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1 chief executive officer of a State shall submit to the
2 Director an application at such time and in such form as the
3 Director may require. Such application shall include--

4 “(1) a statewide strategy for the enforcement of
5 State and local laws relating to the production,
6 possession, and transfer of controlled substances;

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

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

18 “(4) an assurance that the State application
19 described in this section, and any amendment to such
20 application, has been submitted for review to the State
21 legislature or its designated body (for purposes of this
22 section, such application or amendment shall be deemed to
23 be reviewed if the State legislature or such body does
24 not review such application or amendment within the 60-
25 day period beginning on the date such application or

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1 amendment is so submitted); and

2 (5) an assurance that the State application and any

3 amendment thereto was made public before submission to

4 the Bureau and, to the extent provided under State law or

5 established procedure, an opportunity to comment thereon

6 was provided to citizens and to neighborhood and

7 community groups.

8 Such strategy shall be prepared after consultation with State

9 and local officials whose duty it is to enforce such laws.

10 Such strategy shall include an assurance that following the

11 first fiscal year covered by an application and each fiscal

12 year thereafter, the applicant shall submit to the Director

13 or to the State, as the case may be, a performance report

14 concerning the activities carried out pursuant to section

15 1302 of this title.

REVIEW OF APPLICATIONS

16 SEC. 1304. (a) The Bureau shall provide financial

17 assistance to each State applicant under section 1302 of this

18 title to carry out the programs or projects submitted by such

19 applicant upon determining that--

- 21 (1) the application or amendment thereto is
- 22 consistent with the requirements of this title; and
- 23 (2) before the approval of the application and any
- 24 amendment thereto the Bureau has made an affirmative
- 25 finding in writing that the program or project has been

1 reviewed in accordance with section 1303 of this title.
 2 Each application or amendment made and submitted for approval
 3 to the Bureau pursuant to section 1303 shall be deemed
 4 approved, in whole or in part, by the Bureau not later than
 5 sixty days after first received unless the Bureau informs the
 6 applicant of specific reasons for disapproval.

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

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

15 ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

16 SEC. 1305. (a) Of the total amount appropriated for
 17 this part in any fiscal year, 80 per centum shall be set
 18 aside for section 1302 and allocated to States as follows:

19 (1) \$500,000 shall be allocated to each of the
 20 participating States.

21 (2) Of the total funds remaining after the
 22 allocation under paragraph (1), there shall be allocated
 23 to each State an amount which bears the same ratio to the
 24 amount of remaining funds described in this paragraph as
 25 the population of such State bears to the population of

1 all the States.

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

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

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

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

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1 application.

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

12 “(e) Any funds allocated under subsection (a) that are
13 not distributed under this section shall be available for
14 obligation under section 1309 of this title.

REPORTS

15
16 “SEC. 1306. (a) Each State which receives a grant under
17 section 1302 of this title shall submit to the Director, for
18 each year in which any part of such grant is expended by a
19 State or unit of local government, a report which contains--

20 “(1) a summary of the activities carried out with
21 such grant and an assessment of the impact of such
22 activities on meeting the needs identified in the State
23 strategy submitted under section 1303 of this title;

24 “(2) a summary of the activities carried out in such
25 year with any grant received under section 1309 of this

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1 title by such State; and

2 "(3) such other information as the Director may
 3 require by rule.

4 Such report shall be submitted in such form and by such time
 5 as the Director may require by rule.

6 "(b) Not later than ninety days after the end of each
 7 fiscal year for which grants are made under section 1302 of
 8 this title, the Director shall submit to the Speaker of the
 9 House of Representatives and the President pro tempore of the
 10 Senate a report that includes with respect to each State--

11 "(1) the aggregate amount of grants made under
 12 sections 1302 and 1309 of this title to such State for
 13 such fiscal year;

14 "(2) the amount of such grants expended for each of
 15 the purposes specified in section 1302; and

16 "(3) a summary of the information provided in
 17 compliance with paragraphs (1) and (2) of subsection (a).

18 EXPENDITURE OF GRANTS; RECORDS

19 "SEC. 1307. (a) A grant made under section 1302 of this
 20 title may not be expended for more than 75 per centum of the
 21 cost of the identified uses, in the aggregate, for which such
 22 grant is received to carry out any purpose specified in
 23 section 1302, except that in the case of funds distributed to
 24 an Indian tribe which performs law enforcement functions as
 25 determined by the Secretary of the Interior) for any such

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1 program or project, the amount of such grant shall be equal
2 to 100 per centum of such cost. The non-Federal portion of
3 the expenditures for such uses shall be paid in cash.

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

7 (c)(1) Each State which receives a grant under section
8 1302 of this title shall keep, and shall require units of
9 local government which receive any part of such grant to
10 keep, such records as the Director may require by rule to
11 facilitate an effective audit.

12 (2) The Director and the Comptroller General of the
13 United States shall have access, for the purpose of audit and
14 examination, to any books, documents, and records of States
15 which receive grants, and of units of local government which
16 receive any part of a grant made under section 1302, if in
17 the opinion of the Director or the Comptroller General, such
18 books, documents, and records are related to the receipt or
19 use of any such grant.

STATE OFFICE

20
21 SEC. 1308. (a) The chief executive of each
22 participating State shall designate a State office for
23 purposes of--

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

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1 “(2) administering funds received under such section
 2 from the Director, including receipt, review, processing,
 3 monitoring, progress and financial report review,
 4 technical assistance, grant adjustments, accounting,
 5 auditing, and fund disbursements.

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

9 “DISCRETIONARY GRANTS

10 “SEC. 1309. The Director is authorized to make grants to
 11 public agencies and private nonprofit organizations for any
 12 purpose specified in section 1302 of this title. The Director
 13 shall have final authority over all grants awarded under this
 14 section.

15 “APPLICATION REQUIREMENTS

16 “SEC. 1310. (a) No grant may be made under section 1309
 17 of this title unless an application has been submitted to the
 18 Director in which the applicant--

19 “(1) sets forth a program or project which is
 20 eligible for funding pursuant to section 1309 of this
 21 title; and

22 “(2) describes the services to be provided,
 23 performance goals, and the manner in which the program is
 24 to be carried out.

25 “(b) Each applicant for funds under section 1309 of this

1 title shall certify that its program or project meets all the
2 requirements of this section, that all the information
3 contained in the application is correct, and that the
4 applicant will comply with all the provisions of this title
5 and all other applicable Federal laws. Such certification
6 shall be made in a form acceptable to the Director.

7 "ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

8 "SEC. 1311. Of the total amount appropriated for this
9 part in any fiscal year, 20 per centum shall be reserved and
10 set aside for section 1309 of this title in a special
11 discretionary fund for use by the Director in carrying out
12 the purposes specified in section 1302 of this title. Grants
13 under section 1309 may be made for amounts up to 100 per
14 centum of the costs of the programs or projects contained in
15 the approved application.

16 "LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

17 "SEC. 1312.-Grant funds awarded under section 1309 of
18 this title shall not be used for land acquisition or
19 construction projects."

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

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

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1 amended by striking out "parts D and E" and inserting in
2 lieu thereof "parts D, E, and M".

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

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

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

PART M--GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

- Sec. 1301. Function of the Director.
- Sec. 1302. Description of drug law enforcement grant program.
- Sec. 1303. Applications to receive grants.
- Sec. 1304. Review of applications.
- Sec. 1305. Allocation and distribution of funds under formula grants.
- Sec. 1306. Reports.
- Sec. 1307. Expenditure of grants; records.
- Sec. 1308. State office.
- Sec. 1309. Discretionary grants.
- Sec. 1310. Application requirements.
- Sec. 1311. Allocation of funds for discretionary grants.
- Sec. 1312. Limitation on use of discretionary grant funds.

PART N--TRANSITION--EFFECTIVE DATE--REPEALER

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

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

3 (1) in subsection (a)--

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

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

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

10 ~~“(6) There are authorized to be appropriated~~
11 ~~\$350,000,000 for fiscal year 1987, \$350,000,000 for fiscal~~
12 ~~year 1988, and ^{\$239,000,000} for fiscal year 1989, to carry~~
13 ~~out the programs under part M of this title.~~

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

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

18 SEC. 1601. STUDY REQUIRED.

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

22 (1) a list of all sites under the jurisdiction of the
23 Department of Defense including facilities beyond the
24 excess and surplus property inventories whose facilities
25 or a portion thereof could be used, or are being used, as

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Insert on page 131

4 “(6) There are authorized to be appropriated
5 \$230,000,000 for fiscal year 1987, \$230,000,000 for
6 fiscal year 1988, and \$230,000,000 for fiscal year 1989,
7 to carry out the programs under part X of this title.”; *and*

1 detention facilities for felons, especially those who are
2 a Federal responsibility such as illegal alien felons and
3 major narcotics traffickers;

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

11 (3) in consultation with the Attorney General, a
12 statement showing how the Department of Defense and the
13 Department of Justice would administer and provide
14 staffing responsibilities to convert and maintain such
15 detention facilities.

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

18 Subtitle M--Narcotics Traffickers Deportation Act
19 SEC. 1751. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

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

22 (1) by striking out "any law or regulation relating
23 to" and all that follows through "addiction-sustaining
24 opiate" and inserting in lieu thereof "any law or
25 regulation of a State, the United States, or a foreign

1 country relating to a controlled substance (as defined in
2 section 102 of the Controlled Substances Act (21 U.S.C.
3 802))"; and

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

7 (b) Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11))
8 is amended by striking out "any law or regulation relating
9 to" and all that follows through "addiction-sustaining
10 opiate" and inserting in lieu thereof "any law or
11 regulation of a State, the United States, or a foreign
12 country relating to a controlled substance (as defined in
13 section 102 of the Controlled Substances Act (21 U.S.C.
14 802))".

15 (c) The amendments made by this subsections (a) and (b)
16 of this section shall apply to convictions occurring before,
17 on, or after the date of the enactment of this section, and
18 the amendments made by subsection (a) shall apply to aliens
19 entering the United States after the date of the enactment of
20 this section.

21 (d) Section 287 of the Immigration and Nationality Act (8
22 U.S.C. 1357) is amended by adding at the end the following
23 new subsection:

24 "(d) In the case of an alien who is arrested by a
25 Federal, State, or local law enforcement official for a

1 violation of any law relating to controlled substances, if
2 the official (or another official)--

3 “(1) has reason to believe that the alien may not
4 have been lawfully admitted to the United States or
5 otherwise is not lawfully present in the United States,

6 “(2) expeditiously informs an appropriate officer or
7 employee of the Service authorized and designated by the
8 Attorney General of the arrest and of facts concerning
9 the status of the alien, and

10 “(3) requests the Service to determine promptly
11 whether or not to issue a detainer to detain the alien,
12 the officer or employee of the Service shall promptly
13 determine whether or not to issue such a detainer. If
14 such a detainer is issued and the alien is not otherwise
15 detained by Federal, State, or local officials, the
16 Attorney General shall effectively and expeditiously take
17 custody of the alien.”.

18 (e)(1) From the sums appropriated to carry out this Act,
19 the Attorney General, through the Investigative Division of
20 the Immigration and Naturalization Service, shall provide a
21 pilot program in 4 cities to establish or improve the
22 computer capabilities of the local offices of the Service and
23 of local law enforcement agencies to respond to inquiries
24 concerning aliens who have been arrested or convicted for, or
25 are the subject to criminal investigation relating to, a

1 violation of any law relating to controlled substances. The
 2 Attorney General shall select cities in a manner that
 3 provides special consideration for cities located near the
 4 land borders of the United States and for large cities which
 5 have major concentrations of aliens. Some of the sums made
 6 available under the pilot program shall be used to increase
 7 the personnel level of the Investigative Division.

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

13 Subtitle N—Freedom of Information Act

14 SEC. 1801. SHORT TITLE.

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

17 SEC. 1802. LAW ENFORCEMENT.

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

20 "(7) records or information compiled for law
 21 enforcement purposes, but only to the extent that the
 22 production of such law enforcement records or information
 23 (A) could reasonably be expected to interfere with
 24 enforcement proceedings, (B) would deprive a person of a
 25 right to a fair trial or an impartial adjudication, (C)

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1 ~~will~~ ^{could reasonably be expected to} constitute an unwarranted invasion of personal
2 privacy, (D) could reasonably be expected to disclose the
3 identity of a confidential source, including a State,
4 local, or foreign agency or authority or any private
5 institution which furnished information on a confidential
6 basis, and, in the case of a record or information
7 compiled by criminal law enforcement authority in the
8 course of a criminal investigation or by an agency
9 conducting a lawful national security intelligence
10 investigation, information furnished by a confidential
11 source, (E) would disclose techniques and procedures for
12 law enforcement investigations or prosecutions, or would
13 disclose guidelines for law enforcement investigations or
14 prosecutions if such disclosure could reasonably be
15 expected to risk circumvention of the law, or (F) could
16 reasonably be expected to endanger the life or physical
17 safety of any individual;'' .

18 (b) EXCLUSIONS.--Section 552 of title 5, United States
19 Code, is amended by redesignating subsections (c), (d), and
20 (e) as subsections (d), (e), and (f) respectively, and by
21 inserting after subsection (b) the following new subsection:

22 `` (c)(1) Whenever a request is made which involves access
23 to records described in subsection (b)(7)(A) and--

24 `` (A) the investigation or proceeding involves a
25 possible violation of criminal law; and

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1 “(B) there is reason to believe that (i) the sub
 2 of the investigation or proceeding is not aware of its
 3 pendency, and (ii) disclosure of the existence of the
 4 records could reasonably be expected to interfere with
 5 enforcement proceedings,
 6 the agency may, during only such time as that circumstance
 7 continues, treat the records as not subject to the
 8 requirements of this section.

9 “(2) Whenever informant records maintained by a criminal
 10 law enforcement agency under an informant’s name or personal
 11 identifier are requested by a third party according to the
 12 informant’s name or personal identifier, the agency may treat
 13 the records as not subject to the requirements of this
 14 section unless the informant’s status as an informant has
 15 been officially confirmed.

