the expenses of the Senate delegation.

15 `` (B) Funds made under subparagraph (A) shall be
16 disbursed on vouchers to be approved--

17 `` (i) by the chairman of the House delegation in
18 the case of House delegation, and

19 `` (ii) by the chairman of the Senate delegation
20 in the case of the Senate delegation.

21 `` (C) The certificate of the chairman of the House
22 delegation, and the certificate of the chairman of the
23 Senate delegation, shall be final and conclusive upon the
24 accounting officers in the auditing of all accounts of
25 their respective delegations.

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1 ``(5) REPORTS.--The House delegation and the Senate
2 delegation shall submit to the Congress a report for each
3 fiscal year for which funds are made available to that
4 delegation under paragraph (4).

5 ``(f) INITIAL MEETING OF THE COMMISSION.--The Members of
6 Congress initially appointed as members of the commission
7 under subsection (e), together with any members of the
8 executive branch appointed as members of the commission,
9 shall make the necessary arrangements with their counterparts
10 in the Government of Mexico (as designated by the Mexican
11 Chamber of Deputies and Senate and the Mexican executive
12 branch) for the initial meetings of the commission.''

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1 TITLE IV--INTERDICTION IMPROVEMENT
2 Subtitle A--Use of Armed Forces for Interdiction of Narcotics
3 at United States Borders

4 SEC. 4001. USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS
5 AT UNITED STATES BORDERS.

6 (a) GENERAL REQUIREMENT.--

7 (1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT
8 AND VESSELS.--Within 30 days after the date of the
9 enactment of this Act, the President shall deploy
10 equipment and personnel of the Armed Forces sufficient to
11 halt the unlawful penetration of United States borders by
12 aircraft and vessels carrying narcotics. Such equipment
13 and personnel shall be used to locate, pursue, and seize
14 such vessels and aircraft and to arrest their crews.
15 Military personnel may not make arrests of crew members
16 of any such aircraft or vessels after the crew members
17 have departed the aircraft or vessels, unless the
18 military personnel are in hot pursuit.

19 (2) RADAR COVERAGE.--Within 30 days after the date of
20 the enactment of this Act, the President shall deploy
21 radar aircraft in sufficient numbers so that during the
22 hours of darkness there is continuous aerial radar
23 coverage of the southern border of the United States.

24 (3) PURSUIT AIRCRAFT.--The President also shall

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1 deploy sufficient numbers of rotor wing and fixed wing
2 aircraft to pursue and seize intruding aircraft detected
3 by the radar aircraft referred to in paragraph (2). The
4 President shall use personnel and equipment of the United
5 States Customs Service and the Coast Guard to assist in
6 carrying out this paragraph.

7 (4) USE OF NATIONAL GUARD AND RESERVES.--In carrying
8 out this Act, the President shall use members of the
9 National Guard and the Reserves. The tours of such
10 members shall correspond to their training commitments
11 and shall be considered to be within their mission. The
12 President shall withhold Federal funding from any
13 National Guard unit whose State commander does not
14 cooperate with the drug interdiction program required by
15 this Act.

16 (5) EXPENSES.--The expenses of carrying out this Act
17 shall be borne by the Department of Defense.

18 (b) 45-DAY DEADLINE.--The President shall substantially
19 halt the unlawful penetration of United States borders by
20 aircraft and vessels carrying narcotics within 45 days after
21 the date of the enactment of this Act.

22 (c) REPORT.--within 60 days after the date of the
23 enactment of this Act, the President shall report to Congress
24 the following:

25 (1) The effect on military readiness of the drug

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1 interdiction program required by this Act and the costs
2 in the areas of procurement, operation and maintenance,
3 and personnel which are necessary to restore readiness to
4 the level existing before commencement of such program.

5 (2) The number of aircraft, vessels, and persons
6 interdicted during the operation of the drug interdiction
7 program and the number of arrests and convictions
8 resulting from such program.

9 (3) Recommendations for any changes in existing law
10 that may be necessary to more efficiently carry out this
11 program.

12 (d) REQUEST FOR FUNDING.--within 90 days after the date
13 of the enactment of this Act, the President shall submit to
14 Congress a request for--

15 (1) the amount of funds spent as a result of the drug
16 interdiction program required by this Act; and

17 (2) the amount of funds needed to continue operation
18 of the program through fiscal year 1988 and 1989.

19 Such request shall include amounts necessary to restore the
20 readiness of the Armed Forces to the level existing before
21 commencement of the program.

22 (e) BUDGET REQUESTS.--Beginning with the budget request
23 for fiscal year 1990 and for each fiscal year thereafter, the
24 President shall submit in his budget for the Department of
25 Defense a request for funds for the drug interdiction program

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1 required by this Act in the form of a separate budget
2 function.

3 **Subtitle B--Department of Transportation Study of**
4 **Establishing Flight Corridors**

5 **SEC. 4031. STUDY.**

6 The Secretary of Transportation, in consultation with the
7 Attorney General and the Secretary of the Treasury, shall
8 study the feasibility of establishing flight corridors across
9 the southern, southeastern, and southwestern borders of the
10 United States, including the policy of interdicting any
11 aircraft which deviates from such corridors. The Secretary of
12 Transportation shall report the results of such study to
13 Congress not later than 180 days after the date of the
14 enactment of this Act.

