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1 any aircraft to transport, or for any person on board any
2 aircraft to possess, merchandise knowing or intending that
3 the merchandise will be introduced into the United States
4 unlawfully.

5 “(b) Sea Transfers.--It shall be unlawful for any person
6 to transfer merchandise between an aircraft and a vessel on
7 the high seas or in the customs waters of the United States
8 if such person has not been authorized by the Secretary to
9 make such transfer and--

10 “(1) either--

11 “(A) the aircraft is owned by a citizen of the
12 United States or is registered in the United States,
13 or

14 “(B) the vessel is a vessel of the United States
15 (within the meaning of section 3(b) of the Anti-
16 Smuggling Act (19 U.S.C. 1703(b)) and the merchandise
17 consists of controlled substances, spirits, wines, or
18 other alcoholic liquors or merchandise, the
19 importation of which into the United States is
20 prohibited or is restricted, or

21 “(2) regardless of the nationality of the vessel or
22 aircraft, such transfer is made under circumstances
23 indicating the intent to make it possible for such
24 merchandise, or any part thereof, to be introduced into
25 the United States unlawfully.

1 “(c) Penalties.--

2 “(1) Any person who violates any provision of this
3 section shall be civilly liable for a fine equal to twice
4 the value of the merchandise involved but not less than
5 \$10,000 and, in addition to such civil penalty--

6 “(A) if the merchandise involved is not a
7 controlled substance, shall be liable for a fine of
8 not more than \$10,000 or imprisonment for a period of
9 not more than 5 years, or both, and

10 “(B) if the merchandise involved is a controlled
11 substance, shall be liable for a fine of not more
12 than \$250,000 or imprisonment for a period of not
13 more than 20 years, or both.

14 “(2) For purposes of this subsection, the value of
15 any controlled substance shall be determined in
16 accordance with section 497(b).

17 “(d) Seizure and Forfeiture.--Any vessel or aircraft
18 used in connection with, or in aiding or facilitating, any of
19 the unlawful acts described in this section (whether or not
20 any person is charged in connection with such acts) shall be
21 seized and civilly forfeited in accordance with the customs
22 laws.

23 “(e) Intent of Transfer of Controlled Substances.--For
24 purposes of the civil enforcement of this Act, any one of the
25 following acts, when performed within 250 miles of the

1 territorial sea of the United States shall be prima facie
2 evidence that the transportation or possession of merchandise
3 was unlawful and shall be presumed to constitute
4 circumstances indicating that the purpose of the transfer is
5 to make it possible for such merchandise, or any part
6 thereof, to be introduced into the United States unlawfully,
7 and for purposes of subsection (d) or section 596, shall be
8 prima facie evidence that an aircraft or vessel was used in
9 connection with, or to aid or facilitate, a violation of this
10 section:

11 “(1) the operation of an aircraft or a vessel
12 without lights during such times as lights are required
13 to be displayed under applicable law;

14 “(2) the presence on an aircraft of an auxiliary
15 fuel tank which is not installed in accordance with
16 applicable law;

17 “(3) the failure to correctly identify--

18 “(A) the vessel by name and the country of
19 registration, or

20 “(B) the aircraft by registration number and
21 country of registration,

22 when requested to do so by a customs officer or other
23 government authority;

24 “(4) the external display of false registration
25 numbers, false country of registration, or, in the case

1 of a vessel, false name;

2 "(5) the presence on board of unmanifested
3 merchandise, the importation of which is prohibited or
4 restricted;

5 "(6) the presence on board of controlled substances
6 which are not manifested or which are not accompanied by
7 the permits or licenses required under the Single
8 Convention on Narcotic Drugs or any other international
9 treaty;

10 "(7) the presence of any compartment or equipment
11 which is built or fitted out for smuggling; or

12 "(8) the failure of a vessel to stop when hailed by
13 a customs officer or other government authority."

14 SEC. 3120. SEIZURE OF CONVEYANCES.

15 Section 594 of the Tariff Act of 1930 (19 U.S.C. 1594) is
16 amended to read as follows:

17 "SEC. 594. SEIZURE OF CONVEYANCES.

18 "(a) In General.--Whenever--

19 "(1) any vessel, vehicle, or aircraft, or

20 "(2) the owner or operator, or the master, pilot,
21 conductor, driver, or other person in charge of a vessel,
22 vehicle, or aircraft,

23 is subject to a penalty for violation of the customs laws,
24 the conveyance involved shall be held for the payment of such
25 penalty and may be seized and forfeited and sold in

For purposes of Section 590, merchandise shall consist of controlled substances, spirits, wines, or other alcoholic liquors or other merchandise, the importation of which into the United States is prohibited or restricted.

1 accordance with the customs laws. The proceeds of sale, if
2 any, in excess of the assessed penalty and expenses of
3 seizing, maintaining, and selling the property shall be held
4 for the account of any interested party.

5 “(b) Exceptions.--No conveyance used by any person as a
6 common carrier in the transaction of business as a common
7 carrier is subject to seizure or forfeiture under the customs
8 laws for violations relating to merchandise contained--

9 “(1) in baggage belonging to and accompanying a
10 passenger being lawfully transported on such conveyance;
11 or

12 “(2) in the cargo of the conveyance if the cargo is
13 listed on the manifest and marks, numbers, weights and
14 quantities of the outer packages or containers agree with
15 the manifest;

16 unless the owner or operator, or the master, pilot,
17 conductor, driver or other person in charge participated in,
18 or had knowledge of, the violation, or was grossly negligent
19 in preventing or discovering the violation.

20 “(c) Controlled Substances on Conveyance.--If any
21 controlled substances are found to be, or to have been--

22 “(1) on board a conveyance used as a common carrier
23 in the transaction of business as a common carrier in one
24 or more packages or containers--

25 “(A) that are not manifested (or not shown on

1 bills of lading or airway bills); or

2 "(B) whose marks, numbers, weight or quantities
3 disagree with the manifest (or with the bills of
4 lading or airway bills); or

5 "(2) concealed in or on such a conveyance, but not
6 in the cargo;

7 the conveyance may be seized, and after investigation,
8 forfeited unless it appears to the satisfaction of the
9 Secretary that neither the owner or operator, master, pilot,
10 nor any other employee responsible for maintaining and
11 insuring the accuracy of the cargo manifest knew, or by the
12 exercise of the highest degree of care and diligence could
13 have known, that such controlled substances were on board.

14 "(d) Definitions.--For purposes of this section--

15 "(1) The term 'owner or operator' includes--

16 "(A) a lessee or person operating a conveyance
17 under a rental agreement or charter party;

18 "(B) the officers and directors of a
19 corporation;

20 "(C) station managers and similar supervisory
21 ground personnel employed by airlines;

22 "(D) one or more partners of a partnership;

23 "(E) representatives of the owner or operator in
24 charge of the passenger or cargo operations at a
25 particular location; and

1 “(F) and other persons with similar
2 responsibilities.