16 “(3) Whenever a request is made which involves access
 17 records maintained by the Federal Bureau of Investigation
 18 pertaining to foreign intelligence or counterintelligence, or
 19 international terrorism, and the existence of the records is
 20 classified information as provided in subsection (b)(1), the
 21 Bureau may, as long as the existence of the records remains
 22 classified information, treat the records as not subject to
 23 the requirements of this section.”.

24 SEC. 1803. FEES AND FEE WAIVERS.

25 Paragraph (4)(A) of section 552(a) of title 5, United

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1 States Code, is amended to read as follows:

2 “(4)(A)(i) In order to carry out the provisions of this
3 section, each agency shall promulgate regulations, pursuant
4 to notice and receipt of public comment, specifying the
5 schedule of fees applicable to the processing of requests
6 under this section and establishing procedures and guidelines
7 for determining when such fees should be waived or reduced.
8 Such schedule shall conform to the guidelines which shall be
9 promulgated, pursuant to notice and receipt of public
10 comment, by the Director of the Office of Management and
11 Budget and which shall provide for a uniform schedule of fees
12 for all agencies.

13 “(ii) Such agency regulations shall provide that--

14 “(I) fees shall be limited to reasonable standard
15 charges for document search, duplication, and review,
16 when records are requested for commercial use;

17 “(II) fees shall be limited to reasonable standard
18 charges for document duplication when records are not
19 sought for commercial use and the request is made by an
20 educational or noncommercial scientific institution,
21 whose purpose is scholarly or scientific research; or a
22 representative of the news media; and

23 “(III) for any request not described in (I) or (II),
24 fees shall be limited to reasonable standard charges for
25 document search and duplication.

1 “(iii) Documents shall be furnished without any charge
 2 or at a charge reduced below the fees established under
 3 clause (ii) if disclosure of the information is in the public
 4 interest because it is likely to contribute significantly to
 5 public understanding of the operations or activities of the
 6 government and is not primarily in the commercial interest of
 7 the requester.

8 “(iv) Fee schedules shall provide for the recovery of
 9 only the direct costs of search, duplication, or review.
 10 Review costs shall include only the direct costs incurred
 11 during the initial examination of a document for the purposes
 12 of determining whether the documents must be disclosed under
 13 this ~~section~~. Review costs may not include any costs incurred
 14 in resolving issues of law or policy that may be raised in
 15 the course of processing a request under this section. No fee
 16 may be charged by any agency under this section--

17 “(I) if the costs of routine collection and
 18 processing of the fee are likely to equal or exceed the
 19 amount of the fee; or

20 “(II) for any request described in clause (ii) (II)
 21 or (III) of this subparagraph for the first two hours of
 22 search time or for the first one hundred pages of
 23 duplication.

24 “(v) No agency may require advance payment of any fee
 25 unless the requester has previously failed to pay fees in a

section and for the purposes of
 withholding any portions exempt from disclosure under this
 section.

1 timely fashion, or the agency has determined that the fee
2 will exceed \$250.

3 (vi) Nothing in this subparagraph shall supersede fees
4 chargeable under a statute specifically providing for setting
5 the level of fees for particular types of records.

6 (vii) In any action by a requester regarding the waiver
7 of fees under this section, the court shall determine the
8 matter de novo: Provided, That the court's review of the
9 matter shall be limited to the record before the agency.

10 SEC. 1804. EFFECTIVE DATES.

11 (a) The amendments made by section 1802 shall be
12 effective on the date of enactment of this Act, and shall
13 apply with respect to any requests for records, whether or
14 not the request was made prior to such date, and shall apply
15 to any civil action pending on such date.

16 (b)(1) The amendments made by section 1803 shall be
17 effective ¹⁹⁰ ~~90~~ days after the date of enactment of this Act,
18 except that regulations to implement such amendments shall be
19 promulgated by such 180th day.

20 (2) The amendments made by section 1803 shall apply with
21 respect to any requests for records, whether or not the
22 request was made prior to such date, and shall apply to any
23 civil action pending on such date, except that review charges
24 applicable to records requested for commercial use shall not
25 be applied by an agency to requests made before the effective

1 date specified in paragraph (1) of this subsection or before
2 the agency has finally issued its regulations.

3 Subtitle C—Prohibition on the Interstate Sale and
4 Transportation of Drug Paraphernalia

5 SEC. 1821. SECRET TITLE.

6 This subtitle may be cited as the "Mail Order Drug
7 Paraphernalia Control Act".

8 SEC. 1822. OFFENSE.

9 (a) It is unlawful for any person--

10 (1) to make use of the services of the Postal Service
11 or other interstate conveyance as part of a scheme to
12 sell drug paraphernalia;

13 (2) to offer for sale and transportation in
14 interstate or foreign commerce drug paraphernalia; or

15 (3) to import or export drug paraphernalia.

16 (b) Anyone convicted of an offense under subsection (a)
17 of this section shall be imprisoned for not more than three
18 years and fined not more than \$100,000.

19 (c) Any drug paraphernalia involved in any violation of
20 subsection (a) of this section shall be subject to seizure
21 and forfeiture upon the conviction of a person for such
22 violation. Any such paraphernalia shall be delivered to the
23 Administrator of General Services, General Services
24 Administration, who may order such paraphernalia destroyed or
25 may authorize its use for law enforcement or educational

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1 purposes by Federal, State, or local authorities.

2 (d) The term "drug paraphernalia" means any equipment,
3 product, or material of any kind which is primarily intended
4 or designed for use in manufacturing, compounding,
5 converting, concealing, producing, processing, preparing,
6 injecting, ingesting, inhaling, or otherwise introducing into
7 the human body a controlled substance in violation of the
8 Controlled Substances Act (title II of Public Law 91-513). It
9 includes items primarily intended or designed for use in
10 ingesting, inhaling, or otherwise introducing marijuana,
11 cocaine, hashish, hashish oil, PCP, or amphetamines into the
12 human body, such as--

13 (1) metal, wooden, acrylic, glass, stone, plastic, or
14 ceramic pipes with or without screens, permanent screens,
15 hashish heads, or punctured metal bowls;

16 (2) water pipes;

17 (3) carburation tubes and devices;

18 (4) smoking and carburation masks;

19 (5) roach clips: meaning objects used to hold burning
20 material, such as a marijuana cigarette, that has become
21 too small or too short to be held in the hand;

22 (6) miniature spoons with level capacities of
23 one-tenth cubic centimeter or less;

24 (7) chamber pipes;

25 (8) carburetor pipes;

- 1 (9) electric pipes;
- 2 (10) air-driven pipes;
- 3 (11) chillums;
- 4 (12) bonges;
- 5 (13) ice pipes or chillers;
- 6 (14) wired cigarette papers; or
- 7 (15) cocaine freebase kits.

8 (e) In determining whether an item constitutes drug
 9 paraphernalia, in addition to all other logically relevant
 10 factors, the following may be considered:

- 11 (1) instructions, oral or written, provided with the
 12 item concerning its use;
- 13 (2) descriptive materials accompanying the item which
 14 explain or depict its use;
- 15 (3) national and local advertising concerning its
 16 use;
- 17 (4) the manner in which the item is displayed for
 18 sale;
- 19 (5) whether the owner, or anyone in control of the
 20 item, is a legitimate supplier of like or related items
 21 to the community, such as a licensed distributor or
 22 dealer of tobacco products;
- 23 (6) direct or circumstantial evidence of the ratio of
 24 sales of the item(s) to the total sales of the business
 25 enterprise;

1 (7) the existence and scope of legitimate uses of the
2 item in the community; and

3 (8) expert testimony concerning its use.

4 (f) This subtitle shall not apply to--

5 (1) any person authorized by local, State, or Federal
6 law to manufacture, possess, or distribute such items; or

7 (2) any item that, in the normal lawful course of
8 business, is imported, exported, transported, or sold
9 through the mail or by any other means, and primarily
10 intended for use with tobacco products, including any
11 pipe, paper, or accessory.

12 SEC. 1823. EFFECTIVE DATE.

13 This subtitle shall become effective 90 days after the
14 date of enactment of this Act.

15 Subtitle P--Manufacturing Operations

16 SEC. 1841. MANUFACTURING OPERATION.

17 (a) Part-D of the Controlled Substances Act is amended by
18 adding at the end thereof the following new section:

19 ESTABLISHMENT OF MANUFACTURING OPERATIONS

20 SEC. 416. (a) Except as authorized by this title, it
21 shall be unlawful to--

22 (1) knowingly open or maintain any place for the
23 purpose of manufacturing, distributing, or using any
24 controlled substance;

25 (2) manage or control any building, room, or

1 enclosure, either as an owner, lessee, agent, employe
2 or mortgagee, and knowingly and intentionally rent,
3 lease, or make available for use, with or without
4 compensation, the building, room, or enclosure for the
5 purpose of unlawfully manufacturing, storing,
6 distributing, or using a controlled substance.

7 "(b) Any person who violates subsection (a) of this
8 section shall be sentenced to a term of imprisonment of not
9 more than 20 years or a fine of not more than \$500,000, or
10 both, or a fine of \$2,000,000 for a person other than an
11 individual."

12 (b) Section 405A of the Controlled Substances Act is
13 amended--

14 (1) in subsection (a) by inserting after "section
15 401(a)(1)" the following: "or section 416"; and

16 (2) in subsection (b) by inserting after "section
17 401(a)(1)" the following: "or section 416".

18 Subtitle Q—Controlled Substances Technical Amendments
19 SEC. 1861. DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE AND
20 AUTHORIZATIONS.

21 (a) SHORT TITLE.--This section may be cited as the "Drug
22 and Alcohol Dependent Offenders Treatment Act of 1986".

23 (b) PERMANENT AMENDMENT RELATING TO DUTIES OF DIRECTOR OF
24 ADMINISTRATIVE OFFICE.--(1) The section of title 18, United
25 States Code, that is redesignated section 3672 by section

1 212(a) of the Comprehensive Crime Control Act of 1984 is
2 amended by adding at the end thereof:

3 He shall have the authority to contract with any
4 appropriate public or private agency or person for the
5 detection of and care in the community of an offender who
6 is an alcohol-dependent person, or an addict or a
7 drug-dependent person within the meaning of section 2 of
8 the Public Health Service Act (42 U.S.C. 201). This
9 authority shall include the authority to provide
10 equipment and supplies; testing; medical, educational,
11 social, psychological, and vocational services;
12 corrective and preventive guidance and training; and
13 other rehabilitative services designed to protect the
14 public and benefit the alcohol dependent person, addict,
15 or drug dependent person by eliminating his dependence on
16 alcohol or addicting drugs, or by controlling his
17 dependence and his susceptibility to addiction. He may
18 negotiate and award such contracts without regard to
19 section 3709 of the Revised Statutes (41 U.S.C. 5).

20 He shall pay for presentence studies and reports by
21 qualified consultants and presentence examinations and
22 reports by psychiatric or psychological examiners ordered
23 by the court under subsection (b) or (c) of section 3552,
24 except for studies conducted by the Bureau of Prisons.

25 (2) The amendment made by this section shall take effect

1 on the date of the taking effect of such redesignation.

2 (c) INTERIM AMENDMENT RELATING TO DUTIES OF DIRECTOR OF
3 ADMINISTRATIVE OFFICE.--The second paragraph of section 4255
4 of title 18, United States Code, is amended to read as
5 follows:

6 The Director of the Administrative Office of the United
7 States Courts shall have the authority to contract with any
8 appropriate public or private agency or person for the
9 detection of and care in the community of an offender who is
10 an alcohol-dependent person, or an addict or a drug-dependent
11 person within the meaning of section 2 of the Public Health
12 Service Act (42 U.S.C. 201). Such authority includes the
13 authority to provide equipment and supplies; testing;
14 medical, educational, social, psychological, and vocational
15 services; corrective and preventive guidance and training;
16 and other rehabilitative services designed to protect the
17 public and benefit the alcohol dependent person, addict, or
18 drug dependent person by eliminating that person's or
19 addict's dependence on alcohol or addicting drugs, or by
20 controlling that person's or addict's dependence and
21 susceptibility to addiction. Such Director may negotiate and
22 award such contracts without regard to section 3709 of the
23 Revised Statutes of the United States (41 U.S.C. 5).

24 (d) REAUTHORIZATION OF CONTRACT SERVICES.--Section 4(a)
25 of the Contract Services for Drug Dependent Federal Offenders

1 Act of 1978 is amended--

2 (1) by striking out ``and \$6,000,000`` and inserting
3 ``\$6,500,000`` in lieu thereof; and

4 (2) by striking out the two periods at the end and
5 inserting in lieu thereof ``; \$12,000,000 for the fiscal
6 year ending September 30, 1987; \$14,000,000 for the
7 fiscal year ending September 30, 1988; and \$16,000,000
8 for the fiscal year ending September 30, 1989.``.

9 SEC. 1862. AMENDMENT TO SECTION 608 OF THE TARIFF ACT.

10 (a) Section 608 of the Tariff Act of 1930 (19 U.S.C.
11 1508) is amended by striking out ``\$2,500`` and inserting in
12 lieu thereof ``\$5,000``.

13 (b) Section 608 of such Act, as enacted by Public Law 98-
14 473, is repealed.

15 SEC. 1863. AMENDMENTS TO SECTION 616 OF THE TARIFF ACT.

16 (a) Subsection (c) of section 616 of the Tariff Act of
17 1930 (19 U.S.C. 1516a(c)) as enacted by Public Law 98-573 is
18 amended by inserting ``any other Federal agency or to`` after
19 ``property forfeited under this Act to``.

20 (b) Section 616 of such Act, as enacted by Public Law
21 98-473, is repealed.

22 SEC. 1864. CROSS REFERENCE CORRECTIONS.

23 Section 413 of the Controlled Substances Act (21 U.S.C.
24 853) is amended--

25 (1) in subsection (c) and in the second subsection

1 (h), by striking out "subsection (o)" and inserting
2 "subsection (n)" in lieu thereof;

3 (2) in subsection (f) by striking out "subsection
4 (f)" and inserting "subsection (e)" in lieu thereof;

5 (3) in subsection (i)(1), by striking out "this
6 chapter" and inserting "this title" in lieu thereof;
7 and

8 (4) by redesignating the second subsection (h) as
9 subsection (k).

