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1 is authorized to be appropriated for fiscal year 1987 for the
2 Department of Justice, in addition to any amounts
3 appropriated before the date of the enactment of this Act for
4 fiscal year 1987, \$167,000,000 of which--

5 (1) \$140,000,000 shall be made available for the
6 construction of Federal penal and correctional
7 institutions,

8 (2) \$20,000,000 shall be made available for United
9 States marshals, and

10 (3) \$7,000,000 shall be made available for the
11 Federal Prison System.

12 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1988
13 AND 1989.--(1) In addition to any other amounts that may be
14 authorized to be appropriated for fiscal year 1988 for the
15 Department of Justice, there is authorized to be appropriated
16 \$450,000,000 for fiscal year 1988 for the Department of
17 Justice for the construction of Federal penal and
18 correctional institutions.

19 (2) In addition to any other amounts that may be
20 authorized to be appropriated for 1989 for the Department of
21 Justice, there is authorized to be appropriated for the
22 \$527,000,000 for fiscal year 1989 for the Department of
23 Justice, of which--

24 (A) \$500,000,000 shall be made available for the
25 construction of Federal penal and correctional

1 institutions, and

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

4 SEC. 3. OFFICE OF JUSTICE ASSISTANCE DRUG GRANT PROGRAM.

5 (a) ESTABLISHMENT OF PROGRAM.--Title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712 et
7 seq.) is amended--

8 (1) by redesignating part M as part N,

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

10 and

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

12 ``PART M--GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

13 ``FUNCTION OF DIRECTOR

14 ``SEC. 1301. The Director shall provide funds to eligible
15 States and units of local government pursuant to this part.

16 ``DESCRIPTION OF DRUG LAW ENFORCEMENT FORMULA GRANT PROGRAM

17 ``SEC. 1302. The Bureau is authorized to make grants
18 under this part to States for the purpose of enforcing State
19 and local laws that establish offenses similar to offenses
20 established in the Controlled Substances Act (21 U.S.C. 801
21 et seq.).

22 ``FEDERAL PORTION OF PROGRAM

23 ``SEC. 1303. (a) The amount of any grant made under
24 section 1302 of this title shall be equal to 50 per centum of
25 the cost of programs and projects specified in the

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

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

9 ELIGIBILITY

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

16 APPLICATIONS

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

1 implemented. The application shall include--

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

6 ``(A) a performance report concerning the
7 activities carried out pursuant to section 1302 of
8 this title; and

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

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

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

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

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

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

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

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

25 (8) an assurance that the State application

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

9 `` (9) an assurance that the State application and any
10 amendment thereto was made public before submission to
11 the Bureau and, to the extent provided under State law or
12 established procedure, an opportunity to comment thereon
13 was provided to citizens and to neighborhood and
14 community groups.

15 `` REVIEW OF APPLICATIONS

16 `` SEC. 1306. (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--

20 `` (1) the application or amendment thereto is
21 consistent with the requirements of this title; and

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

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

6 `` (b) Grant funds awarded under section 1302 of this
7 title shall not be used for land acquisition or construction
8 projects.

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

14 `` ALLOCATION AND DISTRIBUTION OF FUNDS

15 `` SEC. 1307. (a) Of the total amount appropriated for
16 this part in any fiscal year, 65 per centum shall be set
17 aside for grants under section 1302 of this title and
18 allocated to States as follows:

19 `` (1) \$250,000 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 participating 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 purpose 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

1 application.

2 ``(d) If the Director determines, on the basis of
3 information available to the Director during any fiscal year,
4 that a portion of the funds allocated to a State for that
5 fiscal year will not be required or that a State will be
6 unable to qualify or receive funds under section 1302 of this
7 title, or that a State chooses not to participate in the
8 program established by this part, 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
11 State, giving priority to those jurisdictions with greatest
12 need.

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

17 ``STATE OFFICE

18 ``SEC. 1308. (a) The chief executive of each
19 participating State shall designate a State office for
20 purposes of--

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

23 ``(2) administering funds received under such section
24 from the Bureau, including receipt, review, processing,
25 monitoring, progress and financial report review,

1 technical assistance, grant adjustments, accounting,
2 auditing, and fund disbursements.

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

6 DESCRIPTION OF DRUG LAW ENFORCEMENT DISCRETIONARY GRANT
7 PROGRAM

8 "SEC. 1309. The Administrator of the Drug Enforcement
9 Administration (hereinafter in this part referred to as the
10 'Administrator') is authorized to make grants under this part
11 to States and to units of local government for the purpose of
12 enforcing State and local laws that establish offenses
13 similar to offenses established in the Controlled Substances
14 Act (21 U.S.C. 801 et seq.). The Administrator shall have
15 final authority over all grants awarded by the Administrator
16 under this part.

17 PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY PROGRAM

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

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

8 “(2) In making grants under this subsection, the
9 Administrator shall give consideration to the severity of the
10 the following drug law enforcement problems in the
11 jurisdictions applying for such grants:

12 “(A) the unlawful importation of controlled
13 substances (as defined in section 102(6) of the
14 Controlled Substances Act (21 U.S.C. 802(6));

15 “(B) the unlawful production and processing of such
16 substances; and

17 “(C) the unlawful diversion, distribution, and sale
18 of such substances.

19 “(3) In awarding grants under this subsection, the
20 Administrator shall give priority to jurisdictions in which
21 such grants will have the greatest national and regional
22 impact on combatting illegal trafficking in such substances.

23 “(4) An applicant may not receive a grant made with
24 funds reserved under this subsection unless such applicant
25 certifies that funds required to pay the non-Federal portion

1 of the cost of each program and project for which such grant
2 is made shall be in addition to funds that would otherwise be
3 made available by such applicant for drug law enforcement.

4 APPLICATION REQUIREMENTS

5 SEC. 1311. (a) No grant may be made pursuant to section
6 1310 of this title unless an application has been submitted
7 to the Administrator in which the applicant--

8 (1) sets forth a program or project which is
9 eligible for funding pursuant to section 1309 of this
10 title; and

11 (2) describes the services to be provided,
12 performance goals, and the manner in which the program is
13 to be carried out.

