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Office of the Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

AUG 22 1986

TO: Addressees Listed Below

FROM: Richard K. Willard *TKW*  
Assistant Attorney General  
Civil Division

RE: *Legislative Review Task Force Meeting*

The next meeting of our task force will be on Monday, August 25 at 2 p.m. in Conference Room 3605 of the Main Justice Building. We regret the short notice we must give for the meeting, but we have been asked to give a report on legislative activities to the DPC Working Group on Tuesday, August 26.

At the meeting we intend to discuss the following issues: 1) whether we should prepare comprehensive comments to the House Democratic Drug Initiative now or wait until it has moved further along in the process; 2) whether we should begin discussions with the House and Senate now regarding the scope and content of the pending drug proposals; and 3) whether we should immediately assemble an Administration legislative proposal on the drug issue.

In preparation for this meeting attached is: 1) the House Democratic Drug Initiative (Tab A); 2) a multi-titled bill, currently under review at the Department of Justice, making numerous changes in the controlled substance statutes (Tab B); and 3) a bill introduced by Senate Democrats (S. 2715), which involves primarily rehabilitation and education (Tab C). If your agency has prepared any drug related legislation which you believe relevant to our mission, please send it to me so that we can put it into the DPC legislative review process.

Addressees:

Bob Sweet, White House  
✓ Chuck Kubic, White House  
Debbie Steelman, OMB  
Barbara Selfridge, OMB  
Karen Wilson, OMB  
John Walters, Education  
Bruce Wood, Labor  
Ron Robertson, HHS  
Joel Mangel, HHS

James Colbard, OPM  
Carrol Kinsey, OPM  
Sandy Keith, Treasury  
J. Michael Dorsey, HUD  
Lenore Mintz, Treasury  
Lee Cummings, HHS

TAB A



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

August 20, 1986

TO : Distribution List  
FROM : *JEP* Jack E. Perkins  
RE : Draft House Democratic Drug Initiative

Please find attached a copy of the drug legislation package being proposed by the House Democrats. We expect this to be on a very fast track and to be passed perhaps as early as September 11, 1986. Please contact Cary Copeland (633-4117) with your comments.

Attachment



Distribution List

Becky Norton Dunlop  
Senior Special Assistant, Cabinet Affairs  
Office of the Attorney General

Pat Tarr  
Staff Director  
National Drug Enforcement Policy Board

James Knapp  
Deputy Assistant Attorney General  
Criminal Division

Roger Pauley  
Office of Legislation  
Criminal Division

Chuck Saphos  
Narcotics Section  
Criminal Division

Dick Schultz  
Office of Legislation  
Drug Enforcement Administration

John Logan  
Office of the General Counsel  
Justice Management Division

George Schenck  
FBI

Proposed Armed Services Committee Submission  
for Omnibus Drug Bill

- o Overall policy: The President should apply the full measure of his executive powers against the introduction of narcotics into the United States and, to that end, should take such steps as may be necessary and appropriate, including deployment of radar, aircraft, and military personnel, to expand the role of the nation's armed forces in the war on drugs
  
- o Increased utilization of active duty personnel in anti-drug law enforcement role: revisions to posse comitatus statute
  - Option A: Continuation of TACLETs program
    - Authorize \$15 million in fiscal year 1987 for continued Navy deployment of Coast Guard tactical law enforcement teams (TACLETs) aboard Naval vessels
    - Fine tune existing statute authorizing military cooperation with civilian law enforcement officials
  - Option B: Continuation of TACLETs program and last year's Bennett amendment
    - Authorize \$15 million in fiscal year 1987 for continued Navy deployment of Coast Guard tactical law enforcement teams (TACLETs) aboard Naval vessels
    - Fine tune existing statute authorizing military cooperation with civilian law enforcement officials
    - Permit active duty service members to assist drug enforcement officials (if insufficient law enforcement resources available) in drug searches, seizures, or arrests outside the land area of the United States
  - Option C: Continuation of TACLETs program, last year's Bennett amendment, and amend posse comitatus statute to be directly involved in anti-narcotics law enforcement activities
    - Authorize \$15 million in fiscal year 1987 for continued Navy deployment of Coast Guard tactical law enforcement teams (TACLETs) aboard Naval vessels
    - Fine tune existing statute authorizing military cooperation with civilian law enforcement officials
    - Permit active duty service members to assist drug enforcement officials (if insufficient law enforcement resources available) in drug searches, seizures, or arrests outside the land area of the United States
    - Permit active duty service members to apprehend, arrest, and seize illegal narcotics smugglers at the initial point of entry or, in the case of aircraft, at the first point where the aircraft touches down on U.S. soil

o Increased drug interdiction role for the reserve components

— National Guard

--- Option A: Direct the President to report within six months on the appropriate role of the National Guard in the war on drugs

--- Option B: Make the war on drugs a mission of the National Guard and direct the Guard components to implement a drug interdiction and surveillance plan in border areas (in conjunction with the National Narcotics Border Interdiction System (NNBIS) -- the civilian drug enforcement agencies)

— Coast Guard Reserve

--- Coast Guard Reserve: Increase the drill strength authorization for the Coast Guard Selected Reserve by 1,500 — from 13,000 to 14,500 -- and direct that the additional manpower be assigned to drug law enforcement activities

o Equipment

— Authorize appropriations for procurement of the following equipment and modifications for drug intelligence gathering, border surveillance, and interdiction

--- 8 UH-60A helicopters \$ 40.0 million

--- 4 AN/APS-138 configured ~~E-2C~~ aircraft 83.0 million

--- 7 radar aerostats 90.0 million

Total Equipment \$213.0 million

— Items procured shall be fully supportable within existing service support infrastructure and shall be items for which a service, war reserve, or mobilization requirement currently exists

o Personnel

— Anti-drug health promotion program for military and civilian personnel and their families

--- Establish comprehensive anti-drug health promotion program to be used as a model for the rest of the country

--- Direct anti-drug education program as major component of basic training

- Direct the Department of Defense Dependents Schools (DODDS) system to establish a drug abuse education curricula and programs in elementary and secondary schools covering grades kindergarten through 12
- Combatting drug abuse by military personnel
  - Apply drunk driving law in Uniform Code of Military Justice (UCMJ) to "drugged" driving



[Discussion Draft]  
[Committee on Armed Services Submission  
for Omnibus Drug Bill]  
August 12, 1986

1 TITLE --COMMITTEE ON ARMED SERVICES

2 SEC. 1. SHORT TITLE.

3 This title may be cited as the ``Defense Narcotics Act of  
4 1986``.

5 SEC. 2. POLICY.

6 It is the sense of Congress that the President should--

7 (1) apply the full measure of the executive power of  
8 the President against the introduction of controlled  
9 substances into the United States; and

10 (2) to that end, should take such steps as may be  
11 necessary and appropriate (including the deployment of  
12 radar, aircraft and military personnel) to expand the  
13 role of the Armed Forces in the war on illegal drugs.