10 SEC. 1865. WARRANTS RELATING TO SEIZURE.

11 Subsection (b) of section 511 of the Comprehensive Drug
12 Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b))
13 is amended--

14 (1) by striking out "or criminal" after "Any
15 property subject to civil";

16 (2) in paragraph (4), by striking out "or criminal"
17 after "is subject to civil"; and

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

19 "The Government may request the issuance of a warrant
20 authorizing the seizure of property subject to forfeiture
21 under this section in the same manner as provided for a
22 search warrant under the Federal Rules of Criminal
23 Procedure."

24 (b) Subsection (i) of section 511 of the Comprehensive
25 Drug Abuse Prevention and Control Act of 1970 (21 U.S.C.

1 881(i)) is amended by inserting "", or a violation of State
2 or local law that could have been charged under this title or
3 title III," after "title III".

4 SEC. 1866. MINOR TECHNICAL AMENDMENTS.

5 (a) Section 403(a)(2) of the Controlled Substances Act
6 (21 U.S.C. 843(a)(2)) is amended by striking out the period
7 at the end and inserting a semicolon in lieu thereof.

8 (b) Section 405A(b) of the Controlled Substances Act (21
9 U.S.C. 845a(b)) is amended by striking out "special term"
10 and inserting "term of supervised release" in lieu thereof.

11 (c) Section 405A(c) of the Controlled Substances Act (21
12 U.S.C. 845a(c)) is amended by striking out "section 4202"
13 and inserting "chapter 311" in lieu thereof.

14 (d) Section 1008(e) of the Controlled Substances Import
15 and Export Act (21 U.S.C. 958(e)) is amended by striking out
16 "section" the first place it appears and inserting
17 "sections" in lieu thereof.

18 (e) Section 1010(b)(3) of the Controlled Substances
19 Import and Export Act (21 U.S.C. 960(b)(3)) is amended by
20 striking out "", except as provided in paragraph (4)".

21 (f) The table of contents for the Comprehensive Drug
22 Abuse Prevention and Control Act of 1970 is amended--

23 (1) by inserting after the item relating to section
24 405 the following:

"Sec. 405A. Manufacture or distribution in or near schools.

405B. Employment of minors in controlled substance trafficking. ;

1 and

2 (2) by inserting after the item relating to section
3 414 the following:

4 "Sec. 415. Alternative fine."

5 SEC. 1867. MODIFICATION OF COCAINE DEFINITION FOR PURPOSES OF
6 SCHEDULE II.

7 Subsection (a)(4) of schedule II of section 202(c) the
8 Controlled Substances Act (21 U.S.C. 812) is amended to read
9 as follows:

10 "(4) Coca leaves (except coca leaves and extracts of
11 coca leaves from which cocaine, ecgonine, and derivatives
12 of ecgonine or their salts have been removed); cocaine,
13 its salts, optical and geometric isomers, and salts of
14 isomers; and ecgonine, its derivatives, their salts,
15 isomers, and salts of isomers."

16 SEC. 1868. AUTHORITY OF ATTORNEY GENERAL TO ENTER INTO
17 CONTRACTS WITH STATE AND LOCAL LAW ENFORCEMENT
18 AGENCIES.

19 Section 503(a) of the Controlled Substances Act (21
20 U.S.C. 873(a)) is amended--

21 (1) by striking out "and" at the end of paragraph

22 (5);

(2) by striking out the period at the end of

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1 paragraph (6) and inserting in lieu thereof ``; and``;
2 and

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

4 ``(7) notwithstanding any other provision of law,
5 enter into contractual agreements with State and local
6 law enforcement agencies to provide for cooperative
7 enforcement and regulatory activities under this
8 title``.

9 SEC. 1869. AUTHORITY OF ATTORNEY GENERAL TO DEPUTIZE STATE
10 AND LOCAL LAW ENFORCEMENT OFFICERS FOR
11 CONTROLLED SUBSTANCES ENFORCEMENT.

12 Section 508 of the Controlled Substances Act (21 U.S.C.
13 878) is amended--

14 (1) by inserting ``(a)`` before ``Any officer or
15 employee``;

16 (2) by inserting after ``Drug Enforcement
17 Administration`` the following: ``or (with respect to
18 offenses under this title or title III) any State or
19 local law enforcement officer``; and

20 (3) by adding at the end thereof the following new
21 subsection:

22 ``(b) State and local law enforcement officers performing
23 functions under this section shall not be deemed Federal
24 employees and shall not be subject to provisions of law
25 relating to Federal employees, except that such officers

1 shall be subject to section 3374(c) of title 5, United States
2 Code.".

3 SEC. 1870. CLARIFICATION OF ISOMER DEFINITION.

4 The second and third sentences of section 102(14) of the
5 Controlled Substances Act (21 U.S.C. 802(14)) are each
6 amended by striking out "the" after "the term 'isomer'
7 means" and inserting in lieu thereof "any".

8 Subtitle R--Precursor and Essential Chemical Review

9 SEC. 1901. PRECURSOR AND ESSENTIAL CHEMICAL REVIEW.

10 (a) STUDY AND REPORT.--The Attorney General shall--

11 (1) conduct a study of the need for legislation,
12 regulation, or alternative methods to control the
13 diversion of legitimate precursor and essential chemicals
14 to the illegal production of drugs of abuse; and

15 (2) report all findings of such study to Congress not
16 later than the end of the 90th day after the date of
17 enactment of this subtitle.

18 (b) CONSIDERATIONS.--In conducting such study the
19 Attorney General shall take into consideration that--

20 (1) clandestine manufacture continues to be a major
21 source of narcotic and dangerous drugs on the illegal
22 drug market;

23 (2) these drugs are produced using a variety of
24 chemicals which are found in commercial channels and
25 which are diverted to illegal uses;

1 (3) steps have been taken to deny drug traffickers
2 access to key precursor chemicals, including that--

3 (A) P2P, a precursor chemical used in the
4 production of amphetamines and methamphetamines was
5 administratively controlled in schedule II of the
6 Controlled Substances by the Drug Enforcement
7 Administration;

8 (B) a variety of controls were placed on
9 piperidine, the precursor for phencyclidine, by the
10 Psychotropic Substance Act of 1978; and

11 (C) the Drug Enforcement Administration has
12 maintained a voluntary system in cooperation with
13 chemical industry to report suspicious purchases of
14 precursors and essential chemicals; and

15 (4) despite the formal and voluntary systems that
16 currently exist, clandestine production of synthetic
17 narcotics and dangerous drugs continue to contribute to
18 drug trafficking and abuse problems in the United States.

19 ~~Section 3 - Improved Drug Crime Reporting~~
20 ~~SEC. 1977 - IMPROVED DRUG CRIME REPORTING.~~

21 (a) The Congress--

22 (1) finds that--

23 (A) The Bureau of Justice Statistics currently
24 conducts one of the largest public opinion survey
25 programs in the world, the national crime survey;

1 (B) this survey, conducted by the Census Bureau
2 involves detailed field surveys of 60,000 households
3 and more than 100,000 individuals who are interviewed
4 twice a year to measure the amount of crime actually
5 occurring (crime victimization), as opposed to that
6 reported to police through the uniform crime
7 reporting system;

8 (C) currently the National Crime Report does not
9 gather data involving drug abuse or victimization;

10 (D) further, the Bureau of Justice Statistics
11 does not act as a clearinghouse for the gathering of
12 data generated by Federal, State, local enforcement
13 and together criminal justice agencies on their drug
14 enforcement activities; and

15 (E) to obtain a comprehensive understanding of
16 the dimensions of our crime problems and enforcement
17 activities, one must sift through the annual reports
18 of numerous agencies; and

19 (2) based on findings in paragraph (1) the purpose of
20 this subtitle is to create a comprehensive and timely
21 data base of the dynamics of the drug crisis.

22 (b)(1) The Bureau of Justice Statistics, in cooperation
23 with the Federal Bureau of Investigation and other Federal
24 enforcement agencies as well as other Federal, State, and
25 local statistics gathering groups, shall compile and publish

1 ~~_____~~
 2 ~~_____~~
 3 paragraph (1), the _____ for the Bureau of Justice
 4 ~~_____~~
 5 Subtitle T—White House Conference *For a Drug Free America*

(S)

6 SEC. 1931. SHORT TITLE.

7 This subtitle may be cited as the "White House
 8 Conference *For a Drug Free America*."

9 SEC. 1932. ESTABLISHMENT OF THE CONFERENCE.

10 There is established a conference to be known as "The
 11 White House Conference *For a Drug Free America*". The
 12 members of the Conference shall be appointed by the
 13 President.

14 SEC. 1933. PURPOSE.

15 The purposes of the Conference are--

16 (1) to share information and experiences in order to
 17 vigorously and directly attack drug abuse at all levels,
 18 local, State, Federal, and international;

19 (2) to bring public attention to those approaches to
 20 drug abuse education and prevention which have been
 21 successful in curbing drug abuse and those methods of
 22 treatment which have enabled drug abusers to become drug
 23 free;

24 (3) to highlight the dimensions of the drug abuse
 25 crisis, to examine the progress made in dealing with such

1 crisis, and to assist in formulating a national strategy
2 to thwart sale and solicitation of illicit drugs and to
3 prevent and treat drug abuse; and

4 (4) to examine the essential role of parents and
5 family members in preventing the basis causes of drug
6 abuse and in successful treatment efforts.

7 SEC. 1934. RESPONSIBILITIES OF THE CONFERENCE.

8 The Conference shall specifically review--

9 (1) the effectiveness of law enforcement at the
10 local, State, and Federal levels to prevent the sale and
11 solicitation of illicit drugs and the need to provide
12 greater coordination among such programs;

13 (2) the impact of drug abuse upon American education,
14 examining in particular--

15 (A) the effectiveness of drug education programs
16 in our schools with particular attention to those
17 schools, both public and private, which have
18 maintained a drug free learning environment;

19 (B) the role of colleges and universities in
20 discouraging the illegal use of drugs by student-
21 athletes; and

22 (C) the relationship between drug abuse by
23 student-athletes and college athletic policies,
24 including eligibility and academic requirements,
25 recruiting policies, athletic department financing

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1 policies, the establishment of separate campus
2 facilities for athletes, and the demands of practice
3 and lengthy playing seasons;

4 (3) the extent to which Federal, State, and local
5 programs of drug abuse education, prevention, and
6 treatment require reorganization or reform in order to
7 better use available resources and to ensure greater
8 coordination among such programs;

9 (4) the impact of current laws on efforts to control
10 international and domestic trafficking of illicit drugs.

11 (5) the extent to which the sanctions in section 481
12 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291)
13 have been, or should be, used in encouraging foreign
14 states to comply with their international

15 responsibilities respecting controlled substances; and

16 (6) the circumstances contributing to the initiation
17 of illicit drug usage, with particular emphasis on the
18 onset of drug use by youth.

19 SEC. 1935. CONFERENCE PARTICIPANTS.

20 In order to carry out the purposes and responsibilities
21 specified in sections 1933 and 1934, the Conference shall
22 bring together individuals concerned with issues relating to
23 drug abuse education, prevention, and treatment, and the
24 production, trafficking, and distribution of illicit drugs.
25 The President shall--

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1 (1) ensure the active participation in the Conference
2 of the heads of appropriate executive and military
3 departments, and agencies, including the Attorney
4 General, the Secretary of Education, the Secretary of
5 Health and Human Services, Secretary of Transportation,
6 and the Director of ACTION;

7 (2) provide for the involvement in the Conference of
8 other appropriate public officials, including Members of
9 Congress, Governors of States, and Mayors of Cities;

10 (3) provide for the involvement in the Conference of
11 private entities, especially parents' organizations,
12 which have been active in the fight against drug abuse;
13 and

14 (4) provide for the involvement in the Conference of
15 individuals distinguished in medicine, law, drug abuse
16 treatment and prevention, primary, secondary, and
17 postsecondary education, and law enforcement.

18 SEC. 1936. ADMINISTRATIVE PROVISIONS.

19 (a) All Federal departments, agencies, and
20 instrumentalities shall provide such support and assistance
21 as may be necessary to facilitate the planning and
22 administration of the Conference.

23 (b) The President is authorized to appoint and compensate
24 an executive director and such other directors and personnel
25 for the Conference as the President may consider advisable.

1 without regard to the provisions of title 5, United States
2 Code, governing appointments in the competitive service, and
3 without regard to the provisions of chapter 51 and subchapter
4 III of chapter 52 of such title relating to classification
5 and General Schedule pay rates.

6 (c) Upon request by the executive director, the heads of
7 the executive and military departments are authorized to
8 detail employees to work with the executive director in
9 planning and administering the Conference without regard to
10 the provisions of section 3341 of title 5, United States
11 Code.

12 (d) Each participant in the Conference shall be
13 responsible for the expenses of such participant in attending
14 the Conference, and shall not be reimbursed for such expenses
15 from amounts appropriated to carry out this subtitle.

16 SEC. 1937. FINAL REPORT AND FOLLOW-UP ACTIONS.

17 (a) FINAL REPORT.--No later than six months after the
18 effective date of this Act, the Conference shall prepare and
19 transmit a final report to the President and to Congress,
20 pursuant to sections 1933 and 1934. The report shall include
21 the findings and recommendations of the Conference as well as
22 proposals for any legislative action necessary to implement
23 such recommendations.

24 (b) FOLLOW-UP ACTIONS.--The President shall report to the
25 Congress annually, during the 3-year period following the

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- 1 submission of the final report of the Conference, on the
- 2 status and implementation of the findings and recommendations
- 3 of the Conference.

1 SEC. 1938. AUTHORIZATION.

- 2 There are hereby authorized to be appropriated \$2,882,882
- 3 for fiscal year 1988 for purposes of this subtitle.

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1 finding of the existence of every aggravating factor
 2 upon which the sentence was based, together with the
 3 failure to find sufficient mitigating factors as set
 4 forth or allowed in this section.
 5 In all other cases the court shall remand the case for
 6 reconsideration under this section. The court of appeals
 7 shall state in writing the reasons for its disposition of the
 8 review of the sentence."