15 **Subtitle C--Maritime Drug Law Enforcement and Enhancement Act**
16 **of 1988**

17 **SEC. 4041. SHORT TITLE.**

18 This subtitle may be cited as the 'Maritime Drug Law
19 Enforcement and Enhancement Act of 1988'.

20 **CHAPTER 1--DRUG ENFORCEMENT BUDGET IMPROVEMENTS**

21 **SEC. 4042. ANNUAL REPORT ON FEDERAL DRUG ENFORCEMENT**
22 **EXPENDITURES.**

23 The President shall include with each budget for the
24 United States Government submitted to the Congress pursuant
25 to section 1105(a) of title 31, United States Code, a report

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1 describing in detail--

2 (1) the total amount of spending by each agency of
3 the United States for illegal drug enforcement programs
4 during the fiscal year preceding the fiscal year for
5 which the budget is submitted;

6 (2) the total amount of spending proposed by the
7 budget for each agency of the United States for illegal
8 drug enforcement programs for the following fiscal year.

9 **SEC. 4043. CONGRESSIONAL COMMITTEE REPORTS.**

10 Each committee of the House of Representatives and of the
11 Senate shall issue a report not later than March 15 of each
12 year describing estimates of the total amount of budget
13 authority required by each agency of the United States for
14 the following fiscal year to enable that agency to
15 effectively implement all illegal drug enforcement programs
16 which are within that committee's jurisdiction.

17 **CHAPTER 2--COAST GUARD DRUG INTERDICTION ENHANCEMENT.**

18 **SEC. 4044. CLARIFICATION OF COAST GUARD LAW ENFORCEMENT**

19 **DUTIES.**

20 Section 2 of title 14, United States Code, is amended by
21 striking ``on and under`` the first time it appears and
22 inserting in lieu thereof ``on, under, and over``.

23 **SEC. 4045. COAST GUARD MARITIME AIR SURVEILLANCE AND**

24 **INTERDICTION.**

25 Title 14, United States Code, is amended--

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1 (1) in section 2 by striking ``United States;'' the
2 first place it appears and inserting in lieu thereof
3 ``United States; shall engage in maritime air
4 surveillance or interdiction to enforce or assist in the
5 enforcement of the laws of the United States;'' , and

6 (2) by amending section 89 to read as follows:

7 ``§89. Law enforcement

8 ``(a)(1) To prevent, detect, and suppress violations of
9 laws of the United States, the Secretary may--

10 ``(A) in the case of a vessel subject to the
11 jurisdiction, or to the operation of law, of the United
12 States, make inquiries, examinations, inspections,
13 searches, seizures, and arrests on the high seas and
14 waters subject to the jurisdiction of the United States;

15 ``(B) in the case of an aircraft subject to the
16 jurisdiction or to the law of the United States--

17 ``(i) make inquiries, examinations, inspections,
18 searches, and seizures of aircraft; and

19 ``(ii) order aircraft to a landing area; and

20 ``(C) take any other lawful action.

21 ``(2) In exercising authority of the Secretary under
22 subsection (a) with respect to any vessel or aircraft subject
23 to the jurisdiction or law of the United States, a Coast
24 Guard officer may--

25 ``(A) order the vessel or aircraft to stop or proceed

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1 to a landing area, as applicable;

2 (B) at any time go on board the vessel or aircraft;

3 (C) address inquiries to those on board the vessel
4 or aircraft;

5 (D) examine the documents and records of the vessel
6 or aircraft;

7 (E) examine, inspect, and search the vessel or
8 aircraft;

9 (F) use all necessary force to compel compliance
10 with lawful orders of the officer; and

11 (G) take any other lawful action.

12 (b)(1) When inquiries, examinations, inspections, or
13 searches authorized by this section indicate that a violation
14 of the laws of the United States making an individual subject
15 to arrest is being or has been committed by an individual, a
16 Coast Guard officer may--

17 (A) arrest the individual;

18 (B) pursue and arrest on shore or at a landing area
19 any individual who is escaping to shore or from a landing
20 area; and

21 (C) take any other lawful action.

22 (2) A vessel or aircraft, or any part of the goods on a
23 vessel or aircraft, or both, may be seized by a Coast Guard
24 officer if--

25 (A) probable cause exists that a violation of the

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1 laws of the United States has been committed rendering
2 the vessel, aircraft, or goods on the vessel or aircraft
3 liable to forfeiture under the laws of the United States;
4 or

5 `` (B) seizure is necessary to secure a civil penalty
6 under any law of the United States.

7 `` (c) When a Coast Guard officer exercises authority
8 granted by this section, the officer--

9 `` (1) is deemed to be acting as an agent of the
10 particular department, agency, or instrumentality of the
11 United States charged with the administration of the
12 particular law; and

13 `` (2) is subject to the rules and regulations
14 prescribed by that department, agency, or instrumentality
15 with respect to the enforcement of that law.

16 `` (d) Authority granted by this section to a Coast Guard
17 officer--

18 `` (1) is in addition to any other authority granted
19 by law to the officer; and

20 `` (2) shall not be considered to limit any other
21 authority granted by law to that officer.

22 `` (e) In this section, the term `Coast Guard officer'
23 means a commissioned, warrant, or petty officer of the Coast
24 Guard.'`.