14 SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG  
15 ENFORCEMENT ACTIVITIES.

16 (a) AMOUNTS AUTHORIZED.--Funds are hereby authorized to  
17 be appropriated to the Department of Defense for fiscal year  
18 1987 for enhancement of authorized drug enforcement  
19 assistance activities of the Department as follows:

20 (1) For procurement of aircraft for the Army,

1 \$40,000,000, to be available for procurement of Blackhawk  
2 Helicopters.

3 (2) For procurement of aircraft for the Navy,  
4 \$83,000,000, to be available for procurement of four  
5 aircraft configured with the AN/APS-138 radar.

6 (3) For procurement for the Air Force, \$90,000,000  
7 for procurement of seven radar aerostats.

8 (b) LOAN OF EQUIPMENT TO LAW ENFORCEMENT AGENCIES.--The  
9 Secretary of Defense shall make the aircraft and equipment  
10 procured using funds appropriated pursuant to authorizations  
11 in subsection (a) available to agencies of the United States  
12 designated by the Chairman of the National Drug Enforcement  
13 Policy Board established by the National Narcotics Act of  
14 1984 for such purpose. Such aircraft and equipment shall be  
15 made available subject to the provisions of chapter 18 of  
16 title 10, United States Code.

17 (c) AMOUNTS IN ADDITION TO OTHER AMOUNTS.--The amounts  
18 authorized by subsection (a) are in addition to any other  
19 amounts authorized to be appropriated to the Department of  
20 Defense for fiscal year 1987 by this or any other Act. Any  
21 applicable limitation on obligations of the Department of  
22 Defense provided in any other Act is hereby increased by the  
23 amount authorized in subsection (a).

24 (d) LIMITATION ON PROCUREMENT.--Amounts appropriated or  
25 otherwise made available to the Department of Defense for

1 procurement for fiscal year 1987 may be obligated for  
2 equipment for enhancement of authorized drug enforcement  
3 activities of the Department of Defense only if the  
4 equipment--

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

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

9 SEC. 4. COAST GUARD ACTIVITIES.

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

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

20 (b) ENHANCED DRUG INTERDICTION ASSISTANCE.--(1) Chapter  
21 18 of title 10, United States Code, is amended by adding at  
22 the end the following new section:

23 ``§379. Assignment of Coast Guard personnel to naval vessels  
24 for law enforcement purposes

25 `` (a) The Secretary of Defense and the Secretary of



1 Transportation shall provide that there be assigned on board  
2 appropriate surface naval vessels at sea in a drug-  
3 interdiction area members of the Coast Guard who are trained  
4 in law enforcement and have powers of the Coast Guard under  
5 title 14, including the power to make arrests and to carry  
6 out searches and seizures.

7       “(b) Members of the Coast Guard assigned to duty on  
8 board naval vessels under this section shall perform such law  
9 enforcement functions (including drug-interdiction  
10 functions)--

11               “(1) as may be agreed upon by the Secretary of  
12 Defense and the Secretary of Transportation; and

13               “(2) as are otherwise within the jurisdiction of the  
14 Coast Guard.

15       “(c) No fewer than 500 active duty personnel of the  
16 Coast Guard shall be assigned each fiscal year to duty under  
17 this section. However, if at any time the Secretary of  
18 Transportation, after consultation with the Secretary of  
19 Defense, determines that there are insufficient naval vessels  
20 available for purposes of this section, such personnel may be  
21 assigned other duty involving enforcement of laws listed in  
22 section 374(a)(1) of this title.

23       “(d) In this section, the term ‘drug-interdiction area’  
24 means an area outside the land area of the United States in  
25 which the Secretary of Defense (in consultation with the



1 Attorney General) determines that activities involving  
2 smuggling of drugs into the United States are ongoing." .

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following new  
5 item:

6 "379. Assignment of Coast Guard personnel to naval vessels  
7 for law enforcement purposes." .

8 (3) Effective on October 1, 1986, section 1421 of the  
9 Department of Defense Authorization Act, 1986 (Public Law 99-  
10 145; 99 Stat. 750), is repealed.

11 SEC. 5. DRUG INTERDICTION ASSISTANCE TO CIVILIAN LAW

12 ENFORCEMENT OFFICIALS.

13 Section 374 of title 10, United States Code, is amended--

14 (1) by striking out the period at the end of  
15 subsection (a) and inserting in lieu thereof "or with  
16 respect to any assistance that such an agency may be  
17 authorized to provide to officials of foreign nations who  
18 are involved in the enforcement of similar laws." ;

19 (2) by striking out "monitoring and communicating  
20 the movement of air and sea traffic" in subsection (b)  
21 and inserting in lieu thereof "aerial surveillance";  
22 and

23 (3) in subsection (c)--

(A) by striking out "In an emergency  
circumstance" and inserting in lieu thereof "In the

1 case of a covered criminal activity''; and

2 (B) by striking out ``an emergency circumstance''  
3 in paragraphs (1)(B) and (2) and inserting in lieu  
4 thereof ``a covered criminal activity''.

5 SEC. 6. RESERVE FORCES.

6 (a) STUDY OF APPROPRIATE ROLE OF THE NATIONAL GUARD.--Not  
7 later than six months after the date of the enactment of this  
8 Act, the President shall submit to Congress a report  
9 describing the appropriate role of the National Guard in the  
10 war on drugs.

11 (b) COAST GUARD RESERVE.--The Selected Reserve of the  
12 Coast Guard Reserve shall be programmed to attain a strength  
13 as of September 30, 1987, of not less than 14,500. Of such  
14 number, 1,500 shall be used principally for drug interdiction  
15 missions.

16 SEC. 7. PERSONNEL.

17 (a) HEALTH PROMOTION PROGRAM.--(1) The Secretary of  
18 Defense shall establish a comprehensive anti-drug abuse  
19 health promotion program for members of the Armed Forces and  
20 civilian personnel of the Department of Defense and their  
21 employees. Such program shall include education programs  
22 concerning controlled substances as a major component of  
23 basic training.

24 (2) The Secretary shall direct that the Department of  
25 Defense Dependents Schools System establish a drug abuse

1 education curriculum and programs to be provided throughout  
2 elementary and secondary school.