(1)

6 Subtitle ~~1~~ --Common Carrier Operation Under the Influence of
 7 Alcohol or Drugs

8 SEC. 1971. OFFENSE.

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

11 **CHAPTER 17A--COMMON CARRIER OPERATION UNDER THE INFLUENCE
 12 OF ALCOHOL OR DRUGS

- **Sec.
- **341. Definitions.
- **342. Operation of a common carrier under the influence of alcohol or drugs.
- **343. Presumptions.

13 **§341. Definitions

14 **As used in this chapter, the term 'common carrier'
 15 means a rail carrier, a sleeping car carrier, a bus
 16 transporting passengers in interstate commerce, a water
 17 common carrier, and an air common carrier.

18 **§342. Operation of a common carrier under the influence of
 19 alcohol or drugs

20 **Whoever operates or directs the operation of a common
 21 carrier while under the influence of alcohol or drugs, shall

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1 be imprisoned not more than five years or fined not more than
2 \$10,000, or both.

3 **§343. Presumptions

4 **For purposes of this chapter--

5 *(1) an individual with a blood alcohol content of
6 .10 or more shall be conclusively presumed to be under
7 the influence of alcohol; and

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

13 (b) The table of chapters for part I of title 18, United
14 States Code, is amended by adding after the item for chapter
15 17 the following:

**17A. Common Carrier Operation Under the Influence of Alcohol or
Drugs

16 Subtitle ~~(17)~~ --Federal Drug Law Enforcement Agent Protection

17 Act of 1986

18 SEC. 1991. SHORT TITLE.

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

21 SEC. 1992. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

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

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

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

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

7 "(2)(A) The proceeds from any sale under subparagraph
8 (B) of paragraph (1) and any moneys forfeited under this
9 title shall be used to pay--

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

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

17 Any award paid for information concerning the killing or
18 kidnapping of a Federal drug law enforcement agent, as
19 provided in clause (11), shall be paid at the discretion of
20 the Attorney General.

21 "(B) The Attorney General shall forward to the Treasurer
22 of the United States for deposit in accordance with section
23 524(c) of title 28, United States Code, any amounts of such
24 moneys and proceeds remaining after payment of the expenses
25 provided in subparagraph (A)."

Strike out title II of the House Amendment and insert in lieu thereof the following:

1 TITLE II--INTERNATIONAL NARCOTICS CONTROL

2 SEC. 2001. ~~SHORT TITLE.~~

3 This title may be cited as the "International Narcotics

4 Control Act of 1986".

5 SEC. ~~2002~~ ADDITIONAL FUNDING FOR INTERNATIONAL NARCOTICS

6 CONTROL ASSISTANCE AND REGIONAL COOPERATION.

7 Section 482(a)(1) of the Foreign Assistance Act of 1961

8 (22 U.S.C. 2291a(a)(1); authorizing appropriations for

9 assistance for international narcotics control) is amended--

10 (1) by striking out "\$57,529,000 for the fiscal year

11 1987" and inserting in lieu thereof "\$75,445,000 for

12 the fiscal year 1987"; and

13 (2) by adding at the end the following: "In addition

14 to the amounts authorized by the preceding sentence,

15 there are authorized to be appropriated to the President

16 \$45,000,000 for the fiscal year 1987 to carry out the

17 purposes of section 481, except that funds may be

18 appropriated pursuant to this additional authorization

19 only if the President has submitted to the Congress a

20 detailed plan for the expenditure of those funds,

21 including a description of how regional cooperation on

22 narcotics control matters would be promoted by the use of

23 those funds. Of the funds authorized to be appropriated

24 by the preceding sentence, not less than \$10,000,000

25 shall be available only to provide helicopters or other

aircraft to countries receiving assistance for fiscal

1 year 1987 under ~~chapter 9 of part I of this Act (22~~

2 ~~U.S.C. 2291 et seq.) relating to international narcotics~~

3 ~~control.~~ These aircraft shall be used solely for

4 narcotics control, eradication, and interdiction efforts,

5 and shall be available primarily for use in Latin

6 ~~America.~~

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chapter. These funds shall be used primarily for aircraft

which will be based in Latin America for use for narcotics

control eradication and interdiction efforts throughout the

region.

18 SEC. 2001. AIRCRAFT PROVIDED TO FOREIGN COUNTRIES FOR
19 NARCOTICS CONTROL PURPOSES: EXTENSION OF TITLE
20 AND RECORDS OF USE.
21 Chapter 8 of part 1 of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2291 et seq.) relating to the international
23 narcotics control assistance program) is amended by adding at
24 the end the following new sections:
25 "SEC. 484. EXTENSION OF TITLE TO AIRCRAFT.

1 "Any aircraft which, at any time after the enactment of
2 this section, are made available to a foreign country under
3 this chapter, or are made available to a foreign country
4 primarily for narcotics-related purposes under any other
5 provision of law, shall be provided only on a lease or loan
6 basis.

7 "SEC. 485. RECORDS OF AIRCRAFT USE.

8 " (a) REQUIREMENT TO MAINTAIN RECORDS.--The Secretary of
9 State shall maintain detailed records on the use of any
10 aircraft made available to a foreign country under this
11 chapter, including aircraft made available before the
12 enactment of this section.

13 " (b) CONGRESSIONAL ACCESS TO RECORDS.--The Secretary of
14 State shall make the records maintained pursuant to
15 subsection (a) available to the Congress upon a request of
16 the Chairman of the Committee on Foreign Affairs of the House
17 of Representatives or the Chairman of the Committee on
18 Foreign Relations of the Senate."

19 SEC. 2004. PILOT AND AIRCRAFT MAINTENANCE TRAINING FOR
20 NARCOTICS CONTROL ACTIVITIES.

21 (a) EARMARKING OF FUNDS.--Not less than \$2,000,000 of the
22 funds made available for fiscal year 1987 to carry out
23 chapter 5 of part 22 of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2347 et seq.) relating to international military
25 education and training) shall be available only for education

1 and training in the operation and maintenance of aircraft
2 used in narcotics control interdiction and eradication
3 efforts.

4 (b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL
5 ASSISTANCE PROGRAM.—Assistance under this section shall
6 coordinated with assistance provided under chapter 8 of
7 I of that Act (22 U.S.C. 2291 et seq.; relating to
8 international narcotics control).

9 (c) WAIVER OF SECTION 660.—Assistance may be provided
10 pursuant to this section notwithstanding the prohibition
11 contained in section 660 of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2420; relating to police training).

7 ~~SEC. 2005~~ RESTRICTIONS ON THE PROVISION OF UNITED STATES
8 ASSISTANCE.

9 (a) Section 801(h) of the Foreign Assistance Act of 1961
10 is amended to read as follows:

11 "(h)(1) Subject to paragraph (2), for every major
12 illicit drug producing country or major drug-transit
13 country--

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

17 ~~and~~

18 "(B) on or after March 1, 1987, and on March 1 of
19 each succeeding year, the Secretary of the Treasury shall
20 instruct the United States Executive Director of the
21 International Bank for Reconstruction and Development,
22 the United States Executive Director of the International
23 Development Association, the United States Executive
24 Director of the Inter-American Development Bank, and the
25 United States Executive Director of the Asian Development

Restrictions 1/2

1 bank to vote against any loan or other utilization of the
2 funds of their respective institution to or for such
3 country: ~~and~~ (C)

10/12

4 ~~“(G) on or after January 1, 1987, and March 1 of each~~
5 ~~succeeding year, the President shall deny to all products~~
6 ~~of such country tariff treatment under title 1 of the~~
7 ~~Trade Act of 1974 (the Generalized System of~~
8 ~~Preferences), the Caribbean Basin Economic Recovery Act,~~
9 ~~or any other law providing preferential tariff treatment.~~

10 “(2)(A) The assistance withheld by paragraph (1)(A) may
11 be obligated and expended and the provisions of ~~subparagraph~~
12 ~~and~~ ~~subparagraph~~ (1) ^(B) shall not apply if the President
13 determines, and so certifies to the Congress, at the time of
14 the submission of the report required by subsection (e),
15 that--

16 “(1) during the previous year the country has
17 cooperated fully with the United States, or has taken
18 adequate steps on its own, in preventing narcotic and
19 psychotropic drugs and other controlled substances
20 produced or processed, in whole or in part, in such
21 country or transported through such country, from being
22 sold illegally within the jurisdiction of such country to
23 United States Government personnel or their dependents or
24 from being transported, directly or indirectly, into the
25 United States and in preventing and punishing the
1 laundering in that country of drug-related profits or
2 drug-related monies; or

“(11) for a country that would not otherwise qualify for
certification under subclause (1), the vital national interests
of the United States require the provision of such assistance,
financing, ~~or preferential tariff treatment to such country.~~

6 “(B) If the President makes a certification pursuant to
7 clause (A)(11), he shall include in such certification--

8 “(1) a full and complete description of the vital
9 national interests placed at risk should assistance,
10 financing, ~~or preferential tariff treatment~~ not be
11 provided such country; and

10/12

12 ** (1) a statement weighing the risk described in
13 subclause (1) against the risks posed to the vital
14 national interests of the United States by the failure of
15 such country to cooperate fully with the United States in
16 combatting narcotics or to take adequate steps to combat
17 narcotics on its own.

18 ** (3) In making the certification required by paragraph
19 (2) of this subsection, the President shall give foremost
20 consideration to whether the actions of the government of the
21 country have resulted in the maximum reductions in illicit
22 drug production which were determined to be achievable
23 pursuant to subsection (e)(4). The President shall also
24 consider whether such government--

25 ** (1) has taken the legal and law enforcement
1 measures to enforce in its territory, to the maximum
2 extent possible, the elimination of illicit cultivation
3 and the suppression of illicit manufacture of and traffic
4 in narcotic and psychotropic drugs and other controlled
5 substances, as evidenced by seizures of such drugs and
6 substances and of illicit laboratories and the arrest and
7 prosecution of violators involved in the traffic in such
8 drugs and substances significantly affecting the United
9 States; and

10 ** (2) has taken the legal and law enforcement steps
11 necessary to eliminate, to the maximum extent possible,
12 the laundering in that country of drug-related profits or
13 drug-related monies, as evidenced by--

14 ** (i) the enactment and enforcement of laws
15 prohibiting such conduct, and

16 ** (ii) the willingness of such government to
17 enter into mutual legal assistance agreements with
18 the United States governing (but not limited to)
19 money laundering, and

20 ** (iii) the degree to which such government
21 otherwise cooperates with United States law
22 enforcement authorities on anti-money laundering
23 efforts.

24 ** (4)(A) The provisions of paragraph (1) shall apply
25 without regard to paragraph (2) if the Congress enacts.

1 within 30 days of continuous session after receipt of a
2 certification under paragraph (2), a joint resolution
3 disapproving the determination of the President contained in
4 such certification.

5 "(B)(1) Any such joint resolution shall be considered in
6 the Senate in accordance with the provisions of section
7 601(b) of the International Security Assistance and Arms
8 Export Control Act of 1976.

9 "(11) For the purpose of expediting the consideration
10 and enactment of joint resolution under this subsection, a
11 motion to proceed to the consideration of any such joint
12 resolution after it has been reported by the appropriate
13 committee shall be treated as highly privileged in the House
14 of Representatives.

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

paragraph

16 "(A) the President makes a certification under
17 paragraph (2) and the Congress does not enact a joint
18 resolution of disapproval; or

19 "(B) the President submits at any other time a
20 certification of the matters described in paragraph (2)
21 with respect to such country and the Congress enacts, in
22 accordance with the procedures of paragraph (A), a joint
23 resolution approving such certification."

Reporting Date -

24 (b) Section 601(e) of such Act is amended by striking out
25 "February" and inserting in lieu thereof "March".

26 (c) Section 601(1) of such Act is amended--
27 (1) by striking out "and" at the end of paragraph
28 (3);

Deletion -

29 (2) by striking out the period at the end of
30 paragraph (4) and inserting in lieu thereof "; and";
31 and

32 (3) by adding at the end thereof the following new
33 paragraph:

34 "(5) the term 'major drug-transit country' means a
35 country--

15 ** (A) that is a significant direct source of
16 illicit narcotic or psychotropic drugs or other
17 controlled substances significantly affecting the
18 United States;

19 ** (B) through which are transported such drugs
20 substances; or

21 ** (C) through which significant sums of drug-
22 related profits or monies are laundered with the
23 knowledge or complicity of the government."

~~24 The Secretary shall submit a report to the~~
25 October 1, 1986.

1 (d) CHILD SURVIVAL FUND.--Section 481(i)(4) of such Act
2 is amended by striking out "or (vi)" and inserting in lieu
3 thereof "(vi) assistance from the Child Survival Fund under
4 section 1049c(2) of this Act, or (vii)".

2 SEC. 2006. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA
3 ERADICATION.

4 The Secretary of State shall use not less than \$1,000,000
5 of the funds made available for fiscal year 1987 to carry out
6 chapter 8 of part I of the Foreign Assistance Act of 1961 (22
7 U.S.C. 2291 et seq.; relating to international narcotics
8 control) to finance research on and the development and
9 testing of safe and effective herbicides for use in the
10 aerial eradication of coca.

11 SEC. 2007. REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS
12 CONTROL ASSISTANCE PROGRAM.

13 (a) REQUIREMENT FOR INVESTIGATION.--The Comptroller
14 General shall conduct a thorough and complete investigation
15 to determine the effectiveness of the assistance provided
16 pursuant to chapter 8 of part I of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2291 et seq.; relating to international
18 narcotics control).

19 (b) REPORTS TO CONGRESS.--

20 (1) PERIODIC REPORTS.--The Comptroller General shall
21 report to the Congress periodically as the various
22 portions of the investigation conducted pursuant to
23 subsection (a) are completed.

24 (2) FINAL REPORT.--Not later than March 1, 1988, the
25 Comptroller General shall submit a final report to the

1 Congress on the results of the investigation. This report:
2 shall include such recommendations for administrative or
3 legislative action as the Comptroller General finds
4 appropriate based on the investigation.