3 “(2) The term ‘master’ and similar terms relating to
4 the person in charge of a conveyance includes the purser
5 or other person on the conveyance who is responsible for
6 maintaining records relating to the cargo transported in
7 the conveyance.”.

8 SEC. 3121. SEARCHES AND SEIZURES.

9 Subsection (a) of section 595 of the Tariff Act of 1930
10 (19 U.S.C. 1595) is amended to read as follows:

11 “(a)(1) If any officer or person authorized to make
12 searches and seizures shall have probable cause to believe
13 the presence of--

14 “(A) any merchandise upon which the duties have not
15 been paid or which has been otherwise brought into the
16 United States contrary to law,

17 “(B) any property which is subject to forfeiture
18 under any provision of law enforced or administered by
19 the United States Customs Service, or

20 “(C) any documents, containers, wrappings, or other
21 articles which are evidence of violations of section 592
22 involving fraud or of any other law enforced or
23 administered by the United States Customs Service,

24 in any dwelling house, store, or other building or place,
25 such officer or person may apply, under oath, to any justice

1 of the peace, to any municipal, county, State, or Federal
2 judge, or to any Federal magistrate for a warrant and shall
3 thereupon be entitled to a warrant to enter such dwelling
4 house in the daytime only, or such store or other building or
5 place at night or by day, and to search for and seize such
6 merchandise or other article named in such warrant.

7 “(2) If any house, store, or other building or place is
8 located upon or within ten feet of the boundary line between
9 the United States and a foreign country and any merchandise
10 or other article subject to forfeiture is found in such
11 house, store, or other building or place, the portion of such
12 house, store, or other building or place that is within the
13 United States may be taken down or removed.”.

14 SEC. 3122. FORFEITURES.

15 Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a)
16 is amended--

17 (1) by striking out “in the proviso to section 594”
18 and inserting in lieu thereof “in subsection (b) or (c)
19 of section 594”,

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

22 “(c) Any merchandise that is or has been introduced, or
23 attempted to be introduced, into the United States contrary
24 to law (other than in violation of section 592) shall be
25 seized and forfeited.”.

1 SEC. 3123. PROCEEDS OF FORFEITED PROPERTY.

2 Section 613 of the Tariff Act of 1930 (19 U.S.C. 1613) is
3 amended by adding at the end thereof the following new
4 subsections:

5 `` (c) Treatment of Deposits.--If property is seized by
6 the Secretary under a law enforced or administered by the
7 United States Customs Service, or otherwise acquired under
8 section 605 of this Act, and relief from the forfeiture is
9 granted by the Secretary upon terms requiring the deposit or
10 retention of a monetary amount in lieu of the forfeiture, the
11 amount recovered shall be treated in the same manner as the
12 proceeds of sale of a forfeited item.

13 `` (d) Expenses.--In any judicial or administrative
14 proceeding to forfeit property under any law enforced or
15 administered by the United States Customs Service or the
16 Coast Guard, the seizure, storage, and other expenses related
17 to the forfeiture that are incurred by the United States
18 Customs Service or the Coast Guard after the seizure, but
19 before the institution of, or during, the proceedings, shall
20 be a priority claim in the same manner as the court costs and
21 the expenses of the Federal marshal.''.
22

22 SEC. 3124. COMPENSATION TO INFORMERS.

23 Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is
24 amended to read as follows:

25 ``SEC. 619. AWARD OF COMPENSATION TO INFORMERS.

1 “(a) In General.--

2 “(1) If any person who is not an employee or officer
3 of the United States--

4 “(A) detects and seizes any vessel, vehicle,
5 aircraft, merchandise, or baggage subject to seizure
6 and forfeiture under the customs laws or the
7 navigation laws and reports such detection and
8 seizure to a customs officer, or

9 “(B) furnishes to a United States attorney, the
10 Secretary of the Treasury, or any customs officer
11 original information concerning--

12 “(i) any fraud upon the customs revenue, or

13 “(ii) any violation of the customs laws or
14 the navigation laws which is being, or has been,
15 perpetrated or contemplated by any other person,
16 and

17 “(2) such detection and seizure or such information
18 leads to a recovery of--

19 “(A) any duties withheld, or

20 “(B) any fine, penalty, or forfeiture of
21 property incurred,

22 the Secretary may award and pay such person an amount
23 that does not exceed 25 percent of the net amount so
24 recovered.

25 “(b) Forfeited Property Not Sold.--If--

1 “(1) any vessel, vehicle, aircraft, merchandise, or
2 baggage is forfeited to the United States and is
3 thereafter, in lieu of sale--

4 “(A) destroyed under the customs or navigation
5 laws, or

6 “(B) delivered to any governmental agency for
7 official use, and

8 “(2) any person would be eligible to receive an
9 award under subsection (a) but for the lack of sale of
10 such forfeited property,

11 the Secretary may award and pay such person an amount that
12 does not exceed 25 percent of the appraised value of such
13 forfeited property.

14 “(c) Dollar Limitation.--The amount awarded and paid to
15 any person under this section shall not exceed \$250,000 for
16 any case.

17 “(d) Source of Payment.--Any amount paid under this
18 section shall be paid out of appropriations available for the
19 collection of the customs revenue.

20 “(e) Recovery of Bail Bond.--For purposes of this
21 section, an amount recovered under a bail bond shall be
22 deemed a recovery of a fine incurred.”.

23 SEC. 3125. FOREIGN LANDING CERTIFICATES.

24 Section 622 of the Tariff Act of 1930 (19 U.S.C. 1622) is
25 amended by striking out the period at the end thereof and

1 inserting in lieu thereof the following: `` , or to comply
2 with international obligations.'`.

3 SEC. 3126. EXCHANGE OF INFORMATION.

4 The Tariff Act of 1930 is amended by inserting after
5 section 627 the following new section:

6 ``SEC. 628. EXCHANGE OF INFORMATION.

7 ``The Secretary of the Treasury may prescribe regulations
8 authorizing customs officers to exchange information or
9 documents with foreign customs and law enforcement agencies
10 if the Secretary reasonably believes the exchange of
11 information is necessary to--

12 `` (1) insure compliance with any law related to
13 controlled substances that is enforced or administered by
14 the United States Customs Service;

15 `` (2) administer or enforce multilateral or bilateral
16 agreements to which the United States is a party;

17 `` (3) assist in investigative, judicial and quasi-
18 judicial proceedings in the United States; or

19 `` (4) assist a foreign customs or law enforcement
20 agency in taking any action comparable to any of those
21 described in paragraph (1), (2), or (3), or in relation
22 to any proceeding in a foreign country.'`.

23 SEC. 3127. INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.

24 Part V of title IV of the Tariff Act of 1930 is amended
25 by adding at the end thereof the following new section:

1 ``SEC. 629. INSPECTIONS AND PRECLEARANCE IN FOREIGN
2 COUNTRIES.