25 **SEC. 4046. COAST GUARD ACCESS TO CUSTOMS FORFEITURE FUND.**

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1 Section 613A of the Tariff Act of 1930 (19 U.S.C 1613b)
2 is amended as follows:

3 (1) USES OF FUND.--Subsection (a) is amended to read
4 as follows:

5 `` (a) There is established in the Treasury of the United
6 States a fund to be known as the Customs Forfeiture Fund
7 (hereinafter in this section referred to as the ``fund``),
8 which shall be available to the United States Customs Service
9 and the United States Coast Guard with respect to seizures
10 and forfeitures by the United States Customs Service and by
11 the United States Coast Guard under any law enforced or
12 administered by the Customs Service or the Coast Guard for
13 payment (to the extent that the payment is not reimbursed
14 under section 524 of this Act)--

15 `` (1) of all proper expenses of the seizure
16 (including investigative costs leading to seizures) or
17 the proceedings of forfeiture and sale (not otherwise
18 recovered under section 613(a) of this Act), including,
19 but not limited to, expenses of inventory, security,
20 maintaining the custody of the property, advertising and
21 sale, and if condemned by the court and a bond for these
22 costs was not given, the costs as taxed by the court;

23 `` (2) of awards of compensation to informers under
24 section 619 of this Act;

25 `` (3) for satisfaction of--

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1 `` (A) liens for freight, charges, and
2 contributions in general average, notice of which has
3 been filed with the appropriate customs officer
4 according to law; and

5 `` (B) other liens against forfeited property;

6 `` (4) of amounts authorized by law with respect to
7 remission and mitigation;

8 `` (5) of claims of parties in interest to property
9 disposed of under section 612(b) of this Act, in the
10 amounts applicable to the claims at the time of seizure;

11 `` (6) of expenses incurred in bringing vessels into
12 compliance with applicable environmental laws before
13 disposing of the vessels by sinking; and

14 `` (7) the claims of owners or other persons in charge
15 of vessels in commercial service, as defined under
16 section 2101 of title 46, United States Code, for any
17 loss resulting from the seizure or forfeiture of a vessel
18 under section 511 of the Controlled Substances Act,
19 including legal expenses and lost income, unless it
20 appears that the owner or other person in charge of the
21 vessel was a consenting party or party to a violation of
22 section 404 of the Controlled Substances Act.

23 In addition to the purposes described in paragraphs (1)
24 through (7), the fund is available for--

25 `` (i) purchase by the Customs Service of evidence;

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1 “(ii) the equipping for law enforcement functions of
2 any vessel, vehicle, or aircraft available for official
3 use by the Customs Service or the Coast Guard;

4 “(iii) the reimbursement, at the discretion of the
5 Secretary, of private citizens for expenses incurred by
6 them in cooperating with the Customs Service or the Coast
7 Guard in investigations and undercover law enforcement
8 operations; and

9 “(iv) the publicizing of the availability of rewards
10 under section 619 of this Act.”

11 (2) PAYMENTS FROM FUND TO COAST GUARD.--Subsection
12 (b)(2) is amended to read as follows:

13 “(2)(A) Payments to the Coast Guard under this section
14 shall be made by the Commissioner of Customs to reimburse the
15 applicable appropriation of the Coast Guard.

16 “(B) Payments to the Coast Guard under subsection
17 (a)(1)--

18 “(i) shall not exceed the value of the property
19 seized by the Coast Guard at the time of the seizure; and

20 “(ii) shall have priority over and shall not be
21 affected by payments made under paragraphs (2) through
22 (6) of subsection (a).”

23 (3) DEPOSITS OF FORFEITURE PROCEEDS INTO
24 FUND.--Subsection (c) is amended--

25 (A) by striking “during the period beginning on

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1 the date of the enactment of this section, and ending
2 on September 30, 1987, ``; and

3 (B) by striking ``administered by the United
4 States Customs Service,`` and inserting in lieu
5 thereof ``administered by the United States Customs
6 Service or the United States Coast Guard``.

7 **SEC. 4047. AUTHORITY AND PROTECTION OF COMMANDING OFFICERS ON**
8 **NAVAL VESSELS TO WHICH COAST GUARD PERSONNEL**
9 **ARE ASSIGNED.**

10 (a) IN GENERAL.--Section 637 of title 14, United States
11 Code, is amended to read as follows:

12 ``§637. Stopping vessels; immunity of commanding officer

13 `` (a) Whenever any vessel liable to seizure or
14 examination does not stop, on being ordered to do so or on
15 being chased by any authorized vessel or authorized aircraft
16 which has displayed the ensign, pennant, or other identifying
17 insignia prescribed for the authorized vessel or authorized
18 aircraft, the person in command or in charge of an authorized
19 vessel or authorized aircraft may, after a gun has been fired
20 by the authorized vessel or authorized aircraft as a warning
21 signal, fire at or into the vessel which does not stop.

22 `` (b) The person in command of an authorized vessel or
23 authorized aircraft and all persons acting by or under that
24 person's direction shall be indemnified from any penalties or
25 actions for damages for firing at or into a vessel pursuant

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1 to subsection (a). If the person in command of the authorized
2 vessel or authorized aircraft or any person acting pursuant
3 to their orders is prosecuted or arrested because a person is
4 killed or wounded by such firing, the person prosecuted or
5 arrested shall be admitted to bail immediately.