5 **SEC. 2008. EXTRADITION TO THE UNITED STATES FOR**
6 **NARCOTICS-RELATED OFFENSES.**

7 Section 481(e)(3) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2291(e)(3); relating to the annual international
9 narcotics control report) is amended by inserting after
10 subparagraph (C) the following new subparagraph:

11 "(D) A discussion of the extent to which such
12 country has cooperated with the United States narcotics
13 control efforts through the extradition or prosecution of
14 drug traffickers, and, where appropriate, a description
15 of the status of negotiations with such country to
16 negotiate a new or updated extradition treaty relating to
17 narcotics offenses."

~~6-SEC. 2009. FOREIGN POLICE ARREST ACTIONS.~~

~~7 Section 481(c) of the Foreign Assistance Act of 1961 is
8 amended--~~

~~9 (1) in paragraph (1), by striking out in the first
10 sentence "engage or participate in any direct police
11 arrest action in any foreign country" and inserting in
12 lieu thereof "directly make an arrest in any foreign
13 country as part of any foreign police action";~~

~~14 (2) by amending paragraph (2) to read as follows:~~

~~15 "(2) Nothing in paragraph (1) prevents such employee or
16 officer--~~

~~17 "(A) from being present at the scene of an arrest or
18 otherwise assisting foreign officers in making an arrest;
19 or~~

~~20 "(B) from taking direct action to protect life or
21 safety if exigent circumstances arise in the course of an
22 arrest which are unanticipated and which pose an
23 immediate threat to United States or foreign officers or
24 to members of the public."; and~~

~~25 (3) by adding at the end thereof the following new~~

1 SEC. 2009. FOREIGN POLICE ARREST ACTIONS.

2 Section 481(c) of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2291(c); commonly known as the Mansfield amendment) is
4 amended to read as follows:

5 (c)(1) No officer or employee of the United States may
6 directly effect an arrest in any foreign country as part of
7 any foreign police action with respect to narcotics control
8 efforts, notwithstanding any other provision of law. This
9 paragraph does not prohibit an officer or employee from
10 assisting foreign officers who are effecting an arrest.

11 (2) Unless the Secretary of State, in consultation with
12 the Attorney General, has determined that the application of
13 this paragraph with respect to that foreign country would be
14 harmful to the national interests of the United States, no
15 officer or employee of the United States may engage or
16 participate in any direct police arrest action in a foreign
17 country with respect to narcotics control efforts,
18 notwithstanding any other provision of law. Nothing in
19 paragraph (1) shall be construed to allow United States
20 officers or employees to engage or participate in activities
21 prohibited by this paragraph in a country with respect to
22 which this paragraph applies.

23 (3) Paragraphs (1) and (2) do not prohibit an officer
24 or employee from taking direct action to protect life or

1 safety if exigent circumstances arise which are unanticipated
2 and which pose an immediate threat to United States officers
3 or employees, officers or employees of a foreign government,
4 or members of the public.

5 `` (4) With the agreement of a foreign country, paragraphs
6 (1) and (2) shall not apply with respect to maritime law
7 enforcement operations in the territorial sea of that
8 country.

9 `` (5) No officer or employee of the United States may
10 interrogate or be present during the interrogation of any
11 United States person arrested in any foreign country with
12 respect to narcotics control efforts without the written
13 consent of such person.

14 `` (6) This subsection shall not apply to the activities
15 of the United States Armed Forces in carrying out their
16 responsibilities under applicable Status of Forces
17 arrangements.``.

paraphrasing:

1
 2 (13) The provisions of this subsection shall apply to
 3 all countries, unless the passport certifies to the Congress
 4 a specific country or countries for which it would be against
 5 the national interests of the United States to do so.

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"(4) With the agreement of a foreign country, paragraph (1) shall not apply to maritime law enforcement operations in the territorial sea of such country."

20 SEC. 2010. ISSUANCE OF DIPLOMATIC PASSPORTS FOR DRUG
 21 ENFORCEMENT ADMINISTRATION AGENTS ABROAD.
 22 The Congress commends the decision of the Secretary of
 23 State to issue diplomatic passports, rather than official
 24 passports, to officials and employees of the Drug Enforcement
 25 Administration who are assigned abroad. The Secretary shall
 1 report to the Congress before making any change in this
 2 policy.

3 SEC. 2011. INFORMATION-SHARING SO THAT VISAS ARE DENIED TO
 4 DRUG TRAFFICKERS.

5 (a) NEED FOR COMPREHENSIVE INFORMATION SYSTEM.--The
 6 Congress is concerned that the executive branch has not
 7 established a comprehensive information system on all drug
 8 arrests of foreign nationals in the United States so that
 9 information may be communicated to the appropriate United
 10 States embassies, even though the establishment of such a
 11 system is required by section 132 of the Foreign Rel-
 12 authorization Act, Fiscal Years 1986 and 1987.

13 (b) ESTABLISHMENT OF SYSTEM.--The executive branch shall
 14 act expeditiously to establish the comprehensive information
 15 system required by section 132 of the Foreign Relations
 16 Authorization Act, Fiscal Years 1986 and 1987, and submit to
 17 the Congress a report that the system has been established.

18 SEC. 2012. CONDITIONS ON ASSISTANCE FOR BOLIVIA.
 19 (a) OPERATION BLAST FURNACE.--(1) It is the sense of the
 20 Congress that--

21 (A) the Government of Bolivia's recent drug
 22 interdiction operations in cooperation with the United
 23 States (Operation Blast Furnace) evinced a determination
 24 to combat the growing power of the narcotics trade and
 25 narcotics traffickers.

1 (B) the operation has had a dramatic effect on the
2 coca trade in that country by dropping the price of coca
3 below the cost of production:

4 (C) as a result of this operation the coca trade has
5 in the short term been sharply constricted:

6 (D) the restoration of non-coca dependent economic
7 growth in Bolivia is crucial to the achievement of
8 long-term progress in controlling illicit narcotics
9 production; and

10 (E) control of illicit drug production is crucial to
11 the survival of democratic institutions and democratic
12 government in Bolivia.

13 (2) The Congress, therefore, applauds the demonstrated
14 willingness of the Paz Estenssoro government, despite the
15 risks of severe domestic criticism and disruptive economic
16 consequences, to cooperate with the United States in
17 Operation Blast Furnace.

18 (b) CONDITIONS ON ASSISTANCE.--Paragraph (2) of section
19 611 of the International Security and Development Cooperation
20 Act of 1985 is amended by striking out subparagraphs (A) and
21 (B) and inserting in lieu thereof the following:

22 (A) up to 50 percent of the aggregate amount of
23 such assistance allocated for Bolivia may be provided
24 at any time after the President certifies to the
25 Congress that Bolivia has engaged in narcotics

1 interdiction operations which have significantly
2 disrupted the illicit coca industry in Bolivia or has
3 cooperated with the United States in such operations,
4 and

5 "(B) the remaining amount of such assistance may
6 be provided at any time after the President certifies
7 to the Congress that Bolivia has either met in
8 calendar year 1986 the eradication targets for the
9 calendar year 1985 contained in its 1983 narcotics
10 agreements with the United States or has entered into
11 an agreement of cooperation with the United States
12 for implementing that plan for 1987 and beyond
13 (including numerical eradication targets) ~~no less~~
14 ~~than those contained in its 1983 agreements with the~~
15 ~~United States~~, and is making substantial progress
16 toward the plan's objectives, including substantial
17 eradication of illicit coca crops and effective use
18 of United States assistance.

19 "In the certification required by subparagraph (B), the
20 President shall explain why the terms of the 1983 agreement
21 proved unattainable and the reasons why a new agreement was
22 necessary."

23 (c) RELATION TO OTHER PROVISIONS.--Nothing in the
24 amendment made by subsection (b) shall be construed as
25 superseding any provision of section 481 of the Foreign
1 Assistance Act of 1961.

~~2013 NARCOTICS CONTROL EFFORTS IN MEXICO~~
~~(a) PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DEA AGENTS - - Not later than 120 days after the date of enactment of this Act, the Secretary of State shall issue a travel advisory for United States citizens travelling to Mexico, unless the President certifies to the Congress that the Government of Mexico--~~

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10 (1) has fully investigated the 1985 murders of Drug
 11 Enforcement Administration agent Enrique Camarena Salazar
 12 and his pilot Alfredo Zavala Azeite;
 13 (2) has fully investigated the 1986 detention and
 14 torture of Drug Enforcement Administration agent Victor
 15 Cortez, Junior; and
 16 (3) has brought to trial and is effectively
 17 prosecuting those responsible for those murders and those
 18 responsible for that detention and torture.
 19 (b) AIRCRAFT PROVIDED BY THE UNITED STATES TO
 20 MEXICO. The Congress finds that the aircraft provided Mexico
 21 under Chapter 8 of part I of the Foreign Assistance Act of
 22 1961 have not been used efficiently and that the fleet of
 23 aircraft provided Mexico is plagued by rapidly rising
 24 maintenance costs.

25 SEC. 2017. REPORTS AND RESTRICTIONS CONCERNING CERTAIN

1 COUNTRIES.

2 (a) REPORTS.—Not later than 6 months after the date of
 3 enactment of this Act and every 6 months thereafter, the
 4 President shall prepare and transmit to the Congress a
 5 report—

6 (1) listing each major illicit drug producing country
 7 and each major drug-transit country—

8 (A) which, as a matter of government policy,
 9 encourages or facilitates the production or
 10 distribution of illegal drugs;
 11 (B) in which any senior official of the
 12 government of such country engages in, encourages, or
 13 facilitates the production or distribution of illegal
 14 drugs;

15 (C) in which any member of an agency of the
 16 United States Government engaged in drug enforcement
 17 activities since January 1, 1985, has suffered or
 18 been threatened with violence, indicated by or with
 19 the complicity of any law enforcement or other
 20 officer of such country or any political subdivision
 21 thereof; or

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22 (D) which, having been requested to do so by the
 23 United States Government, fails to provide reasonable
 24 cooperation to lawful activities of United States
 25 drug enforcement agents, including the refusal of

1 permission to such agents engaged in interdiction of
 2 aerial smuggling into the United States to pursue
 3 suspected aerial smugglers a reasonable distance into
 4 the airspace of the requested country; and
 5 (2) describing for each country listed under
 6 paragraph (1) the activities and identities of officials
 7 whose activities caused such country to be so listed.

8 (b) RESTRICTIONS.--No United States assistance may be
 9 furnished to any country listed under subsection (a)(1), and
 10 the United States representative to any multilateral
 11 development bank shall vote to oppose any loan or other use
 12 of the funds of such bank for the benefit of any country
 13 listed under subsection (a)(1), unless the President
 14 certifies to the Congress that--

15 (1) overriding vital national interests require the
 16 provision of such assistance;

17 (2) such assistance would improve the prospects for
 18 cooperation with such country in halting the flow of
 19 illegal drugs; and

20 (3) the government of such country has made bona fide
 21 efforts to investigate and prosecute appropriate crimes
 22 for any crime described in subsection (a)(5)(C) which may
 23 have been committed in such country.

24 (c) RELATION TO OTHER PROVISIONS.--The restrictions
 25 contained in subsection (b) are in addition to the

1 restrictions contained in section 481(h) of the Foreign
 2 Assistance Act of 1961 or any other provision of law.

3 (d) DEFINITIONS.--For purposes of this section, the terms
 4 "major illicit drug producing country", "major
 5 drug-transit country", and "United States assistance" have
 6 the same meaning as is given to those terms by section 481(c)
 7 of the Foreign Assistance Act of 1961.

9 (a) FINDING.—The Congress finds that the increased
10 cooperation and collaboration between narcotics traffickers
11 and terrorist groups constitutes a serious threat to United
12 States national security interests and to the political
13 stability of numerous other countries, particularly in Latin
14 America.

15 (b) IMPROVED CAPABILITY FOR RESPONDING TO
16 NARCOTERRORISM.—The President shall take concrete steps to
17 improve the capability of the executive branch—

18 (1) to collect information concerning the links
19 between narcotics traffickers and acts of terrorism
20 abroad, and

21 (2) to develop an effective and coordinated means for
22 responding to the threat which those links pose.

23 Not later than 90 days after the date of enactment of this
24 Act, the President shall report to the Congress on the steps
25 taken pursuant to this subsection.

1 (c) ADMINISTRATION OF JUSTICE PROGRAM.—Of the amounts
2 made available for fiscal year 1987 to carry out section 534
3 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c:

4 relating to the administration of justice program), ~~not less~~

5 ~~than \$1,000,000~~ ^{100,000} may be used to provide to Colombia or other
6 countries in the region such assistance as they may request

7 for protection of judicial or other officials who are targets
8 of narcoterrorist attacks. ~~Such assistance may include~~

9 ~~assistance to increase the investigative, judicial, or~~
10 ~~prosecutorial capabilities of those countries with respect to~~
11 ~~narcoterrorist attacks.~~

12 (d) REWARD CONCERNING JORGE LUIS OCHOA VASQUEZ.—It is
13 the sense of the Congress that the authority of section 16(b)
14 of the State Department Basic Authorities Act of 1956 (22
15 U.S.C. 2708(b)), as amended by section 502(a) of the Omnibus
16 Diplomatic Security and Antiterrorism Act of 1986 (Public Law
17 99-199: enacted August 27, 1986), should be used
18 expeditiously to establish a reward of up to \$500,000 for
19 information leading to the arrest or conviction of Jorge Luis
20 Ochoa Vasquez for narcotics-related offenses. 193

21 SEC. 2013. INTERDICTION PROCEDURES FOR VESSELS OF
22 FOREIGN REGISTRY.

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

24 (1) the interdiction by the United States Coast Guard
25 of vessels suspected of carrying illicit narcotics can

1 a difficult procedure when the vessel is of foreign
2 registry and is located beyond the customs waters of the
3 United States;

4 (2) before boarding and inspecting such a vessel, the
5 Coast Guard must obtain consent from either the master of
6 the vessel or the country of registry; and

7 (3) this process, and obtaining the consent of the
8 country of registry to further law enforcement action,
9 may delay the interdiction of the vessel by 3 or 4 days.