3 ``(a) In General.--When authorized by treaty or executive
4 agreement, the Secretary may station customs officers in
5 foreign countries for the purpose of examining persons and
6 merchandise prior to their arrival in the United States.

7 ``(b) Functions and Duties.--Customs officers stationed
8 in a foreign country under subsection (a) may exercise such
9 functions and perform such duties (including inspections,
10 searches, seizures and arrests) as may be permitted by the
11 treaty, agreement or law of the country in which they are
12 stationed.

13 ``(c) Compliance.--The Secretary may by regulation
14 require compliance with the customs laws of the United States
15 in a foreign country and, in such a case the customs laws and
16 other civil and criminal laws of the United States relating
17 to the importation of merchandise, filing of false
18 statements, and the unlawful removal of merchandise from
19 customs custody shall apply in the same manner as if the
20 foreign station were a port of entry within the customs
21 territory of the United States.

22 ``(d) Seizures.--When authorized by treaty, agreement or
23 foreign law, merchandise which is subject to seizure or
24 forfeiture under United States law may be seized in a foreign
25 country and transported under customs custody to the customs

1 territory of the United States to be proceeded against under
2 the customs laws.

3 “(e) Stationing of Foreign Customs Officers in the
4 United States.--The Secretary of State, in coordination with
5 the Secretary, may enter into agreements with any foreign
6 country authorizing the stationing in the United States of
7 customs officials of that country (if similar privileges are
8 extended by that country to United States officials) for the
9 purpose of insuring that persons and merchandise going
10 directly to that country from the United States comply with
11 the customs and other laws of that country governing the
12 importation of merchandise. Any foreign customs official
13 stationed in the United States under this subsection may
14 exercise such functions and perform such duties as United
15 States officials may be authorized to perform in that foreign
16 country under reciprocal agreement.

17 “(f) Application of Certain Laws.--When customs
18 officials of a foreign country are stationed in the United
19 States in accordance with subsection (e), and if similar
20 provisions are applied to United States officials stationed
21 in that country--

22 “(1) the provisions of sections 111 and 1114 of
23 title 18, United States Code, shall apply as if the
24 foreign officials were designated in those sections;

25 “(2) any person who in any matter before a foreign

1 customs official stationed in the United States knowingly
2 and willfully falsifies, conceals, or covers up by any
3 trick, scheme, or device a material fact, or makes any
4 false, fictitious or fraudulent statements or
5 representations, or makes or uses any false writing or
6 document knowing the same to contain any false,
7 fictitious or fraudulent statement or entry, shall be
8 liable for a fine of not more than \$10,000, or
9 imprisonment for not more than 5 years, or both.''.
10

10 SEC. 3128. COMMERCIAL COVER.

11 Part V of title IV of the Tariff Act of 1930 is amended
12 by adding at the end thereof the following new section:

13 ``SEC. 630. AUTHORITY TO CONDUCT COMMERCIAL COVER.

14 ``(a) In General.--The Commissioner of Customs may
15 establish and conduct commercial entities such as
16 corporations, partnerships, sole proprietaries, and other
17 business entities as commercial covers to support
18 investigative activities of the United States Customs
19 Service. Such commercial entities may be established only
20 upon written certification by the Commissioner of Customs or
21 a delegate of the Commissioner of Customs that commercial
22 cover is necessary to conduct authorized investigative
23 activities.

24 ``(b) Establishment and Operation.--The establishment and
25 operation of commercial entities pursuant to this section

1 shall be in accordance with prevailing commercial practices
2 so long as such practices are not inconsistent with the
3 purposes of commercial cover. Laws applicable to Federal
4 appropriations, Federal property management, Federal
5 acquisitions, Federal employment and Government corporations
6 shall not apply to the establishment and operation of
7 commercial covers upon the written certification by the
8 Commissioner of Customs, or any delegate of the Commissioner
9 of Customs, that the application of such laws would
10 compromise a commercial cover.

11 “(c) Withdrawal and Deposit of Funds.--The Commissioner
12 of Customs, or any delegate of the Commissioner of Customs,
13 is authorized to deposit and withdraw in banks and other
14 financial institutions--

15 “(1) funds appropriated for the United States
16 Customs Service that are used to conduct commercial
17 cover, and

18 “(2) funds generated by the business entities
19 authorized by this section.

20 “(d) Use of Funds Generated by Commercial Cover.--

21 “(1) Funds generated by any business entities
22 authorized by this section may be used to offset
23 necessary and reasonable expenses incurred by the
24 commercial cover. As soon as practicable, funds generated
25 by a commercial cover that are no longer necessary for

1 the conduct of that commercial cover shall be deposited
2 in the Treasury of the United States as miscellaneous
3 receipts.

4 ``(2) Upon the liquidation, dissolution, sale, or other
5 final disposition of a commercial cover established and
6 conducted under this section and after the payment of all
7 obligations incurred with respect to such commercial cover,
8 any remaining funds described in paragraph (1) or (2) of
9 subsection (c) shall be deposited in the Treasury of the
10 United States as miscellaneous receipts.''.
11

11 PART II--MISCELLANEOUS PROVISIONS

12 SEC. 3131. RECREATIONAL VESSELS.

13 Subsection (b) of section 12109 of title 46, United
14 States Code, is amended by adding at the end thereof the
15 following new sentence: ``Such vessel must, however, comply
16 with all customs requirements for reporting arrival pursuant
17 to section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) and
18 all persons aboard such vessel shall be subject to all
19 applicable customs regulations.''.
20

20 SEC. 3132. PROVISION OF ASSISTANCE TO CUSTOMS OFFICERS.

21 Section 3071 of the Revised Statutes (19 U.S.C. 507) is
22 amended to read as follows:

23 ``(a) Every customs officer shall--

24 ``(1) upon being questioned at the time of executing
25 any of the powers conferred upon him, make known his

1 character as an officer of the Federal Government, and

2 "(2) have the authority to demand the assistance of
3 any person in making any arrest, search, or seizure
4 authorized by any law enforced or administered by customs
5 officers, if such assistance may be necessary.

6 If such person shall, without reasonable excuse, neglect or
7 refuse to assist the customs officer upon proper demand, such
8 person shall be guilty of a misdemeanor and subject to a fine
9 of not more than \$1,000.

10 "(b) Any person other than an officer or employee of the
11 United States who renders assistance in good faith upon the
12 request of a customs officer shall not be held liable for any
13 civil damages as a result of the rendering of such assistance
14 if the assisting person acts as an ordinary, reasonably
15 prudent person would have acted under the same or similar
16 circumstances."

17 SEC. 3133. REPORTS ON EXPORTS AND IMPORTS OF MONETARY
18 INSTRUMENTS.

19 Section 5316(a)(2) of title 31, United States Code is
20 amended by striking out "\$5,000" and inserting in lieu
21 thereof "\$10,000".