6 `` (c) A vessel or aircraft is an authorized vessel or
7 authorized aircraft for purposes of this section if--

8 `` (1) it is a Coast Guard vessel or aircraft; or

9 `` (2) it is a surface naval vessel on which a member
10 of the Coast Guard is assigned under section 379 of title
11 10, United States Code.``.

12 (b) **CONFORMING AMENDMENT.**--The item relating to section
13 637 in the table of sections at the beginning of chapter 17
14 of title 14, United States Code, is amended to read as
15 follows:

``637. Stopping vessels; immunity of commanding officer.``.

16 **SEC. 4048. INDEMNIFICATION OF COAST GUARD MEMBERS AND**
17 **EMPLOYEES.**

18 (a) **IN GENERAL.**--Title 14, United States Code, is amended
19 by inserting after section 644 the following:

20 ``§645. Indemnification of Coast Guard members and employees

21 ``The Commandant may indemnify any member or employee of
22 the Coast Guard against any claim or judgment against the
23 member or employee if the claim or judgment arises out of an
24 act committed, as determined by the Commandant, within the

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1 scope of the official duties of the member or employee in
2 carrying out drug enforcement activities.''

3 (b) CONFORMING AMENDMENT.--The table of sections at the
4 beginning of chapter 17 of title 14, United States Code, is
5 amended by inserting after the item relating to section 644
6 the following:

''645. Indemnification of Coast Guard members and
employees.''

7 SEC. 4049. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD.

8 (a) AUTHORIZATION.--

9 (1) IN GENERAL.--There are authorized to be
10 appropriated for necessary expenses of the Coast Guard
11 for fiscal year 1988 the following:

12 (A) \$155,000,000 for acquisition and construction
13 of--

14 (i) 110 foot patrol boats;

15 (ii) HH-60 helicopters; and

16 (iii) forward looking radars for long-range
17 surveillance aircraft.

18 (B) \$17,000,000 for operation and maintenance of
19 equipment obtained with amounts appropriated under
20 subparagraph (A).

21 (C) Amounts necessary for personnel to operate
22 equipment obtained with amounts appropriated under
23 subparagraph (A).

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1 (2) COMPATIBILITY OF EQUIPMENT.--The Secretary of
2 Transportation shall ensure that, to the extent
3 practicable, equipment purchased with amounts
4 appropriated pursuant to this section is compatible with
5 equipment used by other agencies of the United States
6 which carry out drug interdiction activities.

7 (b) AMOUNTS IN ADDITION TO OTHER AMOUNTS.--The amounts
8 authorized to be appropriated for the Coast Guard by this
9 section are in addition to any amounts otherwise authorized
10 by law.

11 (c) AUTHORIZATION ENHANCEMENT.--Nothing in this Act shall
12 require the Coast Guard to recruit, compensate, train,
13 purchase, or deploy any personnel or equipment except to the
14 extent that--

15 (1) additional appropriations are made available in
16 appropriations Acts for that purpose; or

17 (2) funds are otherwise available to the Secretary of
18 Transportation for that purpose.

19 **CHAPTER 3--GREAT LAKES DRUG INTERDICTION**

20 **SEC. 4050. INTERAGENCY AGREEMENT.**

21 The Secretary of Transportation and the Commissioner of
22 Customs shall enter into an agreement for the purpose of
23 increasing the effectiveness of maritime drug interdiction
24 activities of the Coast Guard and the Customs Service in the
25 Great Lakes area.

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1 SEC. 4051. SUBMISSION TO CONGRESS OF PROPOSED LEGISLATION
2 RELATING TO SPECIAL RESTRICTIONS AND
3 INSPECTIONS FOR VESSELS ARRIVING FROM DRUG-
4 PRODUCING COUNTRIES.

5 Not later than 180 days after the date of the enactment
6 of this Act, the Secretary of Transportation, in consultation
7 with the Secretary of the Treasury and other drug law
8 enforcement agencies, shall submit to Congress a draft of
9 legislation--

10 (1) to control the ports of entry into the United
11 States of vessels and aircraft with cargoes and
12 containers from, or shipped through, countries certified
13 by the Secretary of State to be drug-producing countries;

14 (2) to require advance notification of entry into the
15 United States from those vessels and aircraft; and

16 (3) to subject those vessels and aircraft and their
17 cargoes and containers to quarantine and inspection,
18 including provisions for assessment of fees under section
19 9701 of title 31, United States Code.

20 SEC. 4052. INNOCENT VESSEL OWNER SEIZURE EXCEPTION.

21 Section 511(a)(4)(A) of the Controlled Substances Act is
22 amended to read as follows:

23 (A)(i) no conveyance used by any persons as a
24 common carrier in the transaction of business as a
25 common carrier; or

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1 (ii) no fishing vessel, fish processing vessel,
2 fish tender vessel, or tanker, as those terms are
3 defined under section 2101 of title 46, United States
4 Code, for which a certificate of documentation is
5 issued under chapter 121 of title 46;
6 shall be forfeited under the provisions of this section
7 unless it shall appear that the owner or other person in
8 charge of such conveyance was a consenting party or party
9 to a violation of this subchapter or subchapter II of
10 this chapter; and''.