14 (b) Each applicant for funds under section 1309 of this
15 title shall certify that its program or project meets all the
16 requirements of this section, that all the information
17 contained in the application is correct, and that the
18 applicant will comply with all the provisions of this title
19 and all other applicable Federal laws. Such certification
20 shall be made in a form acceptable to the Administrator.

21 LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

22 SEC. 1312. Grant funds awarded under section 1309 of
23 this title shall not be used for land acquisition or
24 construction projects.

25 ADMINISTRATIVE ASSISTANCE BY BUREAU

1 "SEC. 1313. The Bureau shall provide assistance to the
2 Administrator in processing applications and administering
3 grants authorized under section 1309 of this title."

4 (b) TECHNICAL AMENDMENTS.--(1) Subsections (a) and (b) of
5 section 401 of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3741) are each amended by
7 striking out "part E" and inserting in lieu thereof "parts
8 E and M".

9 (2) Section 801(b) of title I of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is
11 amended--

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

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

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

19 (4) Section 808 of title I of the Omnibus Crime Control
20 and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by
21 inserting "or 1308, as the case may be," after "section
22 408".

23 (5) The table of contents of title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)
25 is amended by striking out the items relating to part M and

1 section 1301, and inserting in lieu thereof the following new
2 items:

``Part M--Grants for Drug Programs

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

``Part N--Transition--Effective Date--Repealer

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

3 (c) AUTHORIZATION OF APPROPRIATIONS.--Section 1001 of
4 title I of the Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3793) is amended--

6 (1) in subsection (a)--

7 (A) in paragraph (3) by striking out ``and L''
8 and inserting in lieu thereof ``L, and M'',

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

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

13 ``(6) There are authorized to be appropriated

1 \$100,000,000 for fiscal year 1987 and \$200,000,000 for fiscal
2 year 1988, to carry out the programs under part M of this
3 title."", and

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

6 SEC. 4. DEPARTMENT OF JUSTICE DRUG ASSET FORFEITURE FUND.

7 Section 524 of title 28, United States Code, is amended
8 in subsection (c)--

9 (1) in paragraph (1)--

10 (A) in subparagraph (A) by inserting "(i)"
11 after "(A)",

12 (B) by adding at the end of subparagraph (A) the
13 following new clause:

14 "(ii) the payment pursuant to regulations
15 promulgated by the Attorney General of necessary program-
16 related expenses which may include payment necessary for
17 expenses involving in the purchase or lease of automatic
18 data processing equipment, training, printing,
19 contracting for services related to the processing of and
20 accounting for forfeitures, and the storage, protection,
21 and destruction of controlled substances;"", and

22 (C) by amending subparagraph (E) to read as
23 follows:

24 "(E) for equipping for law enforcement functions any
25 vessels, vehicles, and aircraft available for official

1 use by the Drug Enforcement Administration, the Federal
2 Bureau of Investigation, or the Immigration and
3 Naturalization Service; and''; and

4 (2) in paragraph (8)--

5 (A) by striking out ``1984, 1985, 1986, and
6 1987'' and inserting in lieu thereof ``1986, 1987,
7 and 1988'', and

8 (B) by striking out ``\$5,000,000'' and inserting
9 in lieu thereof ``\$10,000,000''.

penalties

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[ROUGH DRAFT]

AUGUST 14, 1986

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5394

OFFERED BY _____

Strike out all after the enacting clause and insert in lieu thereof the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Narcotics Penalties and
3 Enforcement Act of 1986``.

4 TITLE I--CONTROLLED SUBSTANCES PENALTIES

5 SEC. 101. PENALTIES FOR SERIOUS TRAFFICKERS, PENALTIES FOR
6 MAJOR TRAFFICKERS, AND OTHER PENALTY INCREASE
7 AMENDMENTS TO SECTION 401 OF THE CONTROLLED
8 SUBSTANCES ACT.

9 Section 401 of the Controlled Substances Act (21 U.S.C.
10 841) is amended by striking out subsection (b) and all that
11 follows through the end of the section and inserting in lieu
12 thereof the following:

13 `` (b) Except as otherwise provided in section 405, 405A,
14 or 405B, any person who violates subsection (a) of this
15 section shall be sentenced as follows:

1 “(1) ~~(A)~~ In the case of a violation of subsection (a)
2 of this section involving--

3 “(i) 125 grams or more of a mixture,
4 preparation, or compound containing a detectable
5 amount of heroin;

6 “(ii) 1 kilogram or more of a mixture,
7 preparation, or compound containing a detectable
8 amount of cocaine (other than cocaine freebase), its
9 salts, optical and geometric isomers, and salts of
10 isomers;

11 “(iii) 125 grams or more, or 300 tablets or
12 more, of a mixture, preparation, or compound
13 containing a detectable amount of a narcotic drug in
14 schedule I or schedule II, other than heroin,
15 cocaine, or cocaine freebase;

16 “(iv) 20 grams or more of a mixture,
17 preparation, or compound containing a detectable
18 amount of cocaine freebase;

19 “(v) 10 grams or more of a mixture, preparation,
20 or compound containing a detectable amount of a
21 controlled substance analogue [(other than a
22 controlled substance analogue for which an amount is
23 otherwise specified in this subparagraph)];

24 “(vi) 10 grams or more of a mixture,
25 preparation, or compound containing a detectable

not used - a.1)
Schedule I, II.

1 amount of a fentanyl analogue;

2 (vii) 28 milliliters, ~~or~~ more of a mixture,
3 preparation, or compound containing a detectable
4 amount of phencyclidine;

5 ~~McCOLLUM No. 1, [(viii)]~~ 10 grams or more of pure
6 phencyclidine or 100 grams or more of a mixture,
7 preparation, or compound containing a detectable
8 amount of phencyclidine]; or

9 (ix) 500 milligrams or more of a mixture,
10 preparation, or compound containing a detectable
11 amount of lysergic acid diethylamide;

12 such person shall be sentenced to a term of imprisonment
13 of not less than 5 and not more than 20 years, a fine of
14 not more than \$1,000,000, or both if such person is an
15 individual, or to a fine of not more than \$3,000,000 if
16 such person is other than an individual. If the offense
17 under this subparagraph is a second or subsequent *violation of 1st*
18 ~~controlled substances~~ offense, such person shall be *this subsection*
19 sentenced to to a term of imprisonment of not less than
20 10 years and not more than 40 years, and a fine of not
21 more than \$2,000,000, or both in the case of an
22 individual, or to a fine of not more than \$6,000,000, in
23 the case of a person other than an individual. Any
24 sentence imposing a term of imprisonment under this
25 subparagraph shall, in the absence of such a prior