10 (b) NEGOTIATIONS CONCERNING INTERDICTION PROCEDURES.--

11 (1) The Congress urges the Secretary of State, in
12 consultation with the Secretary of the department in
13 which the Coast Guard is operating, to increase efforts
14 to negotiate with relevant countries procedures which
15 will facilitate interdiction of vessels suspected of
16 carrying illicit narcotics.

17 (2) If a country refuses to negotiate with respect to
18 interdiction procedures, the President shall take
19 appropriate actions directed against that country, which
20 may include the denial of access to United States ports
21 to vessels registered in that country.

22 (3) The Secretary of State shall submit reports to
23 the Congress semiannually identifying those countries
24 which have failed to negotiate with respect to
25 interdiction procedures.

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9 SEC. 2014. ASSESSMENT OF NARCOTICS TRAFFICKING FROM AFRICA.

10 The President shall direct that an updated threat
11 assessment of narcotics trafficking from Africa be prepared.
12 If it is determined that an increased threat exists, the
13 assessment shall examine the need for the United States to
14 provide increased narcotics control training for
15 African countries.

16 SEC. 2015. POLICY TOWARD MULTILATERAL DEVELOPMENT BANKS.

17 Section 481(a) of the Foreign Assistance Act of 1961 is
18 amended--

19 (1) by redesignating paragraph (3) as paragraph (4);

20 and

21 (2) by inserting after paragraph (2) the following:

22 (3) In order to promote international cooperation in
23 combatting international trafficking in illicit narcotics, it
24 shall be the policy of the United States to use its voice and
25 vote in multilateral development banks to promote the

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1 development and implementation in the major illicit drug
 2 producing countries of programs for the reduction and
 3 eventual eradication of narcotic drugs and other controlled
 4 substances, including appropriate assistance in conjunction
 5 with effective programs of illicit crop eradication."

6 **SEC. 2070. MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG**
 7 **ERADICATION AND CROP SUBSTITUTION PROGRAMS.**

8 (a) **MDB ASSISTANCE FOR DEVELOPMENT AND IMPLEMENTATION OF**
 9 **DRUG ERADICATION PROGRAM.**—The Secretary of the Treasury
 10 shall instruct the United States Executive Directors of the
 11 multilateral development banks to initiate discussions with
 12 other Directors of their respective banks and to propose that
 13 all possible assistance be provided to each major illicit
 14 drug producing country for the development and implementation
 15 of a drug eradication program, including technical
 16 assistance, assistance in conducting feasibility studies and
 17 economic analyses, and assistance for alternate economic
 18 activities.

19 (b) **INCREASES IN MULTILATERAL DEVELOPMENT BANK LENDING**
 20 **FOR CROP SUBSTITUTION PROJECTS.**—The Secretary of the
 21 Treasury shall instruct the United States Executive Directors
 22 of the multilateral development banks to initiate discussions
 23 with other Directors of their respective banks and to prop
 24 that each such bank increase the amount of lending by such
 25 bank for crop substitution programs which will provide an

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1 economic alternative for the cultivation or production of
 2 illicit narcotic drugs or other controlled substances in
 3 major illicit drug producing countries, to the extent such
 4 countries develop and maintain adequate drug eradication
 5 programs.

6 (c) NATIONAL ADVISORY COUNCIL REPORT.--The Secretary of
 7 the Treasury shall include in the annual report to the
 8 Congress by the National Advisory Council on International
 9 Monetary and Financial Policies a detailed accounting of the
 10 manner in which and the extent to which the provisions of
 11 this section have been carried out.

12 (d) DEFINITIONS.--For purposes of this section--

13 (1) MULTILATERAL DEVELOPMENT BANK.--The term
 14 "multilateral development bank" means the International
 15 Bank for Reconstruction and Development, the
 16 International Development Association, the Inter-American
 17 Development Bank, the African Development Bank, and the
 18 Asian Development Bank.

19 (2) MAJOR ILLICIT DRUG PRODUCING COUNTRY.--The term
 20 "major illicit drug producing country" has the meaning
 21 provided in section 481(i)(2) of the Foreign Assistance
 22 Act of 1961 (22 U.S.C. 2391(i)(2)).

23 (3) NARCOTIC DRUG AND CONTROLLED SUBSTANCE.--The
 24 terms "narcotic drug" and "controlled substance" have
 25 the meanings given to such terms in section 102 of the
 Controlled Substances Act (21 U.S.C. 802).

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7 ~~SEC. 2071~~ DRUGS AS A NATIONAL SECURITY PROBLEM.

8 The Congress hereby declares that drugs are a national
9 security problem and urges the President to explore the
10 possibility of engaging such essentially security-oriented
11 organizations as the North Atlantic Treaty Organization in
12 cooperative drug programs.

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13 ~~SEC. 2072~~ FINDINGS CONCERNING GREATER INTERNATIONAL EFFORT
14 TO ADDRESS DRUG THREAT.

15 The Congress finds that--

16 (1) in response to the growing narcotics threat to
17 the international community--

18 (A) the Single Convention on Narcotic Drugs,
19 1961, the 1972 Protocol amending that Convention, and
20 the Convention on Psychotropic Substances were
21 adopted under United Nations auspices, and

22 (B) the United Nations has created various
23 entities to deal with drug abuse control and
24 prevention; and

25 (2) a greater international effort is required to

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1 address this threat, such as additional or increased
 2 contributions by other countries to the United Nations
 3 Fund for Drug Abuse and Control and greater coordination
 4 of enforcement and eradication efforts.

5 ²² SEC. 2023. INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT
 6 TRAFFICKING.

7 (a) CONGRESSIONAL SUPPORT.--The Congress hereby declares
 8 its support for United Nations General Assembly Resolution
 9 40/122 adopted on December 13, 1985, in which the General
 10 Assembly decided to convene in 1987 an International
 11 Conference on Drug Abuse and Illicit Trafficking in order to
 12 generate universal action to combat the drug problem in all
 13 its forms at the national, regional, and international
 14 levels, and to adopt a comprehensive outline of future
 15 activities.

16 (b) UNITED STATES PARTICIPATION.--With respect to United
 17 States participation in the International Conference on Drug
 18 Abuse and Illicit Trafficking, the Congress calls on the
 19 President--

- 20 (1) to appoint the head of the United States
- 21 delegation well in advance of the conference; and
- 22 (2) to ensure that necessary resources are available
- 23 for United States preparation and participation.

24 (c) REPORT TO CONGRESS.--Not later than April 30, 1987,
 25 the President shall report to the Congress on the status of

1 United States preparations for the International Conference
2 on Drug Abuse and Illicit Trafficking, including the status
3 of naming the delegation, the issues expected to arise, and
4 United States policy initiatives to be taken at the
5 conference.

6 ~~SEC. 2023~~²³ EFFECTIVENESS OF INTERNATIONAL DRUG PREVENTION AND
7 CONTROL SYSTEM.

8 (a) STUDY.--The United States should seek to improve the
9 program and budget effectiveness of United Nations entities
10 related to narcotics prevention and control by studying the
11 capability of existing United Nations drug-related
12 declarations, conventions, and entities to heighten
13 international awareness and promote the necessary strategies
14 for international action, to strengthen international
15 cooperation, and to make effective use of available United
16 Nations funds.

17 (b) REPORT TO CONGRESS.--Not later than April 30, 1987,
18 the President shall report to the Congress any
19 recommendations that may result from this study.

20 ~~SEC. 2025~~²⁴ NARCOTICS CONTROL CONVENTIONS.

21 The Congress--

22 (1) urges that the United Nations Commission on
23 Narcotic Drugs complete work as quickly as possible,
24 consistent with the objective of obtaining an effective
25 agreement, on a new draft convention against illicit

1 traffic in narcotic drugs and psychotropic substances, in
 2 accordance with the mandate given the Commission by
 3 United Nations General Assembly Resolution 19/141; and
 4 (2) calls for more effective implementation of
 5 existing conventions relating to narcotics.

6 ~~SEC. 2024.~~ ²⁵ MEXICO-UNITED STATES INTERGOVERNMENTAL COMMISSION.

7 (a) NEGOTIATIONS TO ESTABLISH.--In accordance with the
 8 resolution adopted by the 26th Mexico-United
 9 Interparliamentary Conference which recommended that the
 10 Government of Mexico and the Government of the United States
 11 establish a Mexico-United States Intergovernmental Commission
 12 on Narcotics and Psychotropic Drug Abuse and Control, the
 13 President should direct the Secretary of State, in
 14 conjunction with the National Drug Enforcement Policy Board,
 15 to enter into negotiations with the Government of Mexico to
 16 create such a joint intergovernmental commission.

17 (b) MEMBERSHIP.--The commission, which should meet
 18 semiannually, should include members of the Mexican Senate
 19 and Chamber of Deputies and the United States House of
 20 Representatives and Senate, together with members of the
 21 executive departments of each Government responsible for drug
 22 abuse, education, prevention, treatment, and law enforcement.

23 (c) REPORT TO CONGRESS.--Not later than 90 days after the
 24 date of enactment of this Act, the Secretary of State shall
 25 report to the Congress on the progress being made in

1 establishing a commission in accordance with subsection (a).

2 ~~SEC. 2077~~²⁶ OPIUM PRODUCTION IN PAKISTAN.

3 (a) FINDINGS.—The Congress finds that—

4 (1) the production of opium in Pakistan is expected
5 to more than double in the 1985-1986 growing season,
6 posing an increased threat to the health and welfare of
7 the people of Pakistan and the people of the United
8 States; and

9 (2) despite past achievements, the current
10 eradication program in Pakistan, which employs manual
11 eradication of opium poppies, has proven inadequate to
12 meet this new challenge.

13 (b) NEED FOR MORE EFFECTIVE DRUG CONTROL PROGRAM.—The
14 Congress urges that the Government of Pakistan adopt and
15 implement a comprehensive narcotics control program which
16 would provide for more effective prosecution of drug
17 traffickers, increased interdiction, and aerial eradication
18 of opium poppies.

19 (c) REPORT TO CONGRESS.—The Secretary of State shall
20 report to the Congress not later than 60 days after the date
21 of enactment of this Act with respect to the adoption and
22 implementation by the Government of Pakistan of a
23 comprehensive narcotics control program in accordance with
24 subsection (b).

25 ~~SEC. 2077~~²⁷ OPIUM PRODUCTION IN IRAN, AFGHANISTAN, AND LAOS.

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1 The Congress calls on the President to instruct the
 2 United States Ambassador to the United Nations to request
 3 that the United Nations Secretary General raise with
 4 delegations to the International Conference on Drug Abuse and
 5 Illicit Trafficking the problem of illicit drug production in
 6 Iran, Afghanistan, and Laos, the largest opium poppy
 7 producing countries which do not have narcotics control
 8 programs.

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9 ~~SEC. 2079.~~ ²⁸ INCREASED FUNDING FOR USIA DRUG EDUCATION
 10 PROGRAMS.

11 In addition to amounts otherwise authorized to be
 12 appropriated, there is authorized to be appropriated for the
 13 United States Information Agency for fiscal year 1987
 14 \$2,000,000 which shall be available only for increasing drug
 15 education programs abroad. These programs may include--

- 16 (1) the distribution of films and publications which
- 17 demonstrate the impact of drugs on crime and health; and
- 18 (2) exchange of persons programs and international
- 19 visitor programs involving students, educators, and
- 20 scientists.

21 ~~SEC. 2010.~~ ³¹ INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

22 In addition to amounts otherwise authorized to be
 23 appropriated, there are authorized to be appropriated to the
 24 President for fiscal year 1987 \$3,000,000 to carry out
 25 chapter 1 of part 2 of the Foreign Assistance Act of 1961.

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which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

SEC. 2030. ³⁰REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS ABROAD.

The Director of the United States Information Agency and the Administrator of the Agency for International Development shall include in their annual reports to the Congress a description of the drug education programs carried out by their respective agencies.

³¹
SEC. 2072. SUGAR QUOTA

(a) Notwithstanding any other provision of the law: The President may not allocate any limitation imposed on the quantity of sugar to ~~any~~ any country which has a Government involved in the trade of illicit narcotics or is failing to cooperate with the U.S. in narcotics enforcement activities as defined in section 2002 as determined by the President.

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Viz: Sec. 2031

1 Narcotics Control Efforts in Mexico,

2 (a) Congressional Findings, The Congress Finds--

3 (1) In their meeting in August 1986, President
4 de la Madrid Hurtado and President Reagan
5 recognized the unique relationship between
6 our two countries and the importance and the
7 desire to respect the sovereignty of each
8 nation;

9 (2) Further, the United States government has actively
10 worked to support the Mexican government in easing
11 its international debt burden;

12 (3) Both presidents pledged their cooperation in drug
13 eradication, enforcement and education; *and*

14 (4) This pledge of cooperation has not been realized
15 fully because of the inadequate response of the
16 Mexican government in:

17 (A) fully investigating the 1985 murders of U.S. Drug
18 Enforcement Administration agent Enrique Camarena
19 Salazar and his pilot, Alfredo Zavala Avelar;

20 (B) fully investigating the 1986 detention and torture of U.S.
21 Drug Enforcement Administration agent Victor Cortez, Junior;

22 (C) bringing to trial and effectively prosecuting those
23 responsible for the Camarena and Zavala murders and those
24 responsible for the detention and torture of Cortez;

25 (D) using effectively and efficiently the fleet of aircraft

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1 provided by the United States government for drug eradication
2 and interdiction;

3 (B) preventing drug trafficking and drug-related violence on
4 the U.S.-Mexican border.

5 *Measures To be Considered. -*

6 (b) Therefore, it is the sense of Congress that unless
7 substantial progress is demonstrated in the near future on
8 the issues described in subparagraph (A)(1), the President

9 should consider taking one or more of the following measures:

- 10 1) imposition of a mandatory travel advisory for all of Mexico;
11 2) restrictions on foreign assistance (including further
12 disbursements from the Exchange Stabilization Fund and Federal
13 Reserve Bank);
14 3) Denial of favorable tariff treatment for Mexican products;
15 4) denial of favorable U.S. votes in multilateral development
16 banks.