3 (b) DRIVING UNDER INFLUENCE OF DRUGS.--Section 911 of  
4 title 10, United States Code, is amended by inserting ``or  
5 while under the influence of a substance described in section  
6 912a(b) of this title (article 112a(b))`` after ``manner,``.

[Role of National Guard--Option 2]

August 12, 1986

1 SEC. \_\_\_\_ . MISSION OF NATIONAL GUARD.

2 (a) DRUG INTERDICTION AND SURVEILLANCE.--The Secretary  
3 shall direct the National Guard components to implement a  
4 drug interdiction and surveillance plan in border areas of  
5 the United States. Such plan shall be developed and  
6 implemented in conjunction with the National Narcotics Border  
7 Interdiction System.

8 (b) FUNDS.--There is hereby authorized to be appropriated  
9 to the Department of Defense for fiscal year 1987 for  
10 procurement for the National Guard components \$61,400,000, to  
11 be available only for the drug interdiction program of the  
12 National Guard.



B  
[Posse Comitatus--Option 2]

August 12, 1986

1 SEC. \_\_\_\_ . ENHANCED AUTHORITY OF MEMBERS OF THE ARMED FORCES  
2 IN DRUG INTERDICTION ACTIVITIES.

3 (a) IN GENERAL.--Section 374 of title 10, United States  
4 Code, is amended by adding at the end the following a new  
5 subsection:

6 `` (d)(1) Subject to paragraph (2), the Secretary of  
7 Defense, upon request from the head of a Federal agency with  
8 jurisdiction to enforce the Controlled Substances Act (21  
9 U.S.C. 801 et seq.) or the Controlled Substances Import and  
10 Export Act (21 U.S.C. 951 et seq.), may assign members of the  
11 armed forces under the Secretary's jurisdiction to assist  
12 drug enforcement officials of that agency in searches,  
13 seizures, and arrests outside the land area of the United  
14 States (or of any territory or possession of the United  
15 States) in connection with the enforcement of such Acts.

16 `` (2) Members may be assigned to provide assistance under  
17 paragraph (1) only if--

18 `` (A) the Attorney General certifies that there are  
19 insufficient law enforcement resources available to  
20 ensure the success of the operation;

21 `` (B) the assistance is approved by the Secretary of

1 Defense with the concurrence of the Secretary of State;  
2 and

3 `` (C) Federal drug enforcement officials maintain  
4 control over the activities and direction of any drug  
5 enforcement operation.

6 `` (3) Nothing in this subsection shall be construed to  
7 transfer the responsibility for the enforcement of the  
8 Controlled Substances Act (21 U.S.C. 801 et seq.) or the  
9 Controlled Substances Import and Export Act (21 U.S.C. 951 et  
10 seq.) to the Department of Defense.``

11 (b) CONFORMING AMENDMENT.--Section 375 of such title is  
12 amended by inserting ``(other than under section 374(d))``  
13 after ``under this chapter``.

[Posse Comitatus--Option 3]

August 12, 1986

1 SEC. \_\_\_\_ . ENHANCED AUTHORITY OF MEMBERS OF THE ARMED FORCES  
2 IN DRUG INTERDICTION ACTIVITIES AT POINT OF  
3 ENTRY.

4 (a) IN GENERAL.--Section 374 of title 10, United States  
5 Code, is amended by adding at the end the following new  
6 subsection:

7 (d) Notwithstanding any other provision of this chapter  
8 or any other provision of law, the Secretary may assign  
9 members of the Armed Forces under the jurisdiction of the  
10 Secretary, and may authorize equipment of the Department of  
11 Defense to be used, to apprehend and arrest persons and seize  
12 property suspected of illegally entering the United States in  
13 connection with narcotics smuggling. Any such activity shall  
14 be carried out at the initial point of entry into the United  
15 States of the person or property concerned (or as close  
16 thereto as possible under the circumstances), except that in  
17 the case of an aircraft such activity may be carried out at  
18 the point in the United States where the aircraft first  
19 lands. A member of the armed forces (other than the Coast  
20 Guard) may not search or seize a person or property under  
21 this subsection away from the initial point of entry into the

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2

- 1 United States of the person or property unless the person
- 2 takes flight and the member remains in hot pursuit.''



99TH CONGRESS  
2D SESSION

H. R. \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. HUNTER (for himself, Mr. ROBINSON, Mr. ARMEY, Mr. BLILEY, Mrs. BENTLEY, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. GEKAS, Mr. GINGRICH, Mr. RUDD, Mr. WALKER, and Mr. WORTLEY) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

A BILL

To require the use of the Armed Forces for interdiction of narcotics at United States borders.

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

1 SECTION 1.- USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS  
2 AT UNITED STATES BORDERS.

3 (a) GENERAL REQUIREMENT.--

4 (1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT  
5 AND VESSELS.--within 30 days after the date of the  
6 enactment of this Act, the President shall deploy  
7 equipment and personnel of the Armed Forces sufficient to  
8 halt the unlawful penetration of United States borders by  
9 aircraft and vessels carrying narcotics. Such equipment  
10 and personnel shall be used to locate, pursue, and seize  
11 such vessels and aircraft and to arrest their crews.  
12 Military personnel may not make arrests of crew members  
13 of any such aircraft or vessels after the crew members  
14 have departed the aircraft or vessels, unless the  
15 military personnel are in hot pursuit.

16 (2) RADAR COVERAGE.--within 30 days after the date of  
17 the enactment of this Act, the President shall deploy  
18 radar aircraft in sufficient numbers so that during the  
19 hours of darkness there is continuous aerial radar  
20 coverage of the southern border of the United States.

21 (3) PURSUIT AIRCRAFT.--The President also shall  
22 deploy sufficient numbers of rotor wing and fixed wing  
23 aircraft to pursue and seize intruding aircraft detected  
24 by the radar aircraft referred to in paragraph (2). The  
25 President shall use personnel and equipment of the United

1 States Customs Service and the Coast Guard to assist in  
2 carrying out this paragraph.

3 (4) USE OF NATIONAL GUARD AND RESERVES.--In carrying  
4 out this Act, the President shall use members of the  
5 National Guard and the Reserves. The tours of such  
6 members shall correspond to their training commitments  
7 and shall be considered to be within their mission. The  
8 President shall withhold Federal funding from any  
9 National Guard unit whose State commander does not  
10 cooperate with the drug interdiction program required by  
11 this Act.

12 (5) EXPENSES.--The expenses of carrying out this Act  
13 shall be borne by the Department of Defense.

14 (b) 45-DAY DEADLINE.--The President shall substantially  
15 halt the unlawful penetration of United States borders by  
16 aircraft and vessels carrying narcotics within 45 days after  
17 the date of the enactment of this Act.