11 **SEC. 4053. INCREASED USE OF LONG-RANGE SURVEILLANCE AIRCRAFT**
12 **IN GREAT LAKES AREA.**

13 The Secretary of Transportation, the Commissioner of the
14 Customs, the Secretary of the Navy, and the Secretary of the
15 Air Force shall each take steps as may be necessary and
16 appropriate to increase the use of long-range surveillance
17 aircraft of those agencies to detect vessels engaged in drug
18 smuggling in the Great Lakes area.

19 **SEC. 4054. NEGOTIATIONS WITH CANADA ON DRUG ENFORCEMENT**
20 **COOPERATION.**

21 The Secretary of State shall enter into negotiations with
22 the Government of Canada for the purpose of establishing an
23 agreement between the United States and Canada which provides
24 for increased cooperation and sharing of information between
25 United States and Canadian law enforcement officials with

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1 respect to illegal drug interdiction efforts conducted along
2 the boarder between the United States and Canada.

3 **CHAPTER 4--VESSEL IDENTIFICATION**

4 **SEC. 4055. UNITED STATES VESSEL:**

5 (a) **DEFINITION.**--Chapter 1 of title 1, United States
6 Code, is amended by adding at the end the following:

7 **``§7. United States vessel**

8 **``The term `United States vessel` means a vessel--**

9 **``(1) for which a certificate of documentation is**
10 **issued under chapter 121 of title 46;**

11 **``(2) numbered under chapter 123 of title 46; or**

12 **``(3) titled under the law of a State or of Guam,**
13 **Puerto Rico, the Virgin Islands, American Samoa, the**
14 **District of Columbia, the Northern Mariana Islands, or**
15 **any other territory or possession of the United States.**

16 **``§8. Documented vessel**

17 **``The term `documented vessel` means a vessel for which a**
18 **certificate of documentation is issued under chapter 121 of**
19 **title 46.``**

20 **(b) CONFORMING AMENDMENTS.--**

21 **(1) TABLE OF SECTIONS.--The table of sections at the**
22 **beginning of such chapter is amended by adding at the end**
23 **the following:**

- ``7. United States vessel.**
8. Documented vessel.``

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1 (2) REFERENCES IN OTHER LAWS.--Title 46, United
2 States Code, is amended--

3 (A) by striking the term ``vessel of the United
4 States'' wherever it appears and inserting in lieu
5 thereof ``United States vessel''; and

6 (B) by repealing sections 2101(10), (45), and
7 (46).

8 (3) SUBMISSION OF LEGISLATION.--Before 60 days after
9 the date of enactment of this Act, the Secretary of
10 Transportation shall submit legislation to the Congress
11 to conform references to vessels intended to be referred
12 to as United States vessels or documented vessels (as
13 those terms are defined in title 1, United States Code,
14 as amended by this section) in other laws of the United
15 States.

16 **SEC. 4056. VESSEL AGENT IDENTIFICATION.**

17 (a) IN GENERAL.--Section 12103(c)(2) of title 46, United
18 States Code, is amended to read as follows:

19 ``(2) identify the owner of the vessel and an
20 individual designated as the agent of the owner; and''.

21 (b) EFFECTIVE DATE.--The amendment made by subsection (a)
22 shall be effective with respect to a certificate of
23 documentation issued before the date of enactment of this Act
24 as of the date on which the certificate is renewed.

25 **SEC. 4057. ESTABLISHMENT OF VESSEL OWNERSHIP INFORMATION**

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1 DEPOSITORY.

2 (a) IN GENERAL.--The Secretary of Transportation shall
3 establish and maintain a central depository for collection
4 and cataloguing of information relating to ownership of
5 United States vessels, including information relating to
6 maritime commercial instruments and liens, which shall be
7 available for use by law enforcement officers of the United
8 States.

9 (b) CONFORMING REPEAL.--Section 12113 of title 46, United
10 States Code, is repealed.

11 CHAPTER 5--REORGANIZATION TO COORDINATE MARITIME LAW

12 ENFORCEMENT PROGRAMS

13 SEC. 4057. SHORT TITLE.

14 This chapter may be cited as the ``Federal Maritime
15 Administration Act``.

16 SEC. 4058. ESTABLISHMENT OF FEDERAL MARITIME ADMINISTRATION.

17 Chapter 1 of title 49, United States Code, is amended by
18 striking out sections 108, 109, and 110 and inserting in lieu
19 thereof the following:

20 ``§108. Federal Maritime Administration

21 `` (a) The Federal Maritime Administration is established
22 as an administration in the Department of Transportation.

23 `` (b) The Federal Maritime Administration shall consist
24 of---

25 `` (1) the Coast Guard; and

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1 “(2) the National Maritime Service.

2 “(c)(1) The Federal Maritime Administration shall be
3 headed by the Under Secretary for Maritime Affairs and
4 Readiness, who shall be appointed by the President by and
5 with the advice and consent of the Senate.

6 “(2) The Under Secretary for Maritime Affairs and
7 Readiness--

8 “(A) shall report directly to the Secretary of
9 Transportation;

10 “(B) shall serve as the chief advisor to the
11 Secretary of Transportation on maritime matters;

12 “(C) shall serve as the primary liaison to the
13 Department of Defense for maritime readiness matters
14 relating to the Department of Transportation;

15 “(D) shall carry out duties and powers prescribed by
16 the Secretary of Transportation; and

17 “(E) may reallocate functions between the Coast
18 Guard and the National Maritime Service.”.