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1 (c) PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND
2 MURDER OF DEA AGENTS.--of the funds allocated for assistance
3 for Mexico for fiscal year 1987 under chapter 8 of part I of
4 the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.;
5 relating to international narcotics control), \$1,000,000
6 shall be withheld from expenditure until the President
7 reports to the Congress that the Government of Mexico--

8 (1) has fully investigated the 1985 murders of Drug
9 Enforcement Administration agent Enrique Camarena Salazar
10 and his pilot Alfredo Zavala Avelar;

11 (2) has fully investigated the 1986 detention and
12 torture of Drug Enforcement Administration agent Victor
13 Cortez, Junior; and

14 (3) has brought to trial and is effectively
15 prosecuting those responsible for those murders and those
16 responsible for that detention and torture.

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TITLE III--INTERDICTION

~~SECTION 3881. SHORT TITLE.~~

SEC. 3881. SHORT TITLE.

This title may be cited as the "National Drug Interdiction Improvement Act of 1986".

SEC. 3882. FINDINGS.

The Congress hereby finds that--

(1) a balanced, coordinated, multifaceted strategy for combating the growing drug abuse and drug trafficking problem in the United States is essential in order to stop the flow and abuse of drugs within our borders;

(2) a balanced, coordinated, multifaceted strategy for combating the narcotics drug abuse and trafficking in the United States should include--

(A) increased investigations of large networks of drug smuggler organizations;

(B) source country drug eradication;

(C) increased emphasis on stopping narcotics traffickers in countries through which drugs are transshipped;

(D) increased emphasis on drug education programs in the schools and workplace;

(E) increased Federal Government assistance to State and local agencies, civic groups, school systems, and officials in their efforts to combat the

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drug abuse and trafficking problem at the local level; and

(F) increased emphasis on the interdiction of drugs and drug smugglers at the borders of the United States, in the air, at sea, and on the land;

(3) funds to support the interdiction of narcotics smugglers who threaten the transport of drugs through the air, on the sea, and across the land borders of the United States should be emphasized in the Federal Government budget process to the same extent as the other elements of a comprehensive antidrug effort are emphasized;

(4) the Department of Defense and the use of its resources should be an integral part of a comprehensive, national drug interdiction program;

(5) the Federal Government civilian agencies engaged in drug interdiction, particularly the United States Customs Service and the Coast Guard, currently lack the aircraft, ships, radar, command, control, communications, and intelligence (C3I) systems, and manpower resources necessary to mount a comprehensive attack on the narcotics traffickers who threaten the United States;

(6) the civilian drug interdiction agencies of the United States are currently interdicting only a small percentage of the illegal, drug smuggler penetrations in

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1 the United States every year;

2 (7) the budgets for our civilian drug interdiction

3 agencies, primarily the United States Customs Service and

4 the Coast Guard, have not kept pace with those of the

5 traditional investigative law enforcement agencies of the

6 Department of Justice; and

7 (8) since the amendment of the Posse Comitatus Act

8 (18 U.S.C. 1385) in 1981, the Department of Defense has

9 assisted in the effort to interdict drugs, but they can

10 do more.

11 SEC. 3883. PURPOSES.

12 It is the purpose of this title--

13 (1) to increase the level of funding and resources

14 available to civilian drug interdiction agencies of the

15 Federal Government;

16 (2) to increase the level of support from the

17 Department of Defense as consistent with the Posse

18 Comitatus Act, for interdiction of the narcotics

19 traffickers before such traffickers penetrate the borders

20 of the United States; and

21 (3) to improve other drug interdiction programs of

22 the Federal Government.

23 ~~_____~~

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25 ~~_____~~

1 Subtitle A—Department of Defense Drug Interdiction
2 Assistance

3 SEC. 3051. SHORT TITLE.

4 This subtitle may be cited as the "Defense Drug
5 Interdiction Assistance Act".

6 SEC. 3052. AUTHORIZATION.

7 (a) Authorization of Appropriations for Enhanced Drug
8 Interdiction Activities.--Funds are hereby authorized to be
9 appropriated to the Department of Defense for fiscal year
10 1987 for enhancement of drug interdiction assistance
11 activities of the Department as follows:

12 (1) For procurement of aircraft for the Navy,
13 \$138,000,000, to be available for (A) the refurbishment
14 and upgrading, for drug interdiction purposes, of four
15 existing E-2C Hawkeye surveillance aircraft or any other
16 aircraft of the Navy which the Secretary considers better
17 suited than E-2C Hawkeye surveillance aircraft to perform
18 the drug interdiction mission, and (B) the procurement of
19 four replacement aircraft (of the same type of aircraft
20 refurbished and upgraded under the authorization in this
21 paragraph) and related spares for the Navy.

22 (2) For procurement of seven radar aerostats,
23 \$99,500,000.

24 (3) For procurement of eight Blackhawk helicopters,
25 \$40,000,000.

(b) Loan of Equipment to Law Enforcement Agencies.--

(1)(A) The Secretary of Defense shall make two of the
existing aircraft refurbished and upgraded under ^{sub 2} section
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1 (a)(1) available to the Customs Service and two of such
2 existing aircraft available to the Coast Guard.

3 (B) The Customs Service and the Coast Guard shall each
4 have the responsibility for operation and maintenance costs
5 attributable to the aircraft made available to the Customs
6 Service and the Coast Guard, respectively, under subparagraph
7 (A).

8 (2) The Secretary of Defense shall make the radar
9 aerostats acquired under subsection (a)(2) and the
10 helicopters acquired under subsection (a)(3) available to
11 agencies of the United States designated by ~~the Chairman~~
12 the National Drug Enforcement Policy Board established by the
13 National Narcotics Act of 1984.

14 (3) Aircraft and radar aerostats shall be made available
15 to agencies under this subsection subject to the provisions
16 of chapter 18 of title 10, United States Code.

17 (C) LIMITATION ON PROCUREMENT.--Amounts appropriated or
18 otherwise made available to the Department of Defense for
19 procurement for fiscal year 1987 or any prior fiscal year may
20 be obligated for equipment for enhancement of authorized drug
21 enforcement activities of the Department of Defense under
22 subsection (a) or any other provision of law only if the
23 equipment--

24 (1) is fully supportable within the existing service
25 support system of the Department of Defense; and

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1 (b) Members of the Coast Guard assigned to duty on
2 board naval vessels under this section shall perform such law
3 enforcement functions (including drug-interdiction
4 functions)--

5 (1) as may be agreed upon by the Secretary of
6 Defense and the Secretary of Transportation; and

7 (2) as are otherwise within the jurisdiction of the
8 Coast Guard.

9 (c) No fewer than 300 active duty personnel of the
10 Coast Guard shall be assigned each fiscal year to duty under
11 this section. However, if at any time the Secretary of
12 Transportation, after consultation with the Secretary of
13 Defense, determines that there are insufficient naval vessels
14 available for purposes of this section, such personnel may be
15 assigned other duty involving enforcement of laws listed in
16 section 374(a)(1) of this title.

17 (d) In this section, the term 'drug-interdiction area'
18 means an area outside the land area of the United States in
19 which the Secretary of Defense (in consultation with the
20 Attorney General) determines that activities involving
21 smuggling of drugs into the United States are ongoing.

22 (2) The table of sections at the beginning of such
23 chapter is amended by adding at the end the following new
24 item:

379. Assignment of Coast Guard personnel to naval vessels

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1 (2) reasonably relates to an existing military, war
2 reserve, or mobilization requirement.

3 SEC. 3053. COAST GUARD ACTIVITIES.

4 (a) FUNDING FOR PERSONNEL ON NAVAL VESSELS.--(1) Of the
5 funds appropriated for operation and maintenance for the Navy
6 for fiscal year 1987, the sum of \$15,000,000 shall be
7 transferred to the Secretary of Transportation and shall be
8 available only for members of the Coast Guard assigned to
9 duty as provided in section 379 of title 10, United States
10 Code (as added by subsection (b)).

11 (2) The active duty military strength level for the Coast
12 Guard for fiscal year 1987 is hereby increased by 500 above
13 any number otherwise provided by law.

14 (b) ENHANCED DRUG INTERDICTION ASSISTANCE.--(1) Chapter
15 13 of title 10, United States Code, is amended by adding at
16 the end the following new section:

17 §379. Assignment of Coast Guard personnel to naval vessels
18 for law enforcement purposes

19 (a) The Secretary of Defense and the Secretary of
20 Transportation shall provide that there be assigned on board
21 appropriate surface naval vessels at sea in a drug-
22 interdiction area members of the Coast Guard who are trained
23 in law enforcement and have powers of the Coast Guard under
24 title 14, including the power to make arrests and to carry
25 out searches and seizures.

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14 SEC. 3054. REPORT ON DEFENSE DRUG EDUCATION ACTIVITIES.

1 ~~jurisdiction of the Secretary of Defense may participate in~~
2 ~~the national effort to control and reduce drug abuse,~~
3 ~~including the interdiction of illegal drugs.~~

4 ~~by Section 3053(b) of this title.~~ --Not
5 later than December 1, 1986, the Secretary of Defense, in
6 consultation with the National Drug Enforcement Policy Board
7 and the Department of Education, shall submit to the
8 Committees on Armed Services of the Senate and the House of
9 Representatives a report containing a discussion of--

10 (1) the extent to which youth enrolled in schools
11 operated by the Department of Defense for dependent
12 members of the Armed Forces are receiving education on
13 drug and substance abuse,

14 (2) the types of drug education programs that are
15 currently being provided in such schools,

16 (3) whether additional drug education programs are
17 needed in such schools, and

18 (4) the extent to which drug education for youth in
19 grades kindergarten through 12 include or should include
20 preventive peer counseling classes.

21 SEC. 3055. DRIVING WHILE IMPAIRED.

22 Section 911 of title 10, United States Code, is amended
23 by inserting "or while impaired by a substance described in
24 section 912a(b) of this title (article 112a(b)), " after
25 "manner,".

for law enforcement purposes."

1 (1) Effective on the date of the enactment of this Act,
 2 section 1421 of the Department of Defense Authorization Act,
 3 1986 (Public Law 99-145; 99 Stat. 750), is repealed.

4 (c) COAST GUARD RESERVE.—The Selected Reserve of the
 5 Coast Guard Reserve shall be programmed to attain a strength
 6 as of September 30, 1987, of not less than 14,400. Of such
 7 number, not less than 1,400 shall be used to augment units of
 8 the Coast Guard assigned to drug interdiction missions.

9 (d) Use of Department of Defense Funds for the Coast
 10 Guard.—In addition to any other amounts authorized to be
 11 appropriated to the Department of Defense in fiscal year
 12 1987, \$45,000,000 shall be authorized to be appropriated for
 13 the installation of 360-degree radar systems on Coast Guard
 14 long-range surveillance aircraft. Any modifications of
 15 existing aircraft pursuant to this subsection shall comply
 16 with validated requirements and specifications developed by
 17 the Coast Guard.

18 The limitations contained in paragraphs (1) and (2) of section
 19 3052(c) shall apply with respect to activities carried out under
 20 this subsection.

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1 SEC. 3056. ASSISTANCE TO CIVILIAN LAW ENFORCEMENT AND
2 EMERGENCY ASSISTANCE BY DEPARTMENT OF DEFENSE
3 PERSONNEL

4 (a) ASSISTANCE TO CIVILIAN LAW ENFORCEMENT.--Section
5 374(a) of title 10, United States Code, is amended by
6 striking out the period at the end and inserting in lieu
7 thereof "or with respect to assistance that such agency is
8 authorized to furnish to any foreign government which is
9 involved in the enforcement of similar laws".

10 (b) EMERGENCY ASSISTANCE.--Section 374(c) of such title
11 is amended to read as follows:

12 (c)(1) In an emergency circumstance, equipment operated
13 by or with the assistance of personnel assigned under
14 subsection (a) may be used as a base of operations outside
15 the land area of the United States (or any territory,
16 commonwealth, or possession of the United States) by Federal
17 law enforcement officials--

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

20 (B) to transport such law enforcement officials in
21 connection with such operations;

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

of State jointly determine that an emergency circumstance exists.

1 "(B) In an emergency circumstance, equipment operated by
2 or with the assistance of personnel assigned under subsection
3 (a) may be used to intercept vessels and aircraft outside the
4 land area of the United States (or any territory,
5 commonwealth, or possession of the United States) for the
6 purposes of communicating with such vessels and aircraft to
7 direct such vessels and aircraft to go to a location
8 designated by appropriate civilian officials if the Secretary
9 of Defense, the Attorney General, and the Secretary of State
10 jointly determine that an emergency circumstance exists and
11 that enforcement of a law listed in subsection (a) would be
12 seriously impaired if such use of equipment were not
13 permitted. Such use of equipment may continue into the land
14 area of the United States (or any territory or possession of
15 the United States) in cases involving the hot pursuit of
16 vessels or aircraft where such pursuit began outside such
17 land area.

18 "(J) For purposes of this subsection, an emergency
19 circumstance exists when--

20 "(A) the size or scope of the suspected criminal
21 activity in a given situation poses a serious threat to
22 the interest of the United States; and

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

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1 SEC. 3057. ADDITIONAL DEPARTMENT OF DEFENSE DRUG LAW
2 ENFORCEMENT ASSISTANCE.

3 (a) GENERAL REQUIREMENT.--(1) Within 90 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the Congress the following:

6 (A) A detailed list of all forms of assistance that
7 shall be made available by the Department of Defense to
8 civilian drug law enforcement and drug interdiction
9 agencies, including the United States Customs Service,
10 the Coast Guard, the Drug Enforcement Administration, and
11 the Immigration and Naturalization Service.

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

15 (2) The list required by paragraph (1)(A) shall include,
16 but not be limited to, a description of the following
17 matters:

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

20 (B) Communications equipment, including secure
21 communications.

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

25 (D) Intelligence on the growing, processing, and

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1 transshipment of drugs in drug source countries and the
2 transshipment of drugs between such countries and the
3 United States.