18 (c) REPORT.--Within 60 days after the date of the  
19 enactment of this Act, the President shall report to Congress  
20 the following:

21 (1) The effect on military readiness of the drug  
22 interdiction program required by this Act and the costs  
23 in the areas of procurement, operation and maintenance,  
24 and personnel which are necessary to restore readiness to  
25 the level existing before commencement of such program.



1           (2) The number of aircraft, vessels, and persons  
2           interdicted during the operation of the drug interdiction  
3           program and the number of arrests and convictions  
4           resulting from such program.

5           (3) Recommendations for any changes in existing law  
6           that may be necessary to more efficiently carry out this  
7           program.

8           (d) REQUEST FOR FUNDING.--Within 90 days after the date  
9           of the enactment of this Act, the President shall submit to  
10          Congress a request for--

11           (1) the amount of funds spent as a result of the drug  
12          interdiction program required by this Act; and

13           (2) the amount of funds needed to continue operation  
14          of the program through fiscal year 1987.

15          Such request shall include amounts necessary to restore the  
16          readiness of the Armed Forces to the level existing before  
17          commencement of the program.

18           (e) BUDGET REQUESTS.--Beginning with the budget request  
19          for fiscal year 1988 and for each fiscal year thereafter, the  
20          President shall submit in his budget for the Department of  
21          Defense a request for funds for the drug interdiction program  
22          required by this Act in the form of a separate budget  
23          function.



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99TH CONGRESS  
2D SESSION

H. R.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To facilitate the enforcement of the customs laws against illegal  
drug traffic, and for other purposes.

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

## 1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``International Drug Traffic  
3 Enforcement Act``.

## 4 TITLE I--AMENDMENTS TO THE TARIFF ACT OF 1930

## 5 Subtitle A--Reference to the Tariff Act of 1930

## 6 SEC. 101. REFERENCE.

7 Unless otherwise provided, whenever in this title an  
8 amendment or repeal is expressed in terms of an amendment to,  
9 or repeal of, a title, part, section, subsection, or other  
10 provision, the reference shall be considered to be made to a  
11 title, part, section, subsection, or other provision of the  
12 Tariff Act of 1930 (19 U.S.C. 1401 et seq.).

## 13 Subtitle B--General Provisions

## 14 SEC. 111. PROHIBITION ON IMPORTATION OF DRUG PARAPHERNALIA.

15 Part 1 of title III (19 U.S.C. 1301 et seq.) is amended  
16 by inserting after section 306 the following new section:

## 17 ``SEC. 306A. DRUG PARAPHERNALIA: IMPORTATION PROHIBITED.

18 `` (a) PROHIBITION.--The importation into the United  
19 States of any drug paraphernalia is prohibited; except that  
20 drug paraphernalia may be imported into the United States for  
21 medical or scientific needs under such regulations as the  
22 Attorney General may prescribe.

23 `` (b) DEFINITION.--As used in subsection (a), the term  
24 `drug paraphernalia' means any of the following articles,  
25 whether assembled or disassembled, and parts thereof:

1           “(1) Bongs, bong bowls, cocaine free base kits,  
2           miniature spoons with level capacities of one-tenth cubic  
3           centimeter or less, cocaine straws or snorters, cocaine  
4           screens or strainers, marijuana isomerization devices,  
5           marijuana separation gins, marijuana growing kits,  
6           chillums, ice or chiller pipes, air-driven pipes,  
7           electric pipes, chamber pipes, carburetor pipes, water  
8           pipes, pipes with glass, pyrex, metal, or stone bowls  
9           (except meerschaum), wired cigarette rolling papers,  
10          smoking masks, and smoking screens.

11          “(2) Any equipment, product, or material of any kind  
12          that is specifically designed for use in planting,  
13          propagating, cultivating, growing, harvesting,  
14          manufacturing, compounding, converting, producing,  
15          processing, preparing, cutting, testing, analyzing,  
16          packaging, repacking, storing, containing, concealing, or  
17          injecting, ingesting, inhaling or otherwise introducing  
18          into the human body, marijuana, hashish, hashish oil, or  
19          cocaine.”.

20   **SEC. 112. DEFINITIONS.**

21          Section 401 (19 U.S.C. 1401) is amended--

22                 (1) by inserting “, and monetary instruments as  
23                 defined in section 5312 of title 31, United States Code”  
24                 before the period in subsection (c); and

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



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, any controlled substance is merchandise  
5 the importation of which into the United States is  
6 prohibited, unless the importation is authorized under--

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

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

10 SEC. 113. REPORT OF ARRIVAL OF VESSELS, VEHICLES, AND  
11 AIRCRAFT.

12 Section 433 (19 U.S.C. 1433) is amended to read as  
13 follows:

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

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

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

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

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

24 the master of the vessel shall report the arrival at the  
25 nearest customs facility or such other place as the Secretary



1 may designate.

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

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

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

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

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

14 `` (A) report the arrival; and

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

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

24 `` (d) PRESENTATION OF DOCUMENTATION.--The master, person  
25 in charge of a vehicle, or aircraft pilot shall, incident to

1 the reporting of arrival under this section, present to  
2 customs officers such documents, papers, or manifests as the  
3 Secretary may by regulation prescribe.

4 `` (e) PROHIBITION ON DEPARTURES AND DISCHARGE.--Unless  
5 otherwise authorized by law, after arriving in the United  
6 States or the Virgin Islands a vessel or aircraft may not,  
7 and after arriving in the United States a vehicle may not--

8 `` (1) depart from the port, place, or airport of  
9 arrival; or

10 `` (2) discharge any passenger or merchandise  
11 (including baggage);

12 except in accordance with regulations prescribed by the  
13 Secretary.''. .

14 SEC. 114. PENALTIES FOR ARRIVAL, REPORTING, ENTRY, AND  
15 DEPARTURE VIOLATIONS.

16 (a) FOR VIOLATIONS OF ARRIVAL, REPORTING, AND ENTRY  
17 REQUIREMENTS.--Section 436 (19 U.S.C. 1436) is amended to  
18 read as follows:

19 ``SEC. 436. PENALTIES FOR VIOLATIONS OF THE ARRIVAL,  
20 REPORTING, AND ENTRY REQUIREMENTS.

21 `` (a) UNLAWFUL ACTS.--It is unlawful--

22 `` (1) to fail to comply with section 433(a), (b), or  
23 (c);

24 `` (2) to present any forged, altered, or false  
25 document, paper, or manifest to a customs officer under

1 section 433(d) without revealing the facts;

2 `` (3) to violate section 433(e);

3 `` (4) to fail to make entry as required by section  
4 434, 435, or 644 of this Act or section 1109 of the  
5 Federal Aviation Act (49 U.S.C. App. 1509); or

6 `` (5) to fail to comply with, or violate, any  
7 regulation prescribed under any section referred to in  
8 paragraphs (1) through (4).