22 SEC. 3134. SMUGGLING INVESTIGATIONS.

23 (a) In General.--The first section of the Act of August
24 11, 1955 (69 Stat. 684, chapter 800; 21 U.S.C. 967) is
25 amended by inserting "", the enforcement of chapter 53 of

1 title 31, United States Code, with respect to the reporting
2 of monetary instrument transactions or the transportation of
3 monetary instruments, or the enforcement of Public Law 91-
4 508'' after ''Controlled Substances Act)''.

5 (b) Costs.--Section 3 of the Act of August 11, 1955 (69
6 Stat. 685; 21 U.S.C. 969), is amended by inserting ''and pay
7 the costs of the proceeding'' after ''investigation'' in the
8 second sentence.

9 PART III--AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND
10 EXPORT ACT

11 SEC. 3141. UNLAWFUL IMPORTATION.

12 (a) Section 1009 of the Controlled Substances Import and
13 Export Act (21 U.S.C. 959) is amended--

14 (1) by inserting ''Possession,'' in the heading,

15 (2) by striking out ''It shall'' and inserting in
16 lieu thereof ''(a) It shall'',

17 (3) by striking out ''This section'' and inserting in
18 lieu thereof ''(c) This section'',

19 (4) by inserting ''or into waters within a distance
20 of 12 miles of the coast of the United States'' after
21 ''United States'' each place it appears in subsection
22 (a), and

23 (5) by inserting after subsection (a) the following
24 new subsection:

25 ''(b) It shall be unlawful for any United States citizen

1 on board any aircraft, or any person on board an aircraft
2 owned by a United States citizen or registered in the United
3 States to--

4 “(1) manufacture or distribute a controlled
5 substance, or

6 “(2) possess a controlled substance with intent to
7 distribute.”.

8 (b) The table of contents of the Comprehensive Drug Abuse
9 Prevention and Control Act of 1970 is amended by striking out
10 “Manufacture” in the item relating to section 1009 and
11 inserting in lieu thereof “Possession, manufacture”.

12 PART IV--AMENDMENTS TO THE CRIMINAL CODE

13 SEC. 3151. OPERATION OF AIRCRAFT ~~WITHOUT LIGHTS;~~ ^{WITH} ILLEGAL FUEL
14 TANK INSTALLATIONS.

15 (a) Chapter 2 of title 18, United States Code, is amended
16 by adding at the end thereof the following new section:

17 “§ 36. Illegal fuel installations aboard aircraft

18 “(a) It shall be unlawful for any person to knowingly
19 make a fuel tank or fuel system installation aboard an
20 aircraft, or to operate any aircraft with a fuel tank or fuel
21 system installation aboard, unless such tank or installation
22 is in accordance with all applicable rules, regulations or
23 requirements of the Administrator of the Federal Aviation
24 Administration, including inspection and approval. Any person
25 violating this section shall be subject to a fine of not more

1 than \$5,000 or imprisonment not exceeding two years, or both.
2 Unless exempted by the Administrator of the Federal Aviation
3 Administration, by regulation, authorization from the Federal
4 Aviation Administration to have an auxiliary fuel tank or
5 system installation or modification shall be aboard the
6 aircraft whenever it is operated and such authorization must
7 be shown to any Federal, State, or local law enforcement
8 officer upon request. Failure to have such authorization
9 aboard shall create a presumption that the installation is
10 unlawful.

11 (b) Any unlawful fuel tank or fuel system installation
12 and the aircraft in which it is installed shall be subject to
13 seizure and civil forfeiture. The provisions of law relating
14 to the seizure, summary and judicial forfeiture, and
15 condemnation of property for violation of the customs laws;
16 the disposition of such property or the proceeds from the
17 sale thereof; the remission or mitigation of such
18 forfeitures; and the compromise of claims and the award of
19 compensation to informers in respect of such forfeitures
20 shall apply to seizures and forfeitures incurred, or alleged
21 to have been incurred, under the provisions of this section,
22 insofar as applicable and not inconsistent with the
23 provisions hereof: Provided, That such duties as are imposed
24 upon customs officers or any other person with respect to the
25 seizure and forfeiture of property under the customs law may

1 also be performed with respect to seizures and forfeitures of
2 property under this section by such officers, agents, or
3 other persons as may be authorized or designated for that
4 purpose by the Attorney General.''.
5

6 (b) The table of sections for chapter 2 of title 18 of
7 the United States Code is amended by adding at the end
8 thereof the following:

9 ``36. Illegal fuel installation aboard aircraft.''.
10

11 Subtitle C--Maritime Drug Law Enforcement Prosecution
12 Improvements Act of 1986
13

14 SEC. 3201. SHORT TITLE.

15 This part may be cited as the ``Maritime Drug Law
16 Enforcement Prosecution Improvements Act of 1986''.

17 SEC. 3202. IMPROVEMENT OF PUBLIC LAW 96-350.

18 The Act entitled ``An Act to facilitate increased
19 enforcement by the Coast Guard of laws relating to the
20 importation of controlled substances, and for other
21 purposes'', approved September 15, 1980 (Public Law 96-350;
22 94 Stat. 1159), is amended by striking all after the enacting
23 clause and inserting in lieu thereof the following:

24 ``That this Act may be cited as the 'Maritime Drug Law
Enforcement Act'.

``Sec. 2. The Congress finds and declares that
trafficking in controlled substances aboard vessels is a
serious international problem and is universally condemned.

1 Moreover, such trafficking presents a specific threat to the
2 security and societal well-being of the United States.

3 ``Sec. 3. (a) It is unlawful for any person on board a
4 vessel of the United States, or on board a vessel subject to
5 the jurisdiction of the United States, to knowingly or
6 intentionally manufacture or distribute, or to possess with
7 intent to manufacture or distribute, a controlled substance.

8 ``(b) For purposes of this section, a vessel of the
9 United States means--

10 ``(1) a vessel documented under chapter 121 of title
11 46, or a vessel numbered as provided in chapter 123 of
12 that title;

13 ``(2) a vessel owned in whole or part by--

14 ``(A) the United States or a territory,
15 commonwealth, or possession of the United States;

16 ``(B) a State or political subdivision thereof;

17 ``(C) a citizen or national of the United States;

18 or

19 ``(D) a corporation created under the laws of the
20 United States or any State, the District of Columbia,
21 or any territory, commonwealth, or possession of the
22 United States;

23 unless the vessel has been granted the nationality of a
24 foreign nation in accordance with article 5 of the 1958
25 Convention on the High Seas; and

1 “(3) a vessel that was once documented under the
2 laws of the United States and, in violation of the laws
3 of the United States, was either sold to a person not a
4 citizen of the United States or placed under foreign
5 registry or a foreign flag, whether or not the vessel has
6 been granted the nationality of a foreign nation.