1 conviction, impose a special parole term of at least 4
 2 years in addition to such term of imprisonment and shall,
 3 if there was such a prior conviction, impose a special
 4 parole term of at least 8 years in addition to such term
 5 of imprisonment.
 6

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7 (A) In the case of a controlled substance in
 8 schedule I or II (other than a narcotic drug, a
 9 controlled substance analogue, or phencyclidine) or an
 10 amphetamine or ~~amphetamine-like~~ controlled substance in
 11 schedule III, such person shall be sentenced to a term of
 12 imprisonment of not more than 15 years, a fine of
 13 \$500,000, or both if such person is an individual, or to
 14 a fine of not more than \$2,000,000 if such person is
 15 other than an individual. In the case of a controlled
 16 substance in schedule I or II that is a narcotic drug, a
 17 controlled substance analogue, or phencyclidine, such
 18 person shall be sentenced to a term of imprisonment of
 19 not more than 15 years, a fine of \$1,000,000, or both if
 20 such person is an individual, or to a fine of not more
 21 than \$5,000,000 if such person is other than an
 22 individual. If the offense under this subparagraph is a
 23 second or subsequent [controlled substances] offense such
 24 person shall be sentenced to a term of imprisonment of
 25 not more than 30 years, a fine of not more than
 \$1,000,000, or both if such person is an individual, or

Phencyclidine
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1 to a fine of not more than \$4,000,000 if such person is
2 other than an individual (if the offense is described in
3 the first sentence of this subparagraph), and shall be
4 sentenced to a term of imprisonment of not more than 30
5 years, a fine of \$2,000,000, or both if such person is an
6 individual, or to a fine of not more than \$10,000,000 if
7 such person is other than an individual (if the offense
8 is described in the second sentence of this
9 subparagraph). Any sentence imposing a term of
10 imprisonment under this paragraph shall, in the absence
11 of such a prior conviction, impose a special parole term
12 of at least 3 years in addition to such term of
13 imprisonment and shall, if there was such a prior
14 conviction, impose a special parole term of at least 6
15 years in addition to such term of imprisonment.

16 (D) In the case of less than 50 kilograms of
17 marihuana, 10 kilograms of hashish, or one kilogram of
18 hashish oil or in the case of any controlled substance in
19 schedule III (other than an amphetamine or amphetamine-
20 like substance), such person shall, except as provided in
21 paragraphs (4) ~~and (5)~~ of this subsection, be sentenced
22 to a term of imprisonment of not more than 5 years, a
23 fine of not more than \$250,000, or both if such person is
24 an individual, or to a fine of not more than \$1,000,000
25 if such person is other than an individual. If the

*prison term
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1 offense under this subparagraph is a second or subsequent
2 [controlled substances] offense such person shall be
3 sentenced \$500,000, or both if such person is an
4 individual, or to a fine of not more than \$2,000,000 if
5 such person is other than an individual. Any sentence
6 imposing a term of imprisonment under this paragraph
7 shall, in the absence of such a prior conviction, impose
8 a special parole term of at least 2 years in addition to
9 such term of imprisonment and shall, if there was such a
10 prior conviction, impose a special parole term of at
11 least 4 years in addition to such term of imprisonment.

Repeat!

12 (A) In the case of a violation of subsection (a) of
13 this section involving--

14 (i) 1 kilo ~~1,000 grams~~ or more of a mixture,
15 preparation, or compound containing a detectable
16 amount of heroin;

17 (ii) 5 kilograms or more of a mixture,
18 preparation, or compound containing a detectable
19 amount of cocaine (other than cocaine freebase), its
20 salts, optical and geometric isomers, and salts of
21 isomers;

22 (iii) 2,500 grams or more, or 6,000 tablets or
23 more, of a mixture, preparation, or compound
24 containing a detectable amount of a narcotic drug in
25 schedule I or schedule II, other than heroin, cocaine

1 or cocaine freebase;

2 (iv) 100 grams or more of a mixture,
3 preparation, or compound containing a detectable
4 amount of cocaine freebase;

5 (v) 100 grams or more of a mixture,
6 preparation, or compound containing a detectable
7 amount of a controlled substance analogue ~~(other~~
8 ~~than a controlled substance analogue for which and~~
9 ~~amount is otherwise specified in this subparagraph);~~

10 (vi) 100 grams or more of a mixture,
11 preparation, or compound containing a detectable
12 amount of a fentanyl analogue;

13 (vii) 946 milliliters, or more of a mixture,
14 preparation, or compound containing a detectable
15 amount of phencyclidine; or

16 ~~McCOLLUM No. 1, [(viii)~~ 34 grams or more of pure
17 phencyclidine, or 340 grams or more of a mixture,
18 preparation, or compound containing a detectable
19 amount of phencyclidine]; or

20 (ix) 1 gram or more of a mixture, preparation,
21 or compound containing a detectable amount of
22 lysergic acid diethylamide;

23 such person shall be sentenced to a term of imprisonment
24 of not less than 10 years and not more than 30 years, and
25 a fine of not more than \$2,000,000, or both in the case

1 of an individual, or to a fine of not more than
 2 \$5,000,000, in the case of a person other than an
 3 individual. If the offense under this subparagraph is a
 4 second or subsequent [controlled substances] offense,
 5 such person shall be sentenced to a term of imprisonment
 6 for any term of not less than 20 years, or to
 7 imprisonment for life, and a fine of not more than
 8 \$4,000,000, or both in the case of an individual, or to a
 9 fine of not more than \$10,000,000, in the case of a
 10 person other than an individual. Any sentence imposing a
 11 term of imprisonment under this subparagraph shall, in
 12 the absence of such a prior conviction, impose a special
 13 parole term of at least 4 years in addition to such term
 14 of imprisonment and shall, if there was such a prior
 15 conviction, impose a special parole term of at least 8
 years in addition to such term of imprisonment.

No Probation
No Parole

Repeal?

17 (E) Imposition or execution of a sentence of
 18 imprisonment under subparagraph ^A(A) or subparagraph ^B(B)
 19 shall not be suspended, probation shall not be granted,
 20 and the person sentenced shall not be eligible for parole
 21 with respect to that sentence.