9 `` (b) CIVIL PENALTY.--Any master, person in charge of a  
10 vehicle, or aircraft pilot who violates any provision of  
11 subsection (a) is liable for a civil penalty of \$5,000 for  
12 the first violation, and \$10,000 for each subsequent  
13 violation, and any conveyance used in connection with any  
14 such violation is subject to seizure and forfeiture.

15 `` (c) CRIMINAL PENALTY.--In addition to being liable for  
16 a civil penalty under subsection (b), any master, person in  
17 charge of a vehicle, or aircraft pilot who intentionally  
18 violates any provision of subsection (a) is, upon conviction,  
19 liable for a fine in accordance with title 18, United States  
20 Code, or imprisonment for 1 year, or both; except that if the  
21 vessel, vehicle, or aircraft has on board, or is discovered  
22 to have had on board, any merchandise (other than sea stores  
23 or the equivalent for conveyances other than vessels) the  
24 importation of which into the United States is prohibited,  
25 such individual is liable for a fine in accordance with title



1 18, United States Code, or imprisonment for not more than 5  
2 years, or both.

3     “(d) ADDITIONAL CIVIL PENALTY.--If any merchandise  
4 (other than sea stores or the equivalent for conveyances  
5 other than a vessel) is imported or brought into the United  
6 in or aboard a conveyance which was not properly reported or  
7 entered, the master, person in charge of a vehicle, or  
8 aircraft pilot shall be liable for a civil penalty equal to  
9 the value of the merchandise and the merchandise may be  
10 seized and forfeited unless properly entered by the importer  
11 or consignee. If the merchandise consists of any controlled  
12 substance listed in section 584, the master, individual in  
13 charge of a vehicle, or pilot shall be liable to the  
14 penalties prescribed in that section.”.

15     (b) INCREASE IN PENALTIES FOR DEPARTURE BEFORE REPORT OR  
16 ENTRY.--Section 585 (19 U.S.C. 1585) is amended--

17         (1) by striking out “shall be liable to a penalty of  
18 \$5,000,” after “vessel”; and

19         (2) by striking out “\$500” and inserting “\$5,000  
20 for the first violation, and \$10,000 for each subsequent  
21 violation,”.

22 SEC. 115. INCREASE IN PENALTIES FOR UNAUTHORIZED UNLOADING OF  
23 PASSENGERS.

24     Section 454 (19 U.S.C. 1454), is amended by striking out  
25 “\$500 for each” and inserting “\$1,000 for the first



1 passenger and \$500 for each additional''.

2 SEC. 116. REPORTING REQUIREMENTS FOR INDIVIDUALS.

3 (a) AMENDMENT.--Section 459 (19 U.S.C. 1459) is amended  
4 to read as follows:

5 ``SEC. 459. REPORTING REQUIREMENTS FOR INDIVIDUALS.

6 (a) INDIVIDUALS ARRIVING OTHER THAN BY  
7 CONVEYANCE.--Except as otherwise authorized by the Secretary,  
8 individuals arriving in the United States other than by  
9 vessel, vehicle, or aircraft shall--

10 (1) enter the United States only at a border  
11 crossing point designated by the Secretary; and

12 (2) immediately--

13 (A) report the arrival, and

14 (B) present themselves, and all articles  
15 accompanying them for inspection;

16 to the customs officer at the customs facility designated  
17 for that crossing point.

18 (b) INDIVIDUALS ARRIVING BY REPORTED

19 CONVEYANCE.--Except as otherwise authorized by the Secretary,  
20 passengers and crew members aboard a conveyance the arrival  
21 in the United States of which was made or reported in  
22 accordance with section 433 or 644 of this Act or section  
23 1109 of the Federal Aviation Act of 1958, or in accordance  
24 with applicable regulations, shall remain aboard the  
25 conveyance until authorized to depart the conveyance by the

1 appropriate customs officer. Upon departing the conveyance,  
2 the passengers and crew members shall immediately report to  
3 the designated customs facility with all articles  
4 accompanying them.

5     “(c) INDIVIDUALS ARRIVING BY UNREPORTED  
6 CONVEYANCE.--Individuals aboard a conveyance the arrival in  
7 the United States of which was not made or reported in  
8 accordance with the laws or regulations referred to in  
9 subsection (b) shall immediately notify customs and report  
10 their arrival, together with appropriate information  
11 concerning the conveyance on or in which they arrived, and  
12 present their property for customs examination and  
13 inspection.

14     “(d) DEPARTURE FROM DESIGNATED CUSTOMS FACILITIES.--Any  
15 person required to report to a designated customs facility  
16 under subsection (a), (b), or (c) may not depart that  
17 facility until authorized to do so by the appropriate customs  
18 officer.

19     “(e) UNLAWFUL ACTS.--It is unlawful--

20         “(1) to fail to comply with subsection (a), (b), or  
21         (c);

22         “(2) to present any forged, altered, or false  
23         documents or paper to a customs officer under subsection  
24         (a), (b), or (c) without revealing the facts;

25         “(3) to violate subsection (d); or

1           “(4) to fail to comply with, or violate, any  
2           regulation prescribed to carry out subsection (a), (b),  
3           (c), or (d).

4           “(f) CIVIL PENALTY.--Any individual who violates any  
5           provision of subsection (e) is liable for a civil penalty of  
6           \$5,000 for the first violation, and \$10,000 for each  
7           subsequent violation.

8           “(g) CRIMINAL PENALTY.--In addition to being liable for  
9           a civil penalty under subsection (f), any individual who  
10           intentionally violates any provision of subsection (e) is,  
11           upon conviction, liable for a fine in accordance with title  
12           18, United States Code, or imprisonment, for not more than 1  
13           year, or both.”.

14           (b) REPEAL.--Section 460 is repealed.