7 “(c) For purposes of this section, ‘vessel subject to
8 the jurisdiction of the United States’ includes--

9 “(1) a vessel without nationality. A vessel without
10 nationality includes:

11 “(A) a vessel aboard which the master or person
12 in charge makes a claim of registry, which claim is
13 denied by the claimed flag state. Such claim may be
14 verified or denied by radio, telephone, or similar
15 oral or electronic means. The denial of the claim of
16 registry by the claimed flag state may be proved by
17 certification of the Secretary of State or his
18 designee;

19 “(B) any vessel aboard which the master or
20 person in charge fails, upon request of an officer of
21 the United States empowered to enforce applicable
22 provisions of United States law, to make a claim of
23 nationality or registry for that vessel. For purposes
24 of this section, a claim of nationality or registry
25 only includes:

1 “(1) possession on board the vessel and
2 production of documents evidencing the vessel’s
3 nationality in accordance with article 5 of the
4 1958 Convention on the High Seas;

5 “(ii) flying its flag state’s ensign or
6 flag; or

7 “(iii) a verbal claim of nationality or
8 registry by the master or person in charge of the
9 vessel.

10 “(2) a vessel assimilated to a vessel without
11 nationality, in accordance with paragraph (2) of article
12 6 of the Convention on the High Seas;

13 “(3) a vessel registered in a foreign country where
14 the flag state has consented or waived objection to the
15 enforcement of United States law by the United States.
16 Such consent or waiver by the flag state may be obtained
17 by radio, telephone, or similar oral or electronic means,
18 and may be proved by certification of the Secretary of
19 State or his designee;

20 “(4) a vessel located within the customs waters of
21 the United States;

22 “(5) a vessel located in the territorial waters of
23 another state, where the state consents to the
24 enforcement of United States law by the United States.
25 Such consent may be obtained by radio, telephone, or

1 similar oral or electronic means, and may be proved by
2 certification of the Secretary of State or his designee.

3 ``(d) A claim of failure to comply with international law
4 in the enforcement of this Act may be invoked solely by a
5 foreign state, and a failure to comply with international law
6 shall not divest a court of jurisdiction or otherwise
7 constitute a defense to any proceeding under this Act.

8 ``(e) This section does not apply to a common or contract
9 carrier, or an employee thereof, who possesses or distributes
10 a controlled substance in the lawful and usual course of the
11 carrier's business or to a public vessel of the United
12 States, or any person on board such a vessel who possesses or
13 distributes a controlled substance in the lawful course of
14 his duties, if the controlled substance is a part of the
15 cargo entered in the vessel's manifest and is intended to be
16 lawfully imported into the country of destination for
17 scientific, medical, or other legitimate purposes. It shall
18 not be necessary for the United States to negative the
19 exception set forth in this subsection in any complaint,
20 information, indictment, or other pleading or in any trial or
21 other proceeding. The burden of going forward with the
22 evidence with respect to this exception is upon the person
23 claiming its benefit.

24 ``(f) Any person who violates this section shall be tried
25 in the United States district court at the point of entry

1 where that person enters the United States, or in the United
2 States District Court of the District of Columbia.

3 “(g)(1) Any person who commits an offense defined in
4 this section shall be punished in accordance with the
5 penalties set forth in section 1010 of the Comprehensive Drug
6 Abuse Prevention and Control Act of 1970 (21 U.S.C 801 et
7 seq.).

8 “(2) Notwithstanding paragraph (1) of this subsection,
9 any person convicted of an offense under this Act shall be
10 punished in accordance with the penalties set forth in
11 section 1012 of the Comprehensive Drug Abuse Prevention and
12 Control Act of 1970 (21 U.S.C. 801 et seq.) if such offense
13 is a second or subsequent offense as defined in section
14 1012(b) of that Act.

15 “(h) This section is intended to reach acts of
16 possession, manufacture, or distribution committed outside
17 the territorial jurisdiction of the United States.

18 “(i) The definitions in the Comprehensive Drug Abuse
19 Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.)
20 apply to terms used in this Act.

21 “(j) Any person who attempts or conspires to commit any
22 offense defined in this Act is punishable by imprisonment or
23 fine or both which may not exceed the maximum punishment
24 prescribed for the offense, the commission of which was the
25 object of the attempt or conspiracy.

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

5 (b) Not later than December 1, 1986, the Secretary of
6 Defense, in consultation with the National Drug Enforcement
7 Policy Board and the Department of Education, shall submit to
8 the Committees on Armed Services of the Senate and the House
9 of Representatives a report containing a discussion of (1)
10 the extent to which youth enrolled in schools operated by the
11 Department of Defense for dependent members of the Armed
12 Forces are receiving education on drug and substance abuse,
13 (2) the types of drug education programs that are currently
14 being provided in such schools, (3) whether additional drug
15 education programs are needed in such schools, and (4) the
16 extent to which drug education programs for youth in grades K
17 through 12 include or should include preventative peer
18 counseling classes.

19 Subtitle E--Driving While Impaired by Drug Intoxication to be
20 Punishable Under the Uniform Code of Military Justice
21 SEC. 3301. DRIVING WHILE IMPAIRED.

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

1 Subtitle F--Drug Interdiction Assistance to Civilian Law
2 Enforcement Officials

3 SEC. 3351. ASSISTANCE TO CIVILIAN LAW ENFORCEMENT.

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

9 Subtitle G--Drug Law Enforcement Cooperation Study

10 SEC. 3551. DRUG LAW ENFORCEMENT COOPERATION STUDY.

11 (a) The National Drug Enforcement Policy Board, in
12 consultation with the National Narcotics Border Interdiction
13 System and State and local law enforcement officials, shall
14 study Federal drug law enforcement efforts and make
15 recommendations as provided in subsection (b). The Board
16 shall report to Congress within 180 days of enactment of this
17 subtitle on its findings and conclusions.

18 (b) The report of the Board shall include recommendations
19 on--

20 (1) the means of improving the Nation's drug
21 interdiction programs;

22 (2) the relative effectiveness and efficiency of
23 various law enforcement strategies, including
24 interdiction;

25 (3) ways to maximize coordination and cooperation

1 among Federal, State, local drug law enforcement
2 agencies; and

3 (4) ways to maximize coordination and cooperation
4 between the several Federal agencies involved with drug
5 interdiction, along with a recommendation on the transfer
6 of mission from one agency to another.

7 Subtitle H--Drug Interdiction

8 SEC. 3601. EMERGENCY ASSISTANCE BY DEPARTMENT OF DEFENSE

9 PERSONNEL.

10 Subsection (c) of section 374 of title 10, United States
11 Code, is amended to read as follows:

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

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

20 `` (B) to transport such law enforcement officials in
21 connection with such operations, including to transport
22 such officials into the land area of the United States
23 (or any territory or possession of the United States) in
24 cases involving the hot pursuit of vessels or aircraft
25 when such pursuit began outside such land area,

1 if the Secretary of Defense and the Attorney General jointly,
2 in consultation with the Secretary of State, determine that
3 an emergency circumstance exists.