19 “(d) There shall be in the Federal Maritime
20 Administration the Office of Drug Interdiction Coordination,
21 which shall coordinate all programs of the Federal Maritime
22 Administration relating to illegal drug interdiction.”.

23 **SEC. 4059. RENAMING OF EXISTING MARITIME ADMINISTRATION.**

24 The Maritime Administration transferred to the Department
25 of Transportation by section 2 of the Maritime Act of 1981

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1 (46 U.S.C. App. 1601)--

2 (1) shall be known as the National Maritime Service;

3 (2) shall be a unit of the Federal Maritime

4 Administration established by section 108 of title 49,

5 United States Code (as amended by this chapter); and

6 (3) shall be headed by a Director who shall report to

7 the Under Secretary for Maritime Affairs and Readiness.

8 **SEC. 4060. TRANSFER OF CERTAIN MARITIME FUNCTIONS OF NATIONAL**

9 **OCEAN SERVICE AND NATIONAL WEATHER SERVICE.**

10 (a) **IN GENERAL.**--There are transferred to and vested in
11 the Secretary of Transportation (hereinafter in this chapter
12 referred to as the "Secretary"), acting through the Federal
13 Maritime Administration--

14 (1) the functions of the National Ocean Service in
15 the National Oceanic and Atmospheric Administration of
16 the Department of Commerce relating to--

17 (A) charting and geodetic services; and

18 (B) marine operations; and

19 (2) the functions of the National Weather Service of
20 the Department of Commerce relating to the data buoy
21 center.

22 (b) **RELATED TRANSFERS AND ALLOCATIONS.**--

23 (1) **IN GENERAL.**--Except as otherwise provided in this
24 chapter and subject to paragraphs (2) and (3) and section
25 1531 of title 31, United States Code, there are

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1 transferred to the Secretary for appropriate allocation--

2 (A) personnel;

3 (B) assets, liabilities, contracts, property

4 (including aircraft and vessels), and records; and

5 (C) unexpended balances of appropriations,

6 authorizations, allocations, and other funds;

7 employed, held, used, arising, available, or to be made

8 available in connection with the functions transferred by

9 subsection (a).

10 (2) PERSONNEL, AIRCRAFT, AND VESSELS.--Personnel,
11 aircraft, and vessels transferred under paragraph (1)--

12 (A) include the Commissioned Officer Corps and
13 all aircraft and vessels of the National Oceanic and
14 Atmospheric Administration;

15 (B) shall be a unit within the Coast Guard; and

16 (C) shall be employed primarily in performing the
17 duties of the National Ocean Service transferred by
18 section 504.

19 (3) USE OF PERSONNEL, AIRCRAFT, AND VESSELS BY OTHER
20 FEDERAL AGENCIES.--

21 (A) IN GENERAL.--This section shall not be
22 construed to restrict the use of personnel, aircraft,
23 and vessels transferred by this section in
24 performance of functions under agreements with other
25 Federal agencies.

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1 (B) USE BY NOAA.--The Secretary shall provide to
2 the Administrator of the National Oceanic and
3 Atmospheric Administration on a reimbursable basis
4 use of the personnel, aircraft, and vessels
5 transferred to the Secretary under paragraph (1). The
6 Secretary and the Administrator shall enter into a
7 memorandum of agreement establishing the terms under
8 which use of those personnel, aircraft, and vessels
9 shall be provided. The memorandum shall require the
10 Administrator to report to the Secretary not later
11 than January 1 of each year regarding the anticipated
12 needs of the Administrator during the year for use of
13 those personnel, aircraft, and vessels.

14 (4) USE OF FUNDS.--Except as otherwise provided in
15 this chapter, unexpended funds transferred pursuant to
16 this section shall be used only for the purposes for
17 which the funds were originally authorized and
18 appropriated.

19 (c) EFFECT ON PERSONNEL.--

20 (1) PRESERVATION OF GRADE AND COMPENSATION FOR 1
21 YEAR.--Except as otherwise provided in this chapter, the
22 transfer pursuant to this chapter of any full-time
23 personnel or part-time personnel holding permanent
24 positions shall not cause any of those personnel to be
25 separated or reduced in grade or compensation for 1 year

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1 after the date of transfer to the Department of
2 Transportation.

3 (2) PRESERVATION OF COMPENSATION FOR EXECUTIVE
4 SCHEDULE APPOINTEES.--Any person who--

5 (A) on the day preceding the effective date of
6 this chapter, was employed in a position compensated
7 in accordance with the Executive Schedule prescribed
8 in chapter 53 of title 5, United States Code; and

9 (B) without a break in service, is thereafter
10 employed pursuant to this chapter in a position in
11 the Department of Transportation having duties
12 comparable to the duties performed by the person in
13 the previous position;

14 shall continue to be compensated at not less than the
15 rate at which they were compensated in the previous
16 position, for the duration of the service of the person
17 in the subsequent position.