15           SEC. 117. EXAMINATION OF BOOKS AND WITNESSES.

16           Section 509 (19 U.S.C. 1509) is amended--

17           (1) by striking out “, required to be kept under  
18           section 508 of this Act,” in subsection (a)(2) and  
19           inserting “, as defined in subsection (c)(1)(A),”; and

20           (2) by amending subsection (c)(1)(A) to read as  
21           follows:

22           “(A) The term ‘records’ includes statements,  
23           declarations, or documents--

24           “(i) required to be kept under section 508; or

25           “(ii) regarding which there is probable cause to



1 believe that they pertain to merchandise the  
2 importation of which into the United States is  
3 prohibited.''.  
4

5 **SEC. 118. PENALTIES FOR FALSITY OR LACK OF MANIFEST.**

6 Section 584 (19 U.S.C. 1584) is amended--

7 (1) by amending subsection (a)--

8 (A) by striking out `` (1) `` after ``GENERAL  
9 RULE.--'',

10 (B) by striking out `` (2) If any of such  
11 merchandise so found `` and inserting `` (b) SPECIAL  
12 RULE IF CERTAIN ILLEGAL SUBSTANCES FOUND.--If any of  
13 the merchandise described in subsection (a) `` ,

14 (C) by striking out `` (3) `` and inserting `` (c)  
15 SEIZURE AND FORFEITURE.--If any of the merchandise  
16 described in subsection (a) `` ,

17 (D) by striking out `` \$500 `` wherever it appears  
18 and inserting `` \$1,000 `` ; and

19 (E) by striking out `` \$10 `` , `` \$25 `` , and `` \$50 ``  
20 wherever they appear and inserting `` \$200 `` ,  
21 `` \$500 `` , and `` \$1,000 `` , respectively; and

22 (2) by striking out subsection (b);

23 **SEC. 119. PENALTIES FOR UNLAWFUL UNLADING AND TRANSSHIPMENT.**

24 Section 586 (19 U.S.C. 1586) is amended--

25 (1) by striking out `` \$1,000 `` wherever it appears  
and inserting `` \$10,000 `` ; and



1 (2) by amending subsection (e)--

2 (A) by striking out "one league of the coast of  
3 the United States" and inserting "customs waters";  
4 and

5 (B) by striking out "2 years" and inserting  
6 "15 years".

7 SEC. 120. AVIATION SMUGGLING.

8 Part V of title IV is amended by adding after section 589  
9 the following new section:

10 "SEC. 590. AVIATION SMUGGLING.

11 "(a) IN GENERAL.--It is unlawful for the pilot of any  
12 aircraft to transport, or for any individual on board any  
13 aircraft to possess, merchandise knowing, or intending, that  
14 the merchandise will be introduced into the United States  
15 contrary to law.

16 "(b) AT SEA TRANSFER OF PROHIBITED MERCHANDISE BETWEEN  
17 UNITED STATES CONVEYANCES.--It is unlawful for any person to  
18 transfer, unless the transfer is authorized by the Secretary,  
19 prohibited merchandise on the high seas or in the customs  
20 waters between--

21 "(1) an aircraft that is owned by a citizen of the  
22 United States or is registered in the United States; and

23 "(2) a vessel of the United States as defined in  
24 section 3(b) of the Anti-Smuggling Act (19 U.S.C  
25 1703(b)).

1       “(c) OTHER AT SEA TRANSFERS OF PROHIBITED  
2 MERCHANDISE.--It is unlawful for any person to transfer,  
3 unless the transfer is authorized by the Secretary,  
4 prohibited merchandise on the high seas or in the customs  
5 waters between any aircraft and vessel, regardless of the  
6 nationality of either, with intent that such merchandise be  
7 introduced into the United States contrary to law.

8       “(d) CIVIL PENALTIES.--Any person who violates  
9 subsection (a), (b), or (c) is liable for a civil penalty  
10 equal to twice the value of the prohibited merchandise  
11 involved in the violation, but not less than \$10,000.

12       “(e) CRIMINAL PENALTIES.--In addition to being liable  
13 for a civil penalty under subsection (d), any person who  
14 intentionally violates subsection (a), (b), or (c) is, upon  
15 conviction--

16               “(1) liable for a fine in accordance with title 18,  
17 United States Code, or imprisonment for not more than 5  
18 years, or both, if none of the prohibited merchandise  
19 involved was a controlled substance; or

20               “(2) liable for a fine in accordance with title 18,  
21 United States Code, or imprisonment for not more than 20  
22 years, or both, if any of the prohibited merchandise  
23 involved was a controlled substance.

24       “(f) SEIZURE.--(1) Except as provided in paragraph (2),  
25 a vessel or aircraft used in connection with, or in aiding or

1 facilitating, any violation of subsection (a), (b), or (c),  
2 whether or not any person is charged in connection with such  
3 violation, may be seized and forfeited in accordance with the  
4 customs laws.

5 `` (2) Paragraph (1) does not apply to a vessel or  
6 aircraft operated as a common carrier.

7 `` (g) DEFINITION.--As used in this section, the term  
8 'prohibited merchandise' means merchandise the importation of  
9 which into the United States is prohibited.

10 `` (h) PRESUMPTIONS AND PRIMA FACIE EVIDENCE.--Any of the  
11 following acts, if engaged in within 250 miles of the  
12 territorial sea of the United States, shall--

13 `` (1) for purposes of imposing civil penalties under  
14 subsection (d) for violations of subsection (c), be  
15 presumed to constitute circumstances indicating that the  
16 intent of the transfer is to make it possible for the  
17 merchandise, or any part thereof, to be introduced into  
18 the United States contrary to law; and

19 `` (2) for purposes of subsection (f) and section  
20 595a, be prima facie evidence that an aircraft or vessel  
21 was used in connection with, or in aiding or  
22 facilitating, a violation of subsection (a), (b), or (c)  
23 or section 595a, as the case may be:

24 `` (A) The operation of an aircraft or a vessel  
25 without lights during such times as lights are



1 required to be displayed under applicable law or  
2 regulation.

3 `` (B) The presence on an aircraft of an auxiliary  
4 fuel tank which is not installed in accordance with  
5 applicable law or regulation.

6 `` (C) Falsely identifying the vessel by name or  
7 country of registration, or the aircraft by  
8 registration number and country of registration, when  
9 requested to do so by a customs officer or other  
10 government authority.

11 `` (D) The external display of false registration  
12 numbers, false country of registration, or false  
13 vessel name.

14 `` (E) The presence on board of unmanifested  
15 merchandise, the importation of which is prohibited  
16 or restricted.

17 `` (F) The presence on board of controlled  
18 substances which are not manifested or which are not  
19 accompanied by the permits or licenses required under  
20 Single Convention on Narcotic Drugs or other  
21 international treaty.

22 `` (G) The presence of any compartment or  
23 equipment which is built or fitted out for smuggling.

24 `` (H) The failure of a vessel to stop when hailed  
25 by a customs officer or other government



1 authority.''.

2 SEC. 121. SEIZURES.

3 Section 594 (19 U.S.C. 1594) is amended to read as  
4 follows:

5 ``SEC. 594. SEIZURE OF CONVEYANCES.

