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CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Rudolph G. Penner
Director

August 14, 1986

Honorable Dan Rostenkowski
Chairman
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 5410, the International Drug Traffic Enforcement Act of 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner

Rudolph G. Penner

cc: Honorable John J. Duncan
Ranking Minority Member

in Encl at last sent

By J. J. Duncan

cc: Carson

Encl

Last Jack Walker

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

August 14, 1986

1. BILL NUMBER: H.R. 5410
2. BILL TITLE: International Drug Traffic Enforcement Act of 1986
3. BILL STATUS:

As ordered reported by the House Committee on Ways and Means, August 7, 1986.

4. BILL PURPOSE:

Title I of the bill would amend the Tariff Act of 1930. The bill would prohibit the importation of drug paraphernalia, include "monetary instruments" and "controlled substances" as items covered by the act, change the reporting procedures for incoming vessels, increase criminal penalties for customs violations, require that pedestrians cross the border only at approved crossings, and change marine and aviation anti-smuggling laws to close existing loopholes and clarify existing provisions.

Title I would also extend the authorization for the Customs Forfeiture Fund. Under current law, the fund's authorization, set at \$10 million for fiscal year 1987, would expire at the end of that year. H.R. 5410 would authorize the appropriation of up to \$20 million from fund receipts for 1987 and for each fiscal year thereafter through 1991. The bill would also allow appropriations to the fund to be expended for additional purposes such as equipping vehicles for the Customs Service, purchasing evidence, and reimbursing citizens for expenses associated with Customs Service investigations.

Title II of the bill would authorize appropriations for the Customs Service for fiscal year 1987. In total, Title II authorizes \$1,145 million, which includes \$848 million for salaries and expenses and \$297 million for the air interdiction program (AIP). The 1986 budget authority is currently \$717 million for salaries and expenses and \$75 million for AIP, after sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 and supplemental appropriations provided by Public Law 99-349. The President has requested 1987 funding of \$693 million for salaries and expenses and \$55 million for AIP. H.R. 5410 specifies that \$99 million of the Customs Service funding be used for additional drug enforcement personnel; the bill also specifies that \$220 million of AIP funding be allocated for purchases of additional equipment.

H.R. 5410 would impose and increase various criminal and civil penalties relating to international drug traffic violations. In addition, Title III would require the President to identify "uncooperative drug source nations" based on criteria contained in the bill. Such nations would no longer be allowed to receive preferential tariff treatment on products exported to the United States.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal years, in millions of dollars)

	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Customs Forfeiture Fund					
Estimated Authorization Level	10	12	12	12	12
Estimated Outlays	10	12	12	12	12
Customs Service Salaries and Expenses					
Authorization Level	848	---	---	---	---
Estimated Outlays	752	96	---	---	---
AIP Operations					
Authorization Level	297	---	---	---	---
Estimated Outlays	<u>160</u>	<u>74</u>	<u>37</u>	<u>13</u>	<u>13</u>
TOTAL					
Estimated Authorization Level	1,155	12	12	12	12
Estimated Outlays	922	182	49	25	25

The costs of this bill fall within budget functions 750 and 800.

Basis of Estimate:


In general, CBO assumes that the bill will be enacted before the end of fiscal year 1986 and that the full amounts authorized will be appropriated for 1987. The estimated outlays for activities authorized under current law are based on historical spending patterns. Other outlay estimates are discussed below.

H.R. 5410 authorizes the appropriation of up to \$20 million a year to the Customs Service from the receipts that accrue to the Customs Forfeiture Fund. The bill requires that any balance in the fund at the end of a fiscal year be deposited in the general fund of the Treasury. Because appropriations are limited by the amount of receipts in the fund during a year, CBO estimates that after 1987, not more than \$12 million could be appropriated for each year, based on projections of future fund receipts and balances. The estimated authorization level of \$10 million for 1987 is the amount that the bill would authorize in addition to the \$10 million already authorized under current law for 1987. We estimate that the fund balance will be sufficient to appropriate the entire \$20 million that would be authorized for 1987 if H.R. 5410 is enacted.