18 (d) RECOMMENDATION OF ADDITIONAL TRANSFERS.--The
19 Secretary shall, in consultation with the heads of other
20 Federal departments and agencies--

21 (1) review the functions of other Federal departments
22 and agencies related to--

23 (A) the formulation and administration of Federal
24 maritime policy, including maritime drug law
25 enforcement policy,

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1 (B) vessel assistance programs,
2 (C) regulation of shipping, and
3 (D) weather services affecting maritime
4 transportation; and

5 (2) submit to Congress not later than 1 year after
6 the date of the enactment of this Act--

7 (A) recommendations regarding which of those
8 functions should be transferred to the Federal
9 Maritime Administration; and

10 (B) a list of additional conforming amendments to
11 existing law which reflect the transfers of functions
12 made by this chapter.

13 **SEC. 4061. REDESIGNATION OF NOAA COMMISSIONED OFFICER CORPS.**

14 (a) **REDESIGNATION.**--The Commissioned Officer Corps of the
15 National Oceanic and Atmospheric Administration transferred
16 under section 504(b)(1) shall be known as the Commissioned
17 Officer Corps of the Federal Maritime Administration.

18 (b) **RIGHTS, PRIVILEGES, AND BENEFITS.**--Members of the
19 Commissioned Officer Corps of the Federal Maritime
20 Administration shall be entitled to rights, privileges, and
21 benefits equivalent to the rights, privileges, and benefits
22 available prior to the date of the enactment of this Act to
23 commissioned officers of--

24 (1) the National Oceanic and Atmospheric
25 Administration; and

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1 (2) the Coast Guard.

2 SEC. 4062. INCIDENTAL TRANSFERS, TERMINATIONS, AND MEASURES.

3 (a) DETERMINATIONS AND DISPOSITIONS.--The Director of the
4 Office of Management and Budget shall, to the extent
5 necessary to carry out this chapter--

6 (1) make determinations regarding the functions
7 transferred by this chapter; and

8 (2) make additional incidental dispositions of
9 personnel, assets, liabilities, grants, contracts,
10 property, records, and unexpended balances of
11 appropriations, authorizations, allocations, and other
12 funds held, used, arising from, available to, or to be
13 made available in connection with such functions.

14 (b) TERMINATIONS AND OTHER MEASURES.--The Director of the
15 Office of Management and Budget shall provide for the
16 termination of the affairs of all entities terminated by this
17 chapter and take any other measures necessary to carry out
18 the purposes of this chapter.

19 (c) TRANSFER OF SES POSITIONS.--After consultation with
20 the Director of the Office of Personnel Management, the
21 Director of the Office of Management and Budget may make any
22 determinations that may be necessary with regard to the
23 transfer of positions within the Senior Executive Service in
24 connection with functions and offices transferred by this
25 chapter.

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1 SEC. 4063. SAVINGS PROVISIONS.

2 (a) CONTINUITY OF LEGAL FORCE AND EFFECT.--An order,
3 determination, rule, regulation, permit, grant, contract,
4 certificate, license, commission, or privilege in effect on
5 the date of the enactment of this chapter which was issued,
6 made, granted, or allowed to become effective by the
7 President, any Federal department or agency or official
8 thereof, or a court of competent jurisdiction in the
9 performance of functions which are transferred under this
10 chapter to the Secretary or the Department of Transportation
11 shall continue in effect according to its terms until
12 modified, terminated, superseded, set aside, or revoked by
13 the President, the Secretary or other authorized official, a
14 court of competent jurisdiction, or operation of law.

15 (b) PENDING PROCEEDINGS.--

16 (1) PROCEEDINGS NOT AFFECTED.--This chapter shall not
17 affect any proceedings, including notices of proposed
18 rulemaking, or any application for any license, permit,
19 certificate, or financial assistance pending on the
20 effective date of this chapter before any department,
21 agency, commission, or component thereof, functions of
22 which are transferred by this chapter.

23 (2) ORDERS, APPEALS, AND PAYMENTS.--

24 (A) IN GENERAL.--Orders shall be issued in
25 proceedings referred to in paragraph (1), appeals

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1 shall be taken therefrom, and payments shall be made
2 pursuant to those orders as if this chapter had not
3 been enacted.

4 (B) ORDERS CONTINUE IN EFFECT.--Orders issued in
5 any of those proceedings shall continue in effect
6 until modified, terminated, superseded, or revoked by
7 the Secretary, by a court of competent jurisdiction,
8 or by operation of law.

9 (3) DISCONTINUANCE OR MODIFICATION OF
10 PROCEEDING.--Nothing in this subsection shall be
11 construed to prohibit the discontinuance or modification
12 of a proceeding referred to in paragraph (1) under the
13 same terms and conditions and to the same extent that the
14 proceeding could have been discontinued or modified if
15 this chapter had not been enacted.

16 (4) ISSUANCE OF REGULATIONS.--The Secretary may issue
17 regulations providing for the orderly transfer to the
18 Department of Transportation of proceedings continued
19 under this subsection.

20 (c) NO EFFECT ON JUDICIAL PROCEEDINGS.--Except as
21 provided in subsection (e)--

22 (1) this chapter shall not affect any suit commenced
23 before the effective date of this chapter; and

24 (2) proceedings shall be had, appeals taken, and
25 judgments rendered in those suits in the same manner and

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1 effect as if this chapter had not been enacted.