6 ``(a) IN GENERAL.--Whenever--

7 ``(1) any vessel, vehicle, or aircraft; or

8 ``(2) the owner or operator, or the master, pilot,  
9 conductor, driver, or other person in charge of a vessel,  
10 vehicle, or aircraft;

11 is subject to a penalty for violation of the customs laws,  
12 the conveyance involved shall be held for the payment of such  
13 penalty and may be seized and forfeited and sold in  
14 accordance with the customs laws. The proceeds of sale, if  
15 any, in excess of the assessed penalty and expenses of  
16 seizing, maintaining and selling the property shall be held  
17 for the account of any interested party.

18 ``(b) EXCEPTIONS.--No conveyance used by any person as a  
19 common carrier in the transaction of business as a common  
20 carrier is subject to seizure and forfeiture under the  
21 customs laws for violations relating to merchandise  
22 contained--

23 ``(1) on the person;

24 ``(2) in baggage belonging to and accompanying a  
25 passenger being lawfully transported on such conveyance;

1 or

2 `` (3) in the cargo of the conveyance if the cargo is  
3 listed on the manifest and marks, numbers, weights and  
4 quantities of the outer packages or containers agree with  
5 the manifest;

6 unless the owner or operator, or the master, pilot,  
7 conductor, driver or other person in charge participated in,  
8 or had knowledge of, the violation, or was grossly negligent  
9 in preventing or discovering the violation.

10 `` (c) PROHIBITED MERCHANDISE ON CONVEYANCE.--If any  
11 merchandise the importation of which into the United States  
12 is prohibited is found to be, or to have been--

13 `` (1) on board a conveyance used as a common carrier  
14 in the transaction of business as a common carrier in one  
15 or more packages or containers--

16 `` (A) that are not manifested (or not shown on  
17 bills of lading or airway bills); or

18 `` (B) whose marks, numbers, weight or quantities  
19 disagree with the manifest (or with the bills of  
20 lading or airway bills); or

21 `` (2) concealed in or on such a conveyance, but not  
22 in the cargo;

23 the conveyance may be seized, and after investigation,  
24 forfeited unless it is established that neither the owner or  
25 operator, master, pilot, nor any other employee responsible

1 for maintaining and insuring the accuracy of the cargo  
2 manifest knew, or by the exercise of the highest degree of  
3 care and diligence could have known, that such merchandise  
4 was on board.

5 ``(d) DEFINITIONS.--For purposes of this section--

6 ``(1) The phrase 'owner or operator' includes--

7 ``(A) a lessee or person operating a conveyance  
8 under a rental agreement or charter party; and

9 ``(B) the officers and directors of a  
10 corporation;

11 ``(C) station managers and similar supervisory  
12 ground personnel employed by airlines;

13 ``(D) one or more partners of a partnership;

14 ``(E) representatives of the owner or operator in  
15 charge of the passenger or cargo operations at a  
16 particular location; and

17 ``(F) and other persons with similar  
18 responsibilities.

19 ``(2) The term 'master' and similar terms relating to  
20 the person in charge of a conveyance includes the purser  
21 or other person on the conveyance who is responsible for  
22 maintaining records relating to the cargo transported in  
23 the conveyance.

24 ``(e) COSTS AND EXPENSES OF SEIZURE.--When a common  
25 carrier has been seized in accordance with the provisions of



1 subsection (c) and it is subsequently determined that a  
2 violation of such subsection occurred but that the vessel  
3 will be released, the conveyance is liable for the costs and  
4 expenses of the seizure and detention.".

5 SEC. 122. SEARCHES AND SEIZURES.

6 Section 595(a) (19 U.S.C. 1595(a)) is amended to read as  
7 follows:

8 "(a) WARRANT.--(1) If any officer or person authorized  
9 to make searches and seizures has probable cause to believe  
10 the presence in any dwelling house, store, or other building  
11 or place of--

12 "(A) any merchandise upon which the duties have not  
13 been paid, or which has been otherwise brought into the  
14 United States unlawfully;

15 "(B) any property which is subject to forfeiture  
16 under any provision of law enforced or administered by  
17 the Customs Service; or

18 "(C) subject to the limitation in paragraph (2), any  
19 document, container, wrapping, or other article which is  
20 evidence of a violation of any law enforced or  
21 administered by the Customs Service,

22 he may make application, under oath, to any justice of the  
23 peace, to any municipal, county, State, or Federal judge, or  
24 to any Federal magistrate, and shall thereupon be entitled to  
25 a warrant to enter such dwelling house in the daytime only,

1 or such store or other place at night or by day, and to  
2 search for and seize such merchandise or other article  
3 described in the warrant; except that if any house, store, or  
4 other building or place in which any merchandise or other  
5 article subject to forfeiture is found is upon, or within ten  
6 feet of, the boundary line between the United States and a  
7 foreign country, such portion thereof as is within the United  
8 States may be taken down or removed.

9       “(2) In the case of violations of section 592, paragraph  
10 (1)(C) applies only to violations in which there is probable  
11 cause to believe that fraud is involved.”.

12 **SEC. 123. FORFEITURES.**

13       Section 596 (19 U.S.C. 1595a) is amended--

14           (1) by striking out “the proviso to” in subsection  
15 (a) and inserting “subsection (b) or (c) of”;

16           (2) by striking out “shall” in subsection (a) and  
17 inserting “may”; and

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

20       “(c) Any merchandise that is introduced or attempted to  
21 be introduced into the United States contrary to law (other  
22 than in violation of section 592) may be seized and  
23 forfeited.”.

24 **SEC. 124. DISPOSITION OF PROCEEDS OF FORFEITED PROPERTY.**

25       Section 613 (19 U.S.C. 1613) is amended by adding at the

1 end thereof the following new subsections:

2     “(c) TREATMENT OF DEPOSITS.--If property is seized by  
3 the Secretary under law enforced or administered by the  
4 Customs Service, or otherwise acquired under section 605 of  
5 this Act, and relief from the forfeiture is granted by the  
6 Secretary, or his designee, upon terms requiring the deposit  
7 or retention of a monetary amount in lieu of the forfeiture,  
8 the amount recovered shall be treated in the same manner as  
9 the proceeds of sale of a forfeited item.

10     “(d) EXPENSES.--In any judicial or administrative  
11 proceeding to forfeit property under any law enforced or  
12 administered by the Customs Service or the Coast Guard, the  
13 seizure, storage, and other expenses related to the  
14 forfeiture that are incurred by the Customs Service or the  
15 Coast Guard after the seizure, but before the institution of,  
16 or during, the proceedings, shall be a priority claim in the  
17 same manner as the court costs and the expenses of the  
18 Federal marshal.”.