22 (2) In the case of a controlled substance in
 23 schedule IV, such person shall be sentenced to a term of
 24 imprisonment of not more than 3 years, a fine of not more
 25 than \$250,000, or both if such person is an individual,

1 or to a fine of not more than \$1,000,000 if such person
2 is other than an individual. If the offense under this
3 paragraph is a second or subsequent [controlled
4 substances] offense such person shall be sentenced to a
5 term of imprisonment of not more than 6 years, a fine of
6 \$500,000, or both if such person is an individual, or to
7 a fine of not more than \$2,000,000 if such person is
8 other than an individual. Any sentence imposing a term of
9 imprisonment under this paragraph shall, in the absence
10 of such a prior conviction, impose a special parole term
11 of at least one year in addition to such term of
12 imprisonment and shall, if there was such a prior
13 conviction, impose a special parole term of at least 2
14 years in addition to such term of imprisonment.

15 (3) In the case of a controlled substance in
16 schedule V, such person shall be sentenced to a term of
17 imprisonment of not more than one year, a fine of not
18 more than \$100,000, or both if such person is an
19 individual, or to a fine of not more than \$250,000 if
20 such person is other than an individual. If the offense
21 under this paragraph is a second or subsequent
22 [controlled substances] offense such person shall be
23 sentenced to a term of imprisonment of not more than 2
24 years, a fine of not more than \$250,000, or both if such
25 person is an individual, or to a fine of not more than

Special?

1 \$500,000 if such person is other than an individual.

2 (4) Notwithstanding paragraph (1)(P) of this
3 subsection, any person who violates subsection (a) of
4 this section by distributing a small amount of marihuana
5 for no remuneration shall be treated as provided in
6 section 404.

7 (c) A special parole term imposed under this section or
8 section 405, 405A, or 405B may be revoked if its terms and
9 conditions are violated. In such circumstances the original
10 term of imprisonment shall be increased by the period of the
11 special parole term and the resulting new term of
12 imprisonment shall not be diminished by the time which was
13 spent on special parole. A person whose special parole term
14 has been revoked may be required to serve all or part of the
15 remainder of the new term of imprisonment. A special parole
16 term provided for in this section or section 405, 405A, or
17 405B shall be in addition to, and not in lieu of, any other
18 parole provided for by law.

19 (d) Any person who knowingly or intentionally--

20 (1) possesses any piperidine with intent to
21 manufacture phencyclidine except as authorized by this
22 title, or

23 (2) possesses any piperidine knowing, or having
24 reasonable cause to believe, that the piperidine will be
25 used to manufacture phencyclidine except as authorized by

Repeal?

1 this title,
2 shall be sentenced to a term of imprisonment of not more than
3 5 years, a fine of not more than \$15,000, or both.

4 “(e) For purposes of this section, a person shall be
5 considered convicted of a second or subsequent [controlled
6 substances] offense if, before the commission of such
7 offense, at least one felony conviction of such person under
8 this title, title III, or any other law of the United States,
9 or any law of a State or a foreign country relating to
10 narcotic drugs, marijuana, or depressant or stimulant
11 substances, has become final.”.

12 SEC. 102. FINE INCREASE AMENDMENT TO SECTION 402(c)(2)(A) OF
13 THE CONTROLLED SUBSTANCES ACT.

14 Section 402(c)(2)(A) of the Controlled Substances Act (21
15 U.S.C. 842(c)(2)(A)) is amended by striking out “\$25,000, or
16 both” and inserting in lieu thereof “\$250,000, or both if
17 such person is an individual, or to a fine of not more than
18 \$500,000 if such person is other than an individual”.

19 SEC. 103. FINE INCREASE AMENDMENT TO SECTION 402(c)(2)(B) OF
20 THE CONTROLLED SUBSTANCES ACT.

21 Section 402(c)(2)(B) of the Controlled Substances Act (21
22 U.S.C. 842(c)(2)(B)) is amended by striking out “\$50,000, or
23 both” and inserting in lieu thereof “\$500,000, or both if
24 such person is an individual, or to a fine of not more than
25 \$1,000,000 if such person is other than an individual”.

1 SEC. 104. FINE INCREASE AMENDMENT TO SECTION 403(c) OF THE
2 CONTROLLED SUBSTANCES ACT.

3 Section 403(c) of the Controlled Substances Act (21
4 U.S.C. 843(c)) is amended--

5 (1) by striking out ``\$30,000, or both`` and
6 inserting in lieu thereof ``\$250,000, or both if such
7 person is an individual, or to a fine of not more than
8 \$1,000,000 if such person is other than an individual``;
9 and

10 (2) by striking out ``\$60,000, or both`` and
11 inserting in lieu thereof ``\$500,000, or both if such
12 person is an individual, or to a fine of not more than
13 \$2,000,000 if such person is other than an individual``.

14 SEC. 105. AMENDMENTS TO SECTION 404 OF THE CONTROLLED
15 SUBSTANCES ACT.

16 Section 404 of the Controlled Substances Act (21 U.S.C.
17 844) is amended by adding at the end the following new
18 subsection:

19 (c) It shall be unlawful for any person, in the
20 special maritime and territorial jurisdiction of the United
21 States, as defined in section 7 of title 18, United States
22 Code, knowingly or intentionally to possess a controlled
23 substance unless such substance was obtained directly, or
24 pursuant to a valid prescription or order, from a
25 practitioner, while acting in the course of his professional

1 practice, or except as otherwise authorized by this title or
2 title III. Any person who violates this subsection shall be
3 sentenced to a term of imprisonment of not more than one
4 year, and shall be fined a minimum of \$1,000 but not more
5 than \$5,000, or both, except that if he commits such offense
6 after a prior conviction under this subsection, or a prior
7 conviction for any drug or narcotic offense chargeable under
8 the law of any State, has become final, he shall be sentenced
9 to a term of imprisonment of a minimum 15 days but not more
10 than 2 years, and shall be fined a minimum of \$2,500 but not
11 more than \$10,000, or both, except, further, that if he
12 commits such offense after 2 or more prior convictions under
13 this subsection, or 2 or more prior convictions for any drug
14 or narcotic offense chargeable under the law of any State or
15 a combination of 2 or more such offenses have become final,
16 he shall be sentenced to a term of imprisonment of a minimum
17 of 90 days but not more than 3 years, and shall be fined a
18 minimum of \$5,000 but not more than \$25,000. The imposition
19 or execution of a minimum sentence required to be imposed
20 under this subsection shall not be suspended or deferred.
21 Further, upon conviction, a person who violates this
22 subsection shall be taxed the reasonable costs of the
23 investigation and prosecution of the offense, including the
24 costs of prosecution of an offense as defined in section 1918
25 and section 1920 of title 28, United States Code. As used in