The estimated outlays for the proposed expansions of the AIP and drug enforcement program are based on information provided by the Customs Service. These funds would cover the costs of approximately 875 additional positions, radar systems, aircraft, boats, radios and electronic sensing devices. A major portion of these funds would cover the costs of expanding the command, control, communications and intelligence centers at four locations.

Because it is uncertain which tariff measures might be implemented under Title III, CBO cannot estimate at this time the revenue effects of these provisions. In addition, CBO does not expect the revenue effects of the criminal and civil penalty provisions in Title I to be substantial.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None.
7. ESTIMATE COMPARISON: None.
8. PREVIOUS CBO ESTIMATE: None.
9. ESTIMATE PREPARED BY: Michael Sieverts and James Hearn (226-2860)
10. ESTIMATE APPROVED BY:


for James L. Blum
Assistant Director
for Budget Analysis



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

August 11, 1986

Rudolph G. Penner
Director

RECEIVED

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2137 Rayburn House Office Building
Washington, D.C. 20515

JUDICIARY COMMITTEE

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 5246, the Designer Drug Enforcement Act of 1986, as ordered reported by the House Committee on the Judiciary, July 29, 1986. We estimate that no significant cost to the federal government and no cost to state or local governments would result from enactment of this bill.

H.R. 5246 would make "controlled substance analogs" subject to the Controlled Substances Act. This would enable the Drug Enforcement Administration to prosecute chemists who develop subtle chemical variations of controlled substances (called "designer drugs").

This bill would aid prosecution in cases brought by the Drug Enforcement Administration involving controlled substance analogs. It would not significantly change investigative efforts or costs, as these drugs are currently investigated and tested. It would make possible prosecution and conviction in some cases where it is currently not possible.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner

cc: Honorable Hamilton Fish, Jr.
Ranking Minority Member



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Rudolph G. Penner
Director

August 12, 1986

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2137 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 5076, the Drug and Alcohol Dependent Offenders Treatment Act of 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

A handwritten signature in cursive script, appearing to read "Rudy Penner".

Rudolph G. Penner

cc: Honorable Hamilton Fish, Jr.
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

August 12, 1986

1. BILL NUMBER: H.R. 5076
2. BILL TITLE: Drug and Alcohol Dependent Offenders Treatment Act of 1986
3. BILL STATUS:

As ordered reported by the House Committee on the Judiciary, July 29, 1986.

4. **BILL PURPOSE:**

This bill reestablishes the authority of the Administrative Office of the U.S. Courts to contract for treatment for drug abuse of federal offenders on probation or parole. This bill also permits the Administrative Office to contract for treatment of alcohol dependency for such programs.

5. **ESTIMATED COST TO THE FEDERAL GOVERNMENT:**

(by fiscal years, in millions of dollars)

	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Authorization Level	0.5	12.0	14.0	16.0	---
Estimated Outlays	---	10.0	13.6	15.7	2.7

The costs of this bill fall within budget function 750.

Basis of Estimate:

It is assumed that the full amounts authorized for each fiscal year will be appropriated prior to the start of that fiscal year. Because this estimate assumes enactment on approximately October 1, 1986, it assumes that none of the funds authorized for fiscal year 1986 will be appropriated, and therefore those authorizations will result in no outlays. The outlay estimate is based on the historical spending rate for this activity.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None.
7. ESTIMATE COMPARISON: None.
8. PREVIOUS CBO ESTIMATE: None.
9. ESTIMATE PREPARED BY: Mitchell Rosenfeld (226-2860)
10. ESTIMATE APPROVED BY:

C. J. Nicol
James L. Blum
Assistant Director
for Budget Analysis



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

AUG 15 1986

JUDICIARY COMMITTEE

Rudolph G. Penner
Director

August 15, 1986

Honorable Peter W. Rodino, Jr.
Chairman
~~Committee on the Judiciary~~
U.S. House of Representatives
2137 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 4885, the Career Criminal Amendments Act of 1986, as ordered reported by the House Committee on the Judiciary, July 29, 1986.