2 (d) NONABATEMENT OF PROCEEDINGS.--

3 (1) SUITS BY AND AGAINST OFFICERS.--No suit, action,
4 or other proceeding commenced by or against any officer
5 in the official capacity of the individual as an officer
6 of any department or agency, functions of which are
7 transferred by this chapter, shall abate by reason of the
8 enactment of this Act.

9 (2) CAUSES OF ACTION BY OR AGAINST AGENCIES AND
10 OFFICERS.--No cause of action by or against any
11 department or agency, functions of which are transferred
12 by this chapter, or by or against any officer thereof in
13 the official capacity of that officer shall abate by
14 reason of the enactment of this chapter.

15 (e) CONTINUATION OF SUIT WITH SUBSTITUTION OF
16 PARTIES.--If, before the date of the enactment of this title,
17 any department or agency, or officer thereof in the official
18 capacity of that officer, is a party to a suit, and under
19 this chapter any function of that department, agency, or
20 officer is transferred to the Secretary or any other official
21 of the Department of Transportation, then the suit shall be
22 continued with the Secretary or other appropriate official of
23 the Department of Transportation substituted or added as a
24 party.

25 (f) REVIEW OF ORDERS AND ACTIONS UNDER TRANSFERRED

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1 FUNCTIONS.--

2 (1) IN GENERAL.--Orders and actions of the Secretary
3 in the exercise of functions transferred under this
4 chapter shall be subject to judicial review to the same
5 extent and in the same manner as if the orders and
6 actions had been by the agency or office, or part
7 thereof, exercising the functions immediately preceding
8 their transfer.

9 (2) PROCEDURE.--Any statutory requirements relating
10 to notice, hearings, action upon the record, or
11 administrative review that apply to any function
12 transferred by this chapter shall apply to the exercise
13 of that function by the Secretary.

14 **SEC. 4064. REFERENCE IN OTHER LAW.**

15 Any reference in any other Federal law to any department,
16 commission, agency, office, officer transferred by this
17 chapter, or to any function thereof exercised after the date
18 of the enactment of this title, shall be considered to be a
19 reference to the Secretary or other appropriate official,
20 component, or function of the Department of Transportation.

21 **SEC. 4065. TRANSITION.**

22 With the consent of the appropriate department or agency
23 head concerned, and for any period of time that may
24 reasonably be needed to facilitate the orderly implementation
25 of this chapter, the Secretary may use--

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1 (1) the services of officers, employees, and other
2 personnel of the departments and agencies from which
3 functions or offices have been transferred to the
4 Secretary or the Department of Transportation; and

5 (2) funds appropriated for or to those functions or
6 offices.

7 **SEC. 4066. LEVELS OF PAY.**

8 (a) **UNDER SECRETARY FOR MARITIME AFFAIRS AND**
9 **READINESS.**--Section 5313 of title 5, United States Code, is
10 amended by adding at the end--

``Under Secretary for Maritime Affairs and
Readiness.``

11 (b) **ADMINISTRATOR, MARITIME ADMINISTRATION.**--Section 5314
12 of title 5, United States Code, is amended by striking--

``Administrator, Maritime Administration.``

13 and inserting--

``Director, National Maritime Service.``

14 **SEC. 4067. ESTABLISHMENT OF MERCHANT MARINE RESERVE.**

15 (a) **ESTABLISHMENT.**--Section 701 of title 14, United
16 States Code, is amended to read as follows:

17 ``**§701. Organization**

18 `` (a) The Coast Guard Reserve is a component of the Coast
19 Guard, and shall be organized, administered, trained, and
20 supplied under the direction of the Commandant.

21 `` (b) There shall be within the Coast Guard Reserve a

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1 Merchant Marine Reserve, which shall consist of members of
2 the Coast Guard Reserve with special knowledge or expertise
3 regarding merchant marine affairs.''.
4

4 **SEC. 4068. ISSUANCE OF REGULATIONS.**

5 Not later than 1 year after the date of the enactment of
6 this Act, the Secretary shall issue final regulations
7 implementing this chapter.

8 **SEC. 4069. RECOMMENDATIONS REGARDING CONSOLIDATION OF BUDGET**
9 **AUTHORITY.**

10 Not later than 1 year after the date of the enactment of
11 this Act, the Secretary of Transportation, in consultation
12 with the Director of the Office of Management and Budget,
13 shall recommend to the Congress methods for consolidating in
14 a single functional category for purposes of the
15 Congressional Budget and Impoundment Control Act of 1974 all
16 budget authority relating to the Federal Maritime
17 Administration (as established by section 502 of this title),
18 including the military programs conducted by the Coast Guard.
19 Subtitle D--Prohibition on Reissuance of Airman Certificates

20 **SEC. 4071. PROHIBITION.**

21 (a) **IN GENERAL.**--Paragraph (2) of section 602(b) of the
22 Federal Aviation Act of 1958 (49 U.S.C. App. 1422(b)(2)) is
23 amended by striking subparagraphs (A) and (B) and inserting
24 the following:

25 (A) Except as provided in subparagraph (B), the

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1 Administrator shall not issue an airman certificate to any
2 person whose airman certificate has been revoked under
3 subsection (c) of section 609 of this title.''.

4 (b) REDESIGNATION.--Subparagraph (C) of section 602(b) of
5 the Federal Aviation Act of 1958 is redesignated as
6 subparagraph (B).