1 this subsection, the term 'drug or narcotic offense' means
2 any offense chargeable under the law of any State which
3 proscribes the possession, distribution, manufacture,
4 cultivation, sale, transfer, or the attempt or conspiracy to
5 possess, distribute, manufacture, cultivate, sell, or
6 transfer any substance the possession of which is prohibited
7 under this Act."

8 SEC. 106. FINE INCREASE AMENDMENT TO SECTION 408(a) OF THE
9 CONTROLLED SUBSTANCES ACT.

10 Section 408(a) of the Controlled Substances Act (21
11 U.S.C. 848(a)) is amended--

12 (1) by striking out "\$100,000" and inserting in
13 lieu thereof "\$2,000,000 if such person is an
14 individual, or a fine of not more than \$5,000,000 if such
15 person is other than an individual"; and

16 (2) by striking out "\$200,000" and inserting in
17 lieu thereof "\$4,000,000 if such person is an
18 individual, or a fine of not more than \$10,000,000 if
19 such person is other than an individual".

20 SEC. 107. SPECIAL TERM OF IMPRISONMENT FOR CERTAIN OFFENSES
21 UNDER THE CONTROLLED SUBSTANCES ACT RESULTING
22 IN DEATH OR SERIOUS BODILY INJURY.

23 Part D of the Controlled Substances Act (21 U.S.C. 841 et
24 seq.) is amended by adding at the end the following new
25 section:

1 ``SPECIAL TERM OF IMPRISONMENT FOR CERTAIN OFFENSES RESULTING
2 IN DEATH OR SERIOUS BODILY INJURY

3 ``SEC. 416. In the case of an offense under subparagraph
4 (A), (B), or (D) of section 401(b)(1) of this title, from
5 which death or serious bodily injury results, the defendant
6 shall be sentenced (in addition to any fine otherwise
7 applicable under such subparagraph) to imprisonment for any
8 term of not less than 20 years, or to imprisonment for life.

9 [As used in this section, the term `serious bodily injury'
10 means bodily injury which involves a substantial risk of
11 death; unconsciousness, extreme physical pain, protracted and
12 obvious disfigurement, or protracted loss or impairment of
13 the function of a bodily member, organ, or mental faculty,]
14 and such term includes serious bodily injury that results
15 from use of a controlled substance involved in the
16 offense." .

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17 SEC. 108. PENALTIES FOR SERIOUS TRAFFICKERS; AMENDMENTS TO
18 SECTION 1010(b) OF THE CONTROLLED SUBSTANCES
19 IMPORT AND EXPORT ACT.

20 (a) SECTION 1010(b)(1) AMENDMENT.--Section 1010(b)(1) of
21 the Controlled Substances Import and Export Act (21 U.S.C.
22 960(b)(1)) is amended to read as follows:

23 ``(b)(1) In the case of a violation of subsection (a) of
24 this section involving a quantity and amount of a controlled
25 substance specified in section 401(b)(1)(A), such person

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1 shall be sentenced to a term of imprisonment of not less than
 2 10 years and not more than 30 years, and a fine of not more
 3 than \$2,000,000, or both in the case of an individual, or to
 4 a fine of not more than \$5,000,000, in the case of a person
 5 other than an individual. If the offense under this paragraph
 6 is a second or subsequent offense, such person shall be
 7 sentenced to a term of imprisonment of not less than 20
 8 years, or to imprisonment for life, and a fine of not more
 9 than \$4,000,000, or both in the case of an individual, or to
 10 a fine of not more than \$10,000,000, in the case of a person
 11 other than an individual."

12 (b) SECTION 1010(b) AMENDMENT.--Section 1010(b) of the
 13 Controlled Substances Import and Export Act (21 U.S.C.
 14 960(b)) is amended by adding at the end of the subsection the
 15 following new paragraph:

reference
 (6)(3)
 (3)(3)
 (3)(3)

16 (2) In the case of a violation of subsection (a) of
 17 this section involving a quantity and amount of a controlled
 18 substance specified in section 401(b)(1)(B), such person
 19 shall be sentenced to a term of imprisonment of not less than
 20 5 and not more than 20 years, a fine of not more than
 21 \$2,000,000, or both if such person is an individual, or to a
 22 fine of not more than \$5,000,000 if such person is other than
 23 an individual. If the offense under this paragraph is a
 24 second or subsequent offense, such person shall be sentenced
 25 to a term of imprisonment of not less than 10 years and not

1 more than 40 years, and a fine of not more than \$4,000,000,
 2 or both in the case of an individual, or to a fine of not
 3 more than \$10,000,000, in the case of a person other than an
 4 individual. Imposition or execution of a sentence of
 5 imprisonment under this paragraph shall not be suspended,
 6 probation shall not be granted, and the person so sentenced
 7 shall not be eligible for parole with respect to that
 8 sentence. Any sentence imposing a term of imprisonment under
 9 this paragraph shall, in the absence of such a prior
 10 conviction, impose a special parole term of at least 4 years
 11 in addition to such term of imprisonment and shall, if there
 12 was such a prior conviction, impose a special parole term of
 13 at least 8 years in addition to such term of imprisonment."

[Handwritten scribble]

*repeal of
 10 prior act*

14 SEC. 109. FINE INCREASE AMENDMENT TO SECTION 1010(b)(2) OF
 15 THE CONTROLLED SUBSTANCES IMPORT AND EXPORT
 16 ACT.

17 Section 1010(b)(2) of the Controlled Substances Import
 18 and Export Act (21 U.S.C. 960(b)(2)) is amended in the first
 19 sentence by striking out ``\$125,000, or both`` and inserting
 20 in lieu thereof ``\$500,000, or both if such person is an
 21 individual, or shall be fined not more than \$2,000,000 if
 22 such person is other than an individual``.