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

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

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

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

21 (b) COMMITTEE APPROVAL AND FINAL IMPLEMENTATION.--Within
22 30 days after the date on which the Congress receives the
23 list and plan submitted under such subsection, the Committees
24 on Armed Services of the Senate and the House of
25 Representatives shall submit their approval or disapproval of

1 such list and plan to the Secretary of Defense. Upon receipt
 2 of such approval or disapproval, the Secretary shall
 3 immediately convene a conference of the heads of the Federal
 4 Government agencies with jurisdiction over drug law
 5 enforcement, including the Customs Service, the Coast Guard,
 6 and the Drug Enforcement Administration, to determine the
 7 appropriate distribution of the assets, items of support, or
 8 other assistance to be made available by the Department of
 9 Defense to such agencies. Not later than 60 days after the
 10 date on which such conference convenes, the Secretary of
 11 Defense and the heads of such agencies shall enter into
 12 appropriate memoranda of agreement specifying the
 13 distribution of such assistance.

14 (c) EQUIPMENT SUBJECT TO SECTION 3052(p).--Equipment
 15 identified in this section is subject to the provisions of
 16 section 3052(⁵~~A~~).

17 (d) APPLICABILITY.--Subsections (a) and (b) shall not
 18 apply to any assets, equipment, items of support, or other
 19 assistance provided or authorized in any other provision of
 20 this title.

21 (e) REVIEW BY GENERAL ACCOUNTING OFFICE.--The Comptroller
 22 General of the United States shall monitor the compliance of
 23 the Department of Defense with subsections (a) and (b). Not
 24 later than 90 days after the date on which the conference is
 25 convened under subsection (b), the Comptroller General shall

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1 transmit to the Congress a written report containing the
 2 Comptroller General's findings regarding the compliance of
 3 the Department of Defense with such subsections. The report
 4 shall include a review of the memoranda of agreement entered
 5 into under subsection (b).

6 SEC. 1058. GRADE OF DIRECTOR OF DEPARTMENT OF DEFENSE TASK
 7 FORCE ON DRUG ENFORCEMENT.

8 During fiscal year 1987, the number of officers of the
 9 Marine Corps authorized under section 525(b) of title 10,
 10 United States Codes, to be on active duty in grades above
 11 major general is increased by one during any period that an
 12 officer of the Marine Corps is serving as the Director of the
 13 Department of Defense Task Force on Drug Enforcement. An
 14 additional officer in a grade above major general by reason
 15 of this section may not be in the grade of general.

16 SEC. 1059. CIVIL AIR PATROL.

17 (a) SENSE OF CONGRESS.--It is the sense of Congress
 18 that--

19 (1) the Civil Air Patrol, the all-volunteer civilian
 20 auxiliary of the Air force, can increase its
 21 participation in and make significant contributions to
 22 the drug interdiction efforts of the Federal Government,
 23 and

24 (2) the Secretary of the Air Force should fully
 25 support that participation.

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(b) Authorization.--In addition to any other amounts appropriated for the Civil Air Patrol for fiscal year 1987, there are authorized to be appropriated for the Civil Air Patrol, out of any unobligated and uncommitted balances of appropriations for the Department of Defense for fiscal year 1986 which are carried forward into fiscal year 1987, \$7,000,000 for the acquisition of the major items of equipment needed by the Civil Air Patrol for drug interdiction surveillance and reporting missions.

(c) REPORTS.--(1) The Secretary of the Air Force shall submit to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives quarterly reports which contain the following information:

(A) A description of the manner in which any funds are used under subsection (b).

(B) A detailed description of the activities of the Civil Air Patrol in support of the Federal Government's drug interdiction program.

(2) The first report under paragraph (1) shall be submitted on the last day of the first quarter ending not less than 90 days after the date of the enactment of this Act.

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1 Subtitle B--Customs Enforcement

2 SEC. 3101. SHORT TITLE.

3 This subtitle may be cited as the "Customs Enforcement
4 Act of 1986".

5 PART 1--AMENDMENTS TO THE TARIFF ACT OF 1930

6 SEC. 3111. DEFINITIONS.

7 Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is
8 amended--

9 (1) by inserting "", and monetary instruments as
10 defined in section 5312 of title 31, United States Code"
11 before the period in subsection (c);

12 (2) by striking out "The term" in subsection (k)
13 and inserting in lieu thereof "(1) The term";

14 (3) by adding at the end of subsection (k) the
15 following new paragraph:

16 "(2) For the purposes of sections 432, 433, 434, 448,
17 585, and 586, any vessel which--

18 "(A) has visited any hovering vessel;

19 "(B) has received merchandise while in the customs
20 waters beyond the territorial sea; or

21 "(C) has received merchandise while on the high
22 seas;

23 shall be deemed to arrive or have arrived, as the case may
24 be, from a foreign port or place."; and

25 (4) by adding at the end thereof the following:

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1 “(m) CONTROLLED SUBSTANCE.--The term ‘controlled
2 substance’ has the meaning given that term in section 102(6)
3 of the Controlled Substances Act (21 U.S.C. 802(6)). For
4 purposes of this Act, a controlled substance shall be treated
5 as merchandise the importation of which into the United
6 States is prohibited, unless the importation is authorized
7 under--

8 “(1) an appropriate license or permit; or

9 “(2) the Controlled Substances Import and Export
10 Act.”.

11 SEC. 3112. REPORT OF ARRIVAL OF VESSELS, VEHICLES, AND
12 AIRCRAFT.

13 Section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) is
14 amended to read as follows:

15 “SEC. 433. REPORT OF ARRIVAL OF VESSELS, VEHICLES, AND
16 AIRCRAFT.

17 “(a) VESSEL ARRIVAL.--(1) Immediately upon the arrival
18 at any port or place within the United States or the Virgin
19 Islands of--

20 “(A) any vessel from a foreign port or place;

21 “(B) any foreign vessel from a domestic port; or

22 “(C) any vessel of the United States carrying bonded
23 merchandise, or foreign merchandise for which entry has
24 not been made;

25 the master of the vessel shall report the arrival at the

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1 nearest customs facility or such other place as the Secretary
2 may prescribe by regulations.

3 `` (2) The Secretary may by regulation--

4 `` (A) prescribe the manner in which arrivals are to
5 be reported under paragraph (1); and

6 `` (B) extend the time in which reports of arrival
7 must be made, but not later than 24 hours after arrival.

8 `` (b) VEHICLE ARRIVAL.--(1) Vehicles may arrive in the
9 United States only at border crossing points designated by
10 the Secretary.

11 `` (2) Except as otherwise authorized by the Secretary,
12 immediately upon the arrival of any vehicle in the United
13 States at a border crossing point, the person in charge of
14 the vehicle shall--

15 `` (A) report the arrival; and

16 `` (B) present the vehicle, and all persons and
17 merchandise (including baggage) on board, for inspection
18 to the customs officer at the customs facility designated for
19 that crossing point.

20 `` (c) AIRCRAFT ARRIVAL.--The pilot of any aircraft
21 arriving in the United States or the Virgin Islands from any
22 foreign airport or place shall comply with such advance
23 notification, arrival reporting, and landing requirements as
24 the Secretary may by regulation prescribe.

25 `` (d) PRESENTATION OF DOCUMENTATION.--The master, person

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1 amended--

2 (1) by redesignating paragraphs (15) and (16) as
3 paragraphs (16) and (17), respectively; and

4 (2) by inserting after paragraph (14) the following
5 new paragraph:

6 "(15) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.--

7 "(A) INVESTIGATIONS.--The appropriate Federal
8 banking agency may exercise any authority vested in such
9 agency under section 8(n) in the course of conducting any
10 investigation under paragraph (2)(B) or any other
11 investigation which the agency, in its discretion,
12 determines is necessary to determine whether any person
13 has filed inaccurate, incomplete, or misleading
14 information under this subsection or otherwise is
15 violating, has violated, or is about to violate any
16 provision of this subsection or any regulation prescribed
17 under this subsection.

18 "(B) ENFORCEMENT.--Whenever it appears to the
19 appropriate Federal banking agency that any person is
20 violating, has violated, or is about to violate any
21 provision of this subsection or any regulation prescribed
22 under this subsection, the agency may, in its discretion,
23 apply to the appropriate district court of the United
24 States or the United States court of any territory for--

25 "(i) a temporary or permanent injunction or

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1 restraining order enjoining such person from
2 violating this subsection or any regulation
3 prescribed under this subsection; or

4 (ii) such other equitable relief as may be
5 necessary to prevent any such violation (including
6 divestiture).

7 (C) JURISDICTION.--

8 (i) The district courts of the United States
9 and the United States courts in any territory shall
10 have the same jurisdiction and power in connection
11 with any exercise of any authority by the appropriate
12 Federal banking agency under subparagraph (A) as such
13 courts have under section 8(n).

14 (ii) The district courts of the United States
15 and the United States courts of any territory shall
16 have jurisdiction and power to issue any injunction
17 or restraining order or grant any equitable relief
18 described in subparagraph (B). When appropriate, any
19 injunction, order, or other equitable relief granted
20 under this paragraph shall be granted without
21 requiring the posting of any bond.

22 SEC. 1361. CHANGE IN SAVINGS AND LOAN CONTROL ACT AMENDMENTS.

23 (a) ADDITIONAL REVIEW TIME.--

24 (1) INITIAL EXTENSION AT DISCRETION OF AGENCY.--The
25 first sentence of section 407(c)(1) of the National

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1 Housing Act (12 U.S.C. 1730(q)(1)) is amended by striking
2 out "or extending up to another thirty days" and
3 inserting in lieu thereof "or, in the discretion of the
4 Corporation, extending for an additional 30 days".

5 (2) ADDITIONAL EXTENSIONS IN CASE OF INCOMPLETE OR
6 INACCURATE NOTICE OR TO CONTINUE INVESTIGATION.--The
7 second sentence of section 407(q)(1) of the National
8 Housing Act (12 U.S.C. 1730(q)(1)) is amended to read as
9 follows: "The period for disapproval under the preceding
10 sentence may be extended not to exceed 2 additional times
11 for not more than 45 days each time if--

12 "(A) the Corporation determines that any acquiring
13 party has not furnished all the information required
14 under paragraph (6);

15 "(B) in the Corporation's judgment, any material
16 information submitted is substantially inaccurate;

17 "(C) the Corporation has been unable to complete the
18 investigation of an acquiring party under paragraph
19 (2)(B) because of any delay caused by, or the inadequate
20 cooperation of, such acquiring party; or

21 "(D) the Corporation determines that additional time
22 is needed to investigate and determine that no acquiring
23 party has a record of failing to comply with the
24 requirements of subchapter II of chapter 53 of title 31,
25 United States Code."

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1 (b) DUTY TO INVESTIGATE APPLICANTS FOR CHANGE IN CONTROL
2 APPROVAL.--Section 407(q)(2) of the National Housing Act (12
3 U.S.C. 1730(q)(2)) is amended--

4 (1) by striking out "(2)" and inserting in lieu
5 thereof "(2)(A) NOTICE TO STATE AGENCY.--"; and

6 (2) by adding at the end thereof the following new
7 subparagraphs:

8 "(B) INVESTIGATION OF PRINCIPALS REQUIRED.--Upon
9 receiving any notice under this subsection, the Corporation
10 shall--

11 "(i) conduct an investigation of the competence,
12 experience, integrity, and financial ability of each
13 person named in a notice of a proposed acquisition as a
14 person by whom or for whom such acquisition is to be
15 made; and

16 "(ii) make an independent determination of the
17 accuracy and completeness of any information described in
18 paragraph (6) with respect to such person.

19 "(C) REPORT.--The Corporation shall prepare a written
20 report of any investigation under subparagraph (B) which
21 shall contain, at a minimum, a summary of the results of such
22 investigation. The Corporation shall retain such written
23 report as a record of the Corporation."

24 (c) PUBLIC COMMENT ON CHANGE OF CONTROL NOTICES.--Section
25 407(q)(2) of the National Housing Act (12 U.S.C. 1730(q)(2))

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1 is amended by adding after subparagraph (C) (as added by
2 subsection (b) of this section) the following new
3 subparagraph:

4 "(D) PUBLIC COMMENT.--Upon receiving notice of a
5 proposed acquisition, the Corporation shall, within a
6 reasonable period of time--

7 "(i) publish the name of the insured institution
8 proposed to be acquired and the name of each person
9 identified in such notice as a person by whom or for whom
10 such acquisition is to be made; and

11 "(ii) solicit public comment on such proposed
12 acquisition, particularly from persons in the geographic
13 area where the institution proposed to be acquired is
14 located, before final consideration of such notice by the
15 Corporation,

16 unless the Corporation determines in writing that such
17 disclosure or solicitation would seriously threaten the
18 safety or soundness of such institution."

19 (d) INVESTIGATIONS AND ENFORCEMENT.--Section 407(q) of
20 the National Housing Act (12 U.S.C. 1730(q)) is amended--

21 (1) by redesignating paragraphs (16) and (17) as
22 paragraphs (17) and (18), respectively; and

23 (2) by inserting after paragraph (15) the following
24 new paragraph:

25 "(16) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.--

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1 “(A) INVESTIGATIONS.--The Corporation may exercise
2 any authority vested in the Corporation under paragraph
3 (2) or (3) of subsection (m) in the course of conducting
4 any investigation under paragraph (2)(B) or any other
5 investigation which the Corporation, in its discretion,
6 determines is necessary to determine whether any person
7 has filed inaccurate, incomplete, or misleading
8 information under this subsection or otherwise is
9 violating, has violated, or is about to violate any
10 provision of this subsection or any regulation prescribed
11 under this subsection.

12 “(B) ENFORCEMENT.--Whenever it appears to the
13 Corporation that any person is violating, has violated,
14 or is about to violate any provision of this subsection
15 or any regulation prescribed under this subsection, the
16 agency may, in its discretion, apply to the appropriate
17 district court of the United States or the United States
18 court of any territory for--

19 “(i) a temporary or permanent injunction or
20 restraining order enjoining such person from
21 violating this subsection or any regulation
22 prescribed under this subsection; or

23 “(ii) such other equitable relief as may be
24 necessary to prevent any such violation (including
25 divestiture).