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

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

13 “(i) identifying such vessels and aircraft; and

14 “(ii) monitoring and communicating the location and
15 movement of such vessels and aircraft until Federal,
16 State, and local law enforcement officials can assume
17 such responsibilities,

18 if the Secretary of Defense and the Attorney General jointly,
19 in consultation with the Secretary of State, determine that
20 an emergency circumstance exists and that enforcement of a
21 law listed in subsection (a) would be seriously impaired if
22 such use of equipment were not permitted.

23 “(3) For purposes of this subsection, an emergency
24 circumstance exists when--

25 “(A) the size or scope of the suspected criminal

1 activity in a given situation poses a serious threat to
2 the interests of the United States; and

3 "(B) the assistance described in this subsection
4 would significantly enhance the enforcement of a law
5 listed in subsection (a)."

1 TITLE IV--DEMAND REDUCTION

2 Subtitle A--Treatment and Rehabilitation

3 SEC. 4001. SHORT TITLE; REFERENCE.

4 (a) This subtitle may be cited as the "Alcohol and Drug
5 Abuse Amendments of 1986".

6 (b) Except as otherwise specifically provided, whenever
7 in this subtitle an amendment or repeal is expressed in terms
8 of an amendment to a section or other provision, the
9 reference shall be considered to be a reference to a section
10 or other provision of the Public Health Service Act.

11 SEC. 4002. EXTENSION OF ALCOHOL, DRUG, ABUSE, AND MENTAL
12 HEALTH BLOCK GRANT.

13 (a) Section 1911 is amended--

14 (1) by striking out "\$576,000,000" and inserting in
15 lieu thereof "\$675,000,000"; and

16 (2) by adding at the end thereof the following new
17 sentence: "Of the amounts appropriated under the
18 preceding sentence for fiscal year 1987, \$125,000,000
19 shall be available for allotments to States under section
20 1921."

21 (b)(1) Title XIX is amended by inserting after section
22 1920A the following new sections:

23 SPECIAL ALLOTMENTS TO STATES FOR ALCOHOL ABUSE AND DRUG ABUSE
24 TREATMENT AND REHABILITATION PROGRAMS

25 "Sec. 1921. (a)(1) The allotment of a State under this

1 section for a fiscal year shall be the sum of the amounts
2 allotted to such State under paragraphs (2) and (3).

3 “(2) Twenty-five percent of the amount available for
4 allotment under this section for a fiscal year shall be
5 allotted in accordance with this subsection. The allotment of
6 a State under this subsection for a fiscal year shall be an
7 amount which bears the same ratio to the total amount
8 required pursuant to the preceding sentence to be allotted
9 under this subsection for such fiscal year as the population
10 of such State bears to the population of all States.

11 “(3) Seventy-five percent of the amount available for
12 allotment under this section for a fiscal year shall be
13 allotted by the Secretary to States on the basis of the need
14 of each State for amounts for programs and activities for the
15 treatment and rehabilitation of the alcohol abuse and drug
16 abuse. In determining such need for each State under this
17 subsection, the Secretary shall consider--

18 “(A) the nature and extent, in the State and in
19 particular areas of the State, of the demand for
20 effective programs and activities for the treatment and
21 rehabilitation of alcohol abuse and drug abuse;

22 “(B) the number of individuals in the State who
23 abuse alcohol or drugs and the capacity of the State to
24 provide treatment and rehabilitation for such individuals
25 (as determined by the Secretary on the basis of the

1 number of individuals who requested treatment for alcohol
2 abuse and drug abuse in the State during the most recent
3 calendar year ending prior to the date on which a
4 statement is submitted by the State under subsection (c);

5 "(C) the commitment of the State to the provision of
6 services for the treatment and rehabilitation of alcohol
7 abuse and drug abuse (as determined by the Secretary
8 after an evaluation of the expenditures of the State for
9 such services during the calendar year described in
10 subparagraph (B) and of the ability of the State to meet
11 the need for such services);

12 "(D) the availability in the State of Federal,
13 State, and local resources to satisfy the needs in such
14 State for services described in subparagraph (C); and

15 "(E) the number of low-income individuals in the
16 State who need treatment and rehabilitation for alcohol
17 abuse and drug abuse and who do not have insurance to pay
18 the costs of such treatment and rehabilitation or who are
19 not eligible to receive services for such treatment and
20 rehabilitation under the State plan approved under title
21 XIX of the Social Security Act.

22 "(b)(1) For each fiscal year, the Secretary shall make
23 payments, as provided by section 6503 of title 31, United
24 States Code, to each State from its allotment under
25 subsection (a) from amounts appropriated for that fiscal

1 year.

2 “(2) Any amount paid to a State under paragraph (1) for
3 a fiscal year and remaining unobligated at the end of such
4 fiscal year shall remain available to such State for the
5 purposes for which it was made for the next fiscal year.

6 “(c) In order to receive an allotment for a fiscal year
7 under subsection (a), each State shall include with the
8 application submitted to the Secretary under section 1916 a
9 separate statement requesting an allotment under this
10 section. Each such statement shall contain--

11 “(1) such information as the Secretary may
12 prescribe, including information necessary for the
13 Secretary to consider the matters specified in
14 subparagraphs (A) through (F) of subsection (a)(3);

15 “(2) a description of the manner in which programs
16 and activities conducted with payments under subsection
17 (b) will be coordinated with other public and private
18 programs and activities directed toward individuals who
19 abuse alcohol and drugs;

20 “(3) assurances that, in the preparation of any
21 application under this section, the State will consult
22 with local governments and public and private entities,
23 including community based organizations, involved in the
24 provision of services for the treatment and
25 rehabilitation of alcohol abuse and drug abuse;

1 “(4) a description of the manner in which the State
2 will evaluate programs and activities conducted with
3 payments made to the State under subsection (b) and
4 assurances that the State will report periodically to the
5 Secretary on the results of such evaluations; and

6 “(5) assurances that payments made to the State
7 under subsection (b) will supplement and not supplant any
8 State or local expenditures for the treatment and
9 rehabilitation of alcohol abuse and drug abuse that would
10 have been made in the absence of such payments.

11 “(d) Except as provided in subsections (e), (f), and
12 (i), amounts paid to a State under subsection (b) may be used
13 by the State for alcohol abuse and drug abuse treatment and
14 rehabilitation programs and activities, including--

15 “(1) activities to increase the availability and
16 outreach of programs provided by major treatment centers
17 and regional branches of such centers which provide
18 services in a State in order to reach the greatest number
19 of people;

20 “(2) activities to expand the capacity of alcohol
21 abuse and drug abuse treatment and rehabilitation
22 programs and facilities to provide treatment and
23 rehabilitation services for alcohol abusers and drug
24 abusers who have been refused treatment due to lack of
25 facilities or personnel; and

1 “(3) activities to provide access to vocational
2 training, job counseling, and education equivalency
3 programs to alcohol abusers and drug abusers in need of
4 such services in order to enable such abusers to become
5 productive members of society.