23 SEC. 110. FINE INCREASE AMENDMENT TO SECTION 1010(b)(3) OF
 24 THE CONTROLLED SUBSTANCES IMPORT AND EXPORT
 25 ACT.

1 Section 1010(b)(3) of the Controlled Substances Import
2 and Export Act (21 U.S.C. 960(b)(3)) is amended in the first
3 sentence by striking out ``\$50,000, or both`` and inserting
4 in lieu thereof ``\$250,000, or both if such person is an
5 individual, or shall be fined not more than \$1,000,000 if
6 such person is other than an individual``.

7 SEC. 111. FINE INCREASE AMENDMENT TO SECTION 1011(2) OF THE
8 CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

9 Section 1011(2) of the Controlled Substances Import and
10 Export Act (21 U.S.C. 961(2)) is amended by striking out
11 ``\$25,000 or both`` and inserting in lieu thereof ``\$100,000,
12 or both if such person is an individual or a fine of \$500,000
13 if such person is other than an individual``.

14 SEC. 112. SPECIAL TERM OF IMPRISONMENT FOR CERTAIN OFFENSES
15 UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT
16 ACT RESULTING IN DEATH OR SERIOUS BODILY
17 INJURY.

18 (a) IN GENERAL.--The Controlled Substances Import and
19 Export Act (21 U.S.C. 951 et seq.) is amended by adding at
20 the end the following new section:

21 ``SPECIAL TERM OF IMPRISONMENT FOR CERTAIN OFFENSES RESULTING
22 IN DEATH OR SERIOUS BODILY INJURY

23 ``SEC. 1018. In the case of an offense under subsection
24 (b)(1), subsection (b)(2), or subsection (b)(~~4~~³) of section
25 1010 of this title, from which death or serious bodily injury

1 results, the defendant shall be sentenced (in addition to any
 2 fine otherwise applicable under such subsection) to
 3 imprisonment for any term of not less than 20 years, or to
 4 imprisonment for life. \As used in this section, the term
 5 'serious bodily injury' means bodily injury which involves a
 6 substantial risk of death, unconsciousness, extreme physical
 7 pain, protracted and obvious disfigurement, or protracted
 8 loss or impairment of the function of a bodily member, organ,
 9 or mental faculty, \and such term includes serious bodily
 10 injury that results from use of a controlled substance
 11 involved in the offense."

*No, not
 or
 parole*

12 (b) TECHNICAL AMENDMENT.--The table of contents for the
 13 Comprehensive Drug Abuse Prevention and Control Act of 1970
 14 is amended by inserting after the item relating to section
 15 1017 the following new item:

``Sec. 1018. Special term of imprisonment for certain
 offenses, resulting in death or serious bodily
 injury. .

16 TITLE II--CONTROLLED SUBSTANCE OFFENSES RELATING TO CHILDREN
 17 AND SCHOOLS; PRECURSOR AND ESSENTIAL CHEMICAL REVIEW
 18 SEC. 201. CRIMINAL PENALTY FOR MANUFACTURE OF CONTROLLED
 19 SUBSTANCE IN OR NEAR SCHOOLS (INCLUDING
 20 COLLEGES).

21 (a) IN GENERAL.--Section 405A of the Controlled
 22 Substances Act (21 U.S.C. 845a) is amended--

23 (1) in subsection (a), by striking out ``distributing

1 a controlled substance in or on, or within one thousand
2 feet of, the real property comprising a public or private
3 elementary or secondary school'' and inserting in lieu
4 thereof ``manufacturing or distributing a controlled
5 substance in or on, or within 1,000 feet of, the real
6 property comprising a school'';

7 (2) in subsection (b), by striking out ``distributing
8 a controlled substance in or on, or within one thousand
9 feet of, the real property comprising a public or private
10 elementary or secondary school'' and inserting in lieu
11 thereof ``manufacturing or distributing a controlled
12 substance in or on, or within 1,000 feet of, the real
13 property comprising a school''; and

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

16 `` (d) As used in this section, the term `school' means a
17 public or private elementary, vocational, or secondary
18 school, or a public or private college, junior college,
19 community college, or university.``.

20 (b) TECHNICAL AMENDMENT.--The section heading for section
21 405A of the Controlled Substances Act (21 U.S.C. 845a) is
22 amended to read as follows:

23 `` MANUFACTURE OR DISTRIBUTION IN OR NEAR SCHOOLS``.
24 SEC. 202. USING CHILDREN TO MANUFACTURE OR DISTRIBUTE A
25 CONTROLLED SUBSTANCE.

1 The Controlled Substances Act (21 U.S.C. 801 et seq.) is
2 amended by inserting after section 405A the following new
3 section:

4 "USING CHILDREN TO MANUFACTURE OR DISTRIBUTE

5 "SEC. 405B. (a) Any person at least 18 years of age who
6 violates section 401(a)(1) by employing, using, persuading,
7 inducing, enticing, or coercing another person less than 18
8 years of age to manufacture or distribute a controlled
9 substance is punishable by a term of imprisonment, or a fine,
10 or both, up to twice that otherwise authorized for that
11 offense, and at least twice any special parole term otherwise
12 authorized for that offense.

Repeal?
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2nd offense? 3x

13 "(b) In the case of any sentence imposed under
14 subsection (a), imposition or execution of such sentence
15 shall not be suspended and probation shall not be granted. An
16 individual convicted under subsection (a) shall not be
17 eligible for parole until the individual has served the
18 minimum sentence required by such subsection."

19 [SEC. 203. PRECURSOR AND ESSENTIAL CHEMICAL REVIEW.

20 [(a) FINDINGS.--The Congress finds that--

avoid finding
21
22
23

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

24 [(2) these drugs are produced using a variety of
25 chemicals which are found in commercial channels and

1 which are diverted to illegal uses;

2 [(3) over the last few years, a number of steps have
3 been taken to deny drug traffickers access to key
4 precursor chemicals, for example--

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

10 [(B) a variety of controls were placed on
11 piperidine, the precursor for methaqualone, by Public
12 Law 95-633, the Psychotropic Substance Act of 1978;
13 and

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

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

22 [(b) STUDY AND REPORT.--The Attorney General shall--

23 [(1) conduct a study of the need for legislation,
24 regulation, or alternative methods to control the
25 diversion of legitimate precursor and essential chemicals

1 to the illegal production of drugs of abuse; and
 2 [(2) report all findings of such study to Congress
 3 not later than the end of the 90th day after the date of
 4 enactment of this Act.]