19 SEC. 125. COMPENSATION TO INFORMERS.

20 Section 619 (19 U.S.C. 1619) is amended--

21     (1) by striking out “of 25 per centum” each place  
22 it appears and inserting in lieu thereof “of not more  
23 than 25 percent”;

24     (2) by striking out “which shall be paid out of any  
25 appropriations available for the collection of the



1 revenue from customs'' in the first sentence;

2 (3) by striking out the fourth sentence;

3 (4) by inserting ``as an expense of such forfeiture''  
4 after ``Treasury under the provisions of this section''  
5 in the third sentence;

6 (5) by inserting the following sentence after the  
7 second sentence: ``Notwithstanding any other provision of  
8 law, any amount paid as an award of compensation under  
9 this section shall be paid from the net amount recovered  
10 before such net amount is deposited in the general fund  
11 of the Treasury or the Customs Forfeiture Fund, as  
12 appropriate.''; and

13 (6) by adding at the end thereof the following  
14 sentence: ``Regardless if any duty is recovered, any fine  
15 or penalty is paid, or any property is forfeited to the  
16 United States, the Secretary may, based upon the value of  
17 the information, award not to exceed \$100,000 to any  
18 person not an officer or employee of the United States  
19 who discovers and reports to an appropriate officer  
20 original information concerning any violation, or plan to  
21 violate, any customs law or navigation law.''.  
22

22 **SEC. 126. COMMENCEMENT OF ACTIONS.**

23 Section 621 (19 U.S.C. 1621) is amended by inserting at  
24 the end thereof the following sentence: ``For purposes of  
25 this section, an action to recover a pecuniary penalty is

1 considered to have been commenced when the appropriate  
2 customs officer issues a penalty notice.''.

3 SEC. 127. FOREIGN LANDING CERTIFICATES.

4 Section 622 (19 U.S.C. 1622) is amended by inserting  
5 before the period at the end thereof the following: `` , or to  
6 comply with international obligations''.

7 SEC. 128. EXCHANGE OF INFORMATION WITH FOREIGN AGENCIES.

8 Part V of title IV is amended by adding at the end  
9 thereof the following new section 628:

10 ``SEC. 628. EXCHANGE OF INFORMATION.

11 ``The Secretary may by regulation authorize customs  
12 officers to exchange information or documents with foreign  
13 customs and law enforcement agencies if the Secretary  
14 reasonably believes the exchange of information is necessary  
15 to--

16 ``(1) insure compliance with any law or regulation  
17 enforced or administered by the Customs Service;

18 ``(2) verify the accuracy of information provided to  
19 the Department of the Treasury or the Customs Service  
20 that is used in making determinations concerning the  
21 classification, value, country of origin, quota  
22 allocability, admissibility, or other characteristics of  
23 imported merchandise that relevant to the laws and  
24 regulations enforced or administered by Customs Service;

25 ``(3) administer or enforce multilateral or bilateral

1 agreements to which the United States is a party;

2 (4) assist in investigative, judicial and quasi-  
3 judicial proceedings in the United States; and

4 (5) an action comparable to any of those described  
5 in paragraphs (1) through (4) undertaken by a foreign  
6 customs or law enforcement agency, or in relation to a  
7 proceeding in a foreign country."

8 SEC. 129. INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.

9 Part V of title IV is further amended by adding at the  
10 end thereof the following new section:

11 "SEC. 629. INSPECTIONS AND PRECLEARANCE IN FOREIGN  
12 COUNTRIES.

13 (a) IN GENERAL.--When authorized by treaty or executive  
14 agreement, the Secretary may station customs officers in  
15 foreign countries for the purpose of examining persons and  
16 merchandise prior to their arrival in the United States.

17 (b) FUNCTIONS AND DUTIES.--Customs officers stationed  
18 in a foreign country under subsection (a) may exercise such  
19 functions and perform such duties (including inspections,  
20 searches, seizures and arrests) as may be permitted by the  
21 treaty, agreement or law of the country in which they are  
22 stationed.

23 (c) COMPLIANCE.--The Secretary may by regulation  
24 require compliance with the customs laws and regulations in a  
25 foreign country and, in such a case the customs laws and



1 other civil and criminal laws of the United States relating  
2 to the importation of merchandise, filing of false  
3 statements, and the unlawful removal of merchandise from  
4 customs custody shall apply in the same manner as if the  
5 foreign station is a port of entry within the customs  
6 territory of the United States.

7 (d) SEIZURES.--When authorized by treaty, agreement or  
8 foreign law, merchandise which is subject to seizure or  
9 forfeiture under United States law may be seized in a foreign  
10 country and transported under customs custody to the customs  
11 territory to the United States to be proceeded against under  
12 the customs law.

13 (e) STATIONING OF FOREIGN CUSTOMS OFFICERS IN THE  
14 UNITED STATES.--The Secretary of State, in coordination with  
15 the Secretary, may enter into agreements with any foreign  
16 country authorizing the stationing in the United States of  
17 customs officials of that country (if similar privileges are  
18 extended by that country to United States officials) for the  
19 purpose of insuring that persons and merchandise going  
20 directly to that country from the United States comply with  
21 the customs and other laws of that country governing the  
22 importation of merchandise. Any foreign customs official  
23 stationed in the United States under this subsection may  
24 exercise such functions and perform such duties as United  
25 States officials may be authorized to perform in that foreign

1 country under reciprocal agreement.

2 `` (f) APPLICATION OF CERTAIN LAWS.--When customs  
3 officials of a foreign country are stationed in the United  
4 States in accordance with subsection (e), and if similar  
5 provisions are applied to United States officials stationed  
6 in that country--

7 `` (1) sections 111 and 1114 of title 18, United  
8 States Code, shall apply as if the officials were  
9 designated in those sections;

10 `` (2) any person who in any matter before a foreign  
11 customs official stationed in the United States knowingly  
12 and willfully falsifies, conceals, or covers up by any  
13 trick, scheme, or device a material fact, or makes any  
14 false, fictitious or fraudulent statements or  
15 representations, or makes or uses any false writing or  
16 document knowing the same to contain any false,  
17 fictitious or fraudulent statement or entry, is liable  
18 for a fine in accordance with title 18, United States  
19 Code, or imprisonment for not more than 5 years, or both.

20 SEC. 130. INVESTIGATIONS; OATH; SUBPENAS; ETC.

21 (a) AMENDMENT.--Part V of title IV is further amended by  
22 adding at the end thereof the following new section:

23 `` SEC. 630. INVESTIGATIONS; OATHS; SUBPENAS; WITNESSES;  
24 EVIDENCE; PRODUCTION OF RECORDS; TERRITORIAL  
25 LIMITS; FEES AND MILEAGE OF WITNESSES.