6 “(e) A state shall use 5 percent of the total amount
7 paid to a State under subsection (b) for a fiscal year to
8 carry out the programs described in section 1922.

9 “(f) Of the total amount paid to any State under
10 subsection (b) for a fiscal year, not more than 2 percent may
11 be used for administering the funds made available under such
12 subsection. The State will pay from non-Federal sources the
13 remaining costs of such administering such funds.

14 “(g) The Secretary may provide training and technical
15 assistance to States in planning and operating activities to
16 be carried out under this section.

17 “(h) The Secretary may conduct data collection
18 activities to enable the Secretary to carry out this section.

19 “(i) The provisions of subsections (a) and (d) and
20 paragraphs (1) through (5) of subsection (b) of section 1917
21 and the provisions of sections 1914(b), 1915(b), 1918, 1919,
22 and 1920 shall apply to this section in the same manner as
23 such provisions apply to payments made under section 1914
24 from allotments made under section 1913.

25 “STATE PROGRAMS FOR HIGH RISK YOUTH

1 ``Sec. 1922. A State shall use the amounts required by
2 sections 1916(c)(8) and 1921(e) to be used under this section
3 for model, innovative, community based programs to provide
4 multiple coordinated services for alcohol abuse and drug
5 abuse prevention, treatment, and rehabilitation directed
6 toward high risk youth. For purposes of this paragraph, the
7 term 'high risk youth' means an individual who has not
8 attained the age of 21 years, who is at high risk of
9 becoming, or who has become, a drug abuser or an alcohol
10 abuser, and who--

11 (1) is identified as a child of a substance abuser;

12 (2) is a victim of physical, sexual, or psychological
13 abuse;

14 (3) has dropped out of school;

15 (4) has become pregnant;

16 (5) is economically disadvantaged;

17 (6) has committed a violent or delinquent act;

18 (7) has experienced mental health problems;

19 (8) has attempted suicide; or

20 (9) is disabled by injuries.''.
21

22 SEC. 4003. REVISION OF ALLOTMENT PROCEDURES APPLICABLE TO

23 INDIAN TRIBES.

24 (a) Section 1902(d)(1) is amended to read as follows:

25 ``(d)(1) If the Secretary receives a request from the
governing body of an Indian tribe or tribal organization

1 within any State that funds under subsection (a) be provided
2 directly by the Secretary to such tribe or organization, the
3 Secretary shall reserve from amounts which would otherwise be
4 allotted to such State under subsection (a) for a fiscal year
5 the amount determined under paragraph (2).''.

6 (b) Section 1913(b)(1) is amended to read as follows:

7 ''(d)(1) If the Secretary receives a request from the
8 governing body of an Indian tribe or tribal organization
9 within any State that funds under subsection (a) be provided
10 directly by the Secretary to such tribe or organization, the
11 Secretary shall reserve from amounts which would otherwise be
12 allotted to such State under subsection (a) for a fiscal year
13 the amount determined under paragraph (2).''.

14 SEC. 4004. REVISION OF CERTAIN BLOCK GRANT EARMARKS.

15 (a) Section 1916(c) is amended--

16 (1) by striking out ''35'' each place it appears in
17 subparagraphs (A) and (B) of paragraph (7) and inserting
18 in lieu thereof ''25'';

19 (2) by striking out paragraph (8) and inserting in
20 lieu thereof the following:

21 ''(8) Of the amount to be used in any fiscal year for
22 alcohol abuse and drug abuse activities, the State agrees
23 to use not less than 80 percent of such amount for
24 treatment and rehabilitation programs for individuals who
25 abuse alcohol or drugs.''; and

1 (3) by adding at the end thereof the following new
2 paragraph:

3 `` (16) of the amount to be used in any fiscal year
4 for alcohol abuse and drug abuse activities, the State
5 agrees to use not less than 5 percent of such amount for
6 programs described in section 1922.``.

7 SEC. 4005. SENSE OF THE SENATE WITH RESPECT TO POSSESSION OR
8 DISTRIBUTION OF DRUGS UNDER STATE LAW.

9 It is the sense of the Senate that, if the possession or
10 distribution of a drug is an offense under the Controlled
11 Substances Act, the laws of the States should not be amended
12 or revised to provide that the possession or distribution,
13 respectively, of such drug is not a criminal offense.

14 SEC. 4006. ADVISORY COUNCILS.

15 (a) Part A of title V is amended by redesignating
16 sections 505 and 506 as sections 506 and 507, respectively,
17 and by inserting after section 504 the following new section:

18 ``ADVISORY COUNCILS

19 ``Sec. 505. (a)(1) The Secretary shall appoint an
20 advisory council for the National Institute on Alcohol Abuse
21 and Alcoholism, for the National Institute on Drug Abuse, and
22 for the National Institute of Mental Health. Each such
23 advisory council shall advise, consult with, and make
24 recommendations to the Secretary and the Director of the
25 national research institute for which it was appointed on--

1 “(A) matters relating to the activities carried out
2 by and through the Institute and the policies respecting
3 such activities; and

4 “(B) matters relating to activities carried out by
5 the Secretary and the National Institutes respecting the
6 disease, disorder, or other aspect of human health with
7 which the advisory council is concerned.

8 “(2) Each advisory council for a national research
9 institute may recommend to the Secretary acceptance, in
10 accordance with section 2101, of conditional gifts for--

11 “(A) study, investigation, or research respecting
12 the diseases, disorders, or other aspect of human health
13 with respect to which the institute was established;

14 “(B) the acquisition of grounds for the institute;
15 or

16 “(C) the construction, equipping, or maintenance of
17 facilities for the institute.

18 “(3) Each advisory council for a national research
19 institute--

20 “(A)(i) may on the basis of the materials provided
21 under section 507(d)(2) respecting research conducted at
22 the institute, make recommendations to the Director of
23 the institute respecting such research;

24 “(ii) shall review applications for grants and
25 cooperative agreements for research or training and for

1 which advisory council approval is required under section
2 507(e)(2), and recommend for approval applications for
3 projects which show promise of making valuable
4 contributions to human knowledge; and

5 "(iii) may review any grant, contract, or
6 cooperative agreement proposed to be made or entered into
7 by the institute;

8 "(B) may collect, by correspondence or by personal
9 investigation, information as to studies which are being
10 carried on in the United States or any other country as
11 to the diseases, disorders, or other aspect of human
12 health with respect to which the national research
13 institute was established and with the approval of the
14 Director of the institute make available such information
15 through appropriate publications for the benefit of
16 public and private health entities and health professions
17 personnel and scientists and for the information of the
18 general public; and

19 "(C) may appoint subcommittees and convene workshops
20 and conferences.

21 "(b)(1) Each advisory council shall consist of ex
22 officio members and not more than 12 members appointed by the
23 Secretary.