5 TITLE III--CONTROLLED SUBSTANCES TECHNICAL AMENDMENTS

6 SEC. 301. CLARIFICATION OF ISOMER INCLUSION.

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

11 SEC. 302. MODIFICATION OF COCAINE DEFINITION FOR PURPOSES OF
 12 SCHEDULE II.

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

16 `` (4) Coca leaves (except coca leaves and extracts of
 17 coca leaves from which cocaine, ecgonine, and derivatives
 18 of ecgonine or their salts have been removed); cocaine,
 19 its salts; optical and geometric isomers, and salts of
 20 ~~isomers, and ecgonine, its derivatives, their salts,~~
 21 isomers, and salts of isomers.``

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22 SEC. 303. CORRECTION OF PUNCTUATION ERROR.

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

1 SEC. 304. CORRECTION OF CLERICAL ERROR.

2 Section 405A(b) of the Controlled Substances Act (21
3 U.S.C. 845a(b)) is amended by inserting ``parole`` after
4 ``(2) at least three times any special``.

5 SEC. 305. CORRECTION OF ERRONEOUS SECTION CROSS REFERENCE.

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

9 SEC. 306. CORRECTION OF ERRONEOUS SUBSECTION CROSS

10 REFERENCES.

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

13 (1) in subsection (c) and in the second subsection
14 (h), by striking out ``subsection (o)`` and inserting
15 ``subsection (n)`` in lieu thereof;

16 (2) in subsection (f) by striking out ``subsection
17 (f)`` and inserting ``subsection (e)`` in lieu thereof;

18 (3) in subsection (i)(1), by striking out ``this
19 chapter`` and inserting ``this title`` in lieu thereof;

20 and

21 (4) by redesignating the second subsection (h) as
22 subsection (k).

23 SEC. 307. AUTHORITY OF ATTORNEY GENERAL TO ENTER INTO

24 CONTRACTS WITH STATE AND LOCAL LAW ENFORCEMENT

25 AGENCIES AND TO DEPUTIZE STATE AND LOCAL LAW

1 ENFORCEMENT OFFICERS FOR CONTROLLED SUBSTANCES
2 ENFORCEMENT.

3 (a) CONTRACT AUTHORITY.--Section 503(a) of the Controlled
4 Substances Act (21 U.S.C. 873(a)) is amended--

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

7 (2) by striking out the period at the end of
8 paragraph (6) and inserting in lieu thereof ``; and``;
9 and

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

11 `` (7) notwithstanding any other provision of law,
12 enter into contractual agreements with State and local
13 law enforcement agencies to provide for cooperative
14 enforcement and regulatory activities under this
15 title.``.

16 (b) AUTHORITY TO DEPUTIZE.--Section 508 of the Controlled
17 Substances Act (21 U.S.C. 878) is amended--

18 (1) by inserting ``(a)`` before ``Any officer or
19 employee``;

20 (2) by inserting after ``Drug Enforcement
21 Administration`` the following: ``or (with respect to
22 offenses under this title or title III) any State or
23 local law enforcement officer``; and

24 (3) by adding at the end thereof the following new
25 subsection:

1 “(b) State and local law enforcement officers performing
 2 functions under this section shall not be deemed Federal
 3 employees and shall not be subject to provisions of law
 4 relating to Federal employees, except that such officers
 5 shall be subject to section 3374(c) of title 5, United States
 6 Code.”.

7 SEC. 308. CORRECTION OF CLERICAL ERROR.

8 Section 1008(e) of the Controlled Substances Import and
 9 Export Act (21 U.S.C. 958(e)) is amended by striking out
 10 “section” the first place it appears and inserting
 11 “sections” in lieu thereof.

12 SEC. 309. ELIMINATION OF ERRONEOUS CROSS REFERENCE.

13 Section 1010(b)(3) of the Controlled Substances Import
 14 and Export Act (21 U.S.C. 960(b)(3)) is amended by striking
 15 out “, except as provided in paragraph (4)”.

16 SEC. 310. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS OF THE
 17 COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL
 18 ACT OF 1970.

19 The table of contents for the Comprehensive Drug Abuse
 20 Prevention and Control Act of 1970 is amended--

21 (1) by inserting after the item relating to section
 22 405 the following new items:

- “Sec. 405A. Manufacture or distribution in or near schools.
- “Sec. 405B. Using children to manufacture or distribute.”;

23 and

1 (2) by adding at the end the following new items:

- 2 Sec. 415. Alternative fine.
- 3 Sec. 416. Special term of imprisonment for certain offenses
4 resulting in death or serious bodily injury."

5 **[SEC. 311. AMENDMENT TO SECTION 511 OF THE CONTROLLED**
 6 **SUBSTANCES ACT.**

7 [Section 511(e) of the Controlled Substances Act (21
 8 U.S.C. 881(e)) is amended--

9 [(1) in paragraph (1) to read:

10 [(1) retain the property for official use or
 11 transfer the custody or ownership of any forfeited
 12 property to any Federal agency pursuant to section 616 of
 13 the Tariff Act of 1930;";

14 [(2) by inserting a new paragraph after paragraph
 15 (1);

16 [(2) transfer the custody or ownership of any
 17 forfeited property or proceeds to any State or local
 18 agency pursuant to section 616 of the Tariff Act of 1930;
 19 and

20 (3) by renumbering the following paragraphs
 21 accordingly.]

22 **[SEC. 312. AMENDMENT TO SECTION 524 OF TITLE 28, UNITED**
 23 **STATES CODE.**

24 [Section 524(c)(4) of title 28, United States Code, is
 25 amended by striking out "remaining after the payment of
 26 expenses for forfeiture and sale authorized by law" and

1 inserting in lieu thereof `` , except all proceeds of
2 forfeitures available for use by the Secretary of the
3 Treasury or the Secretary of the Interior pursuant to section
4 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or
5 section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C.
6 3375(d))``.]

7 [SEC. 313. AMENDMENT TO SECTION 5316 OF TITLE 31, UNITED
8 STATES CODE..

9 [Section 5316(a)(2) of title 31, United States Code, is
10 amended by striking out ``\$5,000`` and inserting in lieu
11 thereof ``\$10,000``.]

12 [SEC. 314. CLARIFICATION OF INTENT OF CERTAIN AMENDMENTS.

13 [The amendments made by sections 224(a) and 235(a)(1) of
14 the Comprehensive Crime Control Act of 1984 are referenced to
15 the law as it existed immediately before the enactment of the
16 Comprehensive Crime Control Act of 1984 and are intended to
17 be executed without regard to redesignations made by and
18 after that enactment. To the extent that a provision to which
19 such an amendment is so referenced has been stricken out or
20 repealed before the date such amendments would take effect,
21 however, such amendments shall not take effect.]

**CONTRACT SERVICES -
DRUG DEPENDENT OFFENDERS**

MDB837

COMMITTEE AMENDMENT TO H.R. 5076

[1 August 1986]

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Drug and Alcohol Dependent
3 Offenders Treatment Act of 1986``.

4 SEC. 2. PERMANENT AMENDMENT RELATING TO DUTIES OF DIRECTOR OF
5 ADMINISTRATIVE OFFICE.

6 (a) IN GENERAL.--The section of title 18, United States
7 Code, that is redesignated section 3672 by section 212(a) of
8 the Comprehensive Crime Control Act of 1984 is amended by
9 adding at the end thereof:

10 He shall have the authority to contract with any
11 appropriate public or private agency or person for the
12 detection of and care in the community of an offender who
13 is an alcohol-dependent person, or an addict or a
14 drug-dependent person within the meaning of section 2 of
15 the Public Health Service Act (42 U.S.C. 201). This
16 authority shall include the authority to provide
17 equipment and supplies; testing; medical, educational,
18 social, psychological, and vocational services;
19 corrective and preventive guidance and training; and

1 other rehabilitative services designed to protect the
 2 public and benefit the alcohol dependent person, addict,
 3 or drug dependent person by eliminating his dependence on
 4 alcohol or addicting drugs, or by controlling his
 5 dependence and his susceptibility to addiction. He may
 6 negotiate and award such contracts without regard to
 7 section 3709 of the Revised Statutes (41 U.S.C. 5).

8 "He shall pay for presentence studies and reports by
 9 qualified consultants and presentence examinations and
 10 reports by psychiatric or psychological examiners ordered
 11 by the court under subsection (b) or (c) of section 3552,
 12 except for studies conducted by the Bureau of Prisons."

13 (b) EFFECTIVE DATE.--The amendment made by this section
 14 shall take effect on the date of the taking effect of such
 15 redesignation.

16 SEC. 3. INTERIM AMENDMENT RELATING TO DUTIES OF DIRECTOR OF
 17 ADMINISTRATIVE OFFICE.

18 The second paragraph of section 4255 of title 18, United
 19 States Code, is amended to read as follows:

20 "The Director of the Administrative Office of the United
 21 States Courts shall have the authority to contract with any
 22 appropriate public or private agency or person for the
 23 detection of and care in the community of an offender who is
 24 an alcohol-dependent person, or an addict or a drug-dependent
 25 person within the meaning of section 2 of the Public Health

7.3 - f4 87 - \$12 mil)
 88 \$14 mil)
 89 \$16 mil)

CAREER
CRIMINALS

Career Criminal
Full Committee
adopted voice vote
1

99TH CONGRESS
2D SESSION

H. R. 4885

To amend chapter 44 of title 18, United States Code, to include serious drug offenses and violent felonies as offenses subject to enhanced penalties under the career criminal provisions of such title.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1986

Mr. HUGHES (for himself, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mr. LUNGREN, Mr. SHAW, Mr. GERAS, and Mr. WYDEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to include serious drug offenses and violent felonies as offenses subject to enhanced penalties under the career criminal provisions of such title.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Career Criminal Amend-
5 ments Act of 1986".

1 SEC. 2. EXPANSION OF PREDICATE OFFENSES.

2 (a) IN GENERAL.—Section 924(e)(1) of title 18, United
3 States Code, is amended by striking out “for robbery or bur-
4 glary, or both,” and inserting in lieu thereof “for a violent
5 felony or a serious drug offense, or both,”.

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

10 “(A) the term ‘serious drug offense’ means—

11 “(i) an offense under the Controlled
12 Substances Act (21 U.S.C. 801 et seq.), the
13 Controlled Substances Import and Export
14 Act (21 U.S.C. 951 et seq.), or the first sec-
15 tion or section 3 of Public Law 96-350 (21
16 U.S.C. 955a et seq.), for which a maximum
17 term of imprisonment of ten years or more is
18 prescribed by law; or

19 “(ii) an offense under State law, involv-
20 ing manufacturing, distributing, or possessing
21 with intent to manufacture or distribute, a
22 controlled substance (as defined in section
23 102 of the Controlled Substances Act (21
24 U.S.C. 802)), for which a maximum term of
25 imprisonment of ten years or more is pre-
26 scribed by law; and

1 “(B) the term ‘violent felony’ means any
2 crime punishable by imprisonment for a term ex-
3 ceeding one year that—

4 “(i) has as an element the use, attempt-
5 ed use, or threatened use of physical force
6 against the person of another; or

7 “(ii) involves conduct that presents a se-
8 rious potential risk of physical injury to an-
9 other.”.

10 SEC. 3. EFFECTIVE DATE.

11 The amendments made by this Act shall take effect No-
12 vember 15, 1986.

99TH CONGRESS
2D SESSION

H. R. 5352

IN THE HOUSE OF REPRESENTATIVES

August 7, 1986

Mr. FASCELL (for himself, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. ACKERMAN, Mr. MCKAY, Mr. UDALL, Mr. GARCIA, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. ROTH, Ms. SNOWE, Mr. HYDE, Mr. SOLOMON, Mr. BEREUTER, Mr. SILJANDER, Mr. ZSCHAU, Mr. DORNAN of California, Mr. SMITH of New Jersey, Mr. MACK, Mr. DEWINE, Mr. BURTON of Indiana, and Mr. MCCAIN) introduced the following bill; which was referred to the Committee on FOREIGN AFFAIRS

A BILL

To combat international narcotics trafficking.