24 "(2) The ex officio members of an advisory council shall
25 consist of--

1 “(A) the Secretary, the Administrator, the Director
2 of the national research institute for which the advisory
3 council is established, the Chief Medical Director of the
4 Veterans’ Administration, and the Assistant Secretary of
5 Defense for Health Affairs (or the designees of such
6 officers), and

7 “(B) such additional officers or employees of the
8 United States as the Secretary determines necessary for
9 the advisory council to effectively carry out its
10 functions.

11 “(3) The members of an advisory council who are not ex
12 officio members shall be appointed as follows:

13 “(A) Nine of the members shall be appointed by the
14 Secretary from among the leading representatives of the
15 health and scientific disciplines (including public
16 health and the behavioral or social sciences) relevant to
17 the activities of the national research institute for
18 which the advisory council is established.

19 “(B) Three of the members shall be appointed by the
20 Secretary from the general public and shall include
21 leaders in fields of public policy, public relations,
22 law, health policy, economics, and management.

23 “(4) Members of an advisory council who are officers or
24 employees of the United States shall not receive any
25 compensation for service on the advisory council. The other

1 members of an advisory council shall receive, for each day
2 (including travel time) they are engaged in the performance
3 of the functions of the advisory council, compensation at
4 rates not to exceed the daily equivalent of the annual rate
5 in effect for grade GS-18 of the General Schedule.

6 “(c) The term of office of an appointed member of an
7 advisory council is 4 years, except that any member appointed
8 to fill a vacancy for an unexpired term shall be appointed
9 for the remainder of such term and the Secretary shall make
10 appointments to an advisory council in such manner as to
11 ensure that the terms of the members do not all expire in the
12 same year. A member may serve after the expiration of the
13 member's term until a successor has taken office. A member
14 who has been appointed for a term of 4 years may not be
15 reappointed to an advisory council before 2 years from the
16 date of expiration of such term of office. If a vacancy
17 occurs in the advisory council among the appointed members,
18 the Secretary shall make an appointment to fill the vacancy
19 within 90 days from the date the vacancy occurs.

20 “(d) The chairman of an advisory council shall be
21 selected by the Secretary from among the appointed members,
22 except that the Secretary may select the Director of the
23 national research institute for which the advisory council is
24 established to be the chairman of the advisory council. The
25 term of office of chairman shall be 2 years.

1 “(e) The advisory council shall meet at the call of the
2 chairman or upon the request of the Director of the national
3 research institute for which it was established, but at least
4 3 times each fiscal year. The location of the meetings of
5 each advisory council is subject to the approval of the
6 Director of the national research institute for which the
7 advisory council was established.

8 “(f) The Director of the national research institute for
9 which an advisory council is established shall designate a
10 member of the staff of the institute to serve as the
11 executive secretary of the advisory council. The Director of
12 such institute shall make available to the advisory council
13 such staff, information, and other assistance as it may
14 require to carry out its functions. The Director of such
15 institute shall provide orientation and training for new
16 members of the advisory council to provide them with such
17 information and training as may be appropriate for their
18 effective participation in the functions of the advisory
19 council.”.

20 (b) Section 217 is amended--

21 (1) by striking out subsections (a), (b), (c), and
22 (d);

23 (2) by striking out “(e)(1)” and inserting in lieu
24 thereof “(a)”;

25 (3) by striking out “(2)” and inserting in lieu

1 thereof ``(b)'';

2 (4) by striking out ``(3)'' and inserting in lieu
3 thereof ``(c)'';

4 (5) by striking out ``(4)'' and inserting in lieu
5 thereof ``(d)''; and

6 (6) by redesignating clauses (A) and (B) of
7 subsection (c) (as redesignated by the amendment made by
8 paragraph (4) of this subsection) as clauses (1) and (2),
9 respectively.

10 SEC. 4007. PUBLIC HEALTH EMERGENCIES.

11 Part A of title V (as amended by section 4006 of this
12 Act) is further amended by adding at the end thereof the
13 following:

14 ``RESEARCH ON PUBLIC HEALTH EMERGENCIES

15 ``Sec. 508. (a) If the Secretary determines, after
16 consultation with the Administrator, the Commissioner of Food
17 and Drugs, or the Director of the Centers for Disease
18 Control, that a disease or disorder within the jurisdiction
19 of a national research institute constitutes a public health
20 emergency, the Secretary, acting through the Administrator--

21 ``(1) shall expedite the review by advisory councils
22 and by peer review groups of applications for grants for
23 research on such disease or disorder or proposals for
24 contracts for such research;

25 ``(2) shall exercise the authority in section 3709 of

1 the Revised Statutes (41 U.S.C. 5) respecting public
2 exigencies to waive the advertising requirements of such
3 section in the case of proposals for contracts for such
4 research;

5 "(3) may provide administrative supplemental
6 increases in existing grants and contracts to support new
7 research relevant to such disease or disorder; and

8 "(4) shall disseminate, to health professionals and
9 the public, information on the cause, prevention, and
10 treatment of such disease or disorder that has been
11 developed in research assisted under this section.

12 The amount of an increase in a grant or contract provided
13 under paragraph (3) may not exceed one-half the original
14 amount of the grant or contract.

15 "(b) Not later than 90 days after the end of a fiscal
16 year, the Secretary shall report to the Committee on Energy
17 and Commerce of the House of Representatives and the
18 Committee on Labor and Human Resources of the Senate on
19 actions taken under subsection (a) in such fiscal year."

20 SEC. 4008. RESEARCH AUTHORIZATION.

21 (a) Section 513 is amended to read as follows:

22 "AUTHORIZATIONS OF APPROPRIATIONS

23 "Sec. 513. There are authorized to be appropriated to
24 carry out this subpart \$69,000,000 for fiscal year 1987."

25 (b) Section 517 is amended to read as follows:

1 "AUTHORIZATIONS OF APPROPRIATIONS

2 "Sec. 517. There are authorized to be appropriated to
3 carry out this subpart \$129,000,000 for fiscal year 1987."

4 SEC. 4009. STUDIES ON THE HEALTH EFFECTS OF ALCOHOL
5 CONSUMPTION.

6 (a) The Congress finds that--

7 (1) the most abused drug in America is alcohol;

8 (2) alcohol use costs the American economy nearly
9 \$120,000,000,000 per year, including increased medical
10 expenses and decreased productivity;

11 (3) in 1984, 53 percent of the traffic fatalities in
12 the United States, accounting for more than 23,500
13 deaths, were related to the consumption of alcohol;

14 (4) over 12,000,000 American adults have one or more
15 symptoms of alcoholism, and this represents an 8.2
16 percent increase in problem drinking since 1980;

17 (5) in 1984, almost 3,300,000 individuals between the
18 ages of 14 and 17 experienced serious problems at home,
19 in school, or with the law because of alcohol
20 consumption;

21 (6) fetal alcohol syndrome is the third leading cause
22 of birth defects, and is the only preventable cause of
23 birth defects among the top three causes;

24 (7) nearly 5,000 babies per year are born with birth
25 defects related to fetal alcohol syndrome;