The Armed Career Criminal Act of 1984 provides for a fine of up to \$25,000 and imprisonment for not less than 15 years for any person who receives, possesses, or transports any firearm and who has three prior convictions for robbery, burglary or both. H.R. 4885 would expand the offenses covered by the 1984 act to encompass violent felonies and serious drug offenses.

Based on information provided by the Department of Justice, CBO estimates that this bill would not result in a significant increase in the costs of the Department's investigations or prosecutions. Enactment of this bill could result in increased costs to the federal government for incarceration of prisoners, because of the bill's mandatory sentencing requirements. Successful prosecution of these cases would result in prison terms of at least 15 years, compared to an average prison term of approximately four years for felony convictions under existing law. Because the number of prosecutions and subsequent convictions resulting from the bill depend on discretionary actions taken by the Department of Justice and the courts, CBO cannot estimate these costs. However, prosecutions and convictions under the current act have been relatively few, and the costs of H.R. 4885 are not likely to be substantial.

No costs would be incurred by state or local governments as a result of enactment of this bill.

Honorable Peter W. Rodino, Jr.
August 15, 1986
Page Two

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "Rudy Penner", written over a horizontal line.

Rudolph G. Penner
Director

cc: Honorable Hamilton Fish, Jr.
Ranking Minority Member



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

AUG 15 1986

August 13, 1986

Rudolph G. Penner
Director

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2137 Rayburn House Office Building
~~Washington, D.C. 20515~~

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.J. Res. 631, the "White House Conference on Drug Abuse and Control Resolution of 1986," as ordered reported by the House Committee on the Judiciary, July 29, 1986.

H.J. Res. 631 mandates that the President call a White House Conference on Drug Abuse and Control not later than nine months after the date the resolution is approved, that a final report of the conference be submitted to the President and the Congress not more than six months after the date on which the conference is convened, and that the President report to the Congress annually during the three-year period following the submission of the final report of the conference.

Based on the projected costs of the upcoming White House Conference on Small Business, CBO estimates that a conference of that magnitude (approximately 3,000 participants) would cost between \$4 million and \$5 million. The organizers of the conference would have discretion as to its size, and therefore costs could differ from this estimate. Almost all costs would be incurred in fiscal year 1987, the year in which the conference would be held. No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner

cc: Honorable Hamilton Fish, Jr.
Ranking Minority Member

RECEIVED
AUG 14 1986
JUDICIARY COMMITTEE



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

August 20, 1986

Rudolph G. Penner
Director

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2137 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 5393, the Drug Enforcement Enhancement Act of 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner

cc: Honorable Hamilton Fish, Jr.
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

August 20, 1986

1. BILL NUMBER: H.R. 5393

2. BILL TITLE: Drug Enforcement Enhancement Act of 1986

3. BILL STATUS:

As ordered reported by the House Committee on the Judiciary, August 13, 1986.

4. BILL PURPOSE:

This bill authorizes 1987 appropriations of \$258 million for the Department of Justice. This authorization would be in addition to amounts appropriated for 1987 prior to enactment of this legislation. It also authorizes appropriations of \$450 million for fiscal year 1988 and \$500 million for fiscal year 1989 for prison construction and \$27 million for fiscal year 1989 for prison system salaries. H.R. 5393 would create a Bureau of Justice Assistance drug grant program authorized at \$100 million for fiscal year 1987 and \$200 million for fiscal year 1988. This program would provide grants to state and local governments for the purpose of enforcing state and local laws that establish offenses similar to offenses established in the Controlled Substances Act.

This bill would also allow the Assets Forfeiture Fund to be used to pay for necessary program-related expenses and for equipping for law enforcement functions any vessels, vehicles and aircraft available for the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), or the Immigration and Naturalization Service. This bill also would increase from \$5 million to \$10 million the balance in the fund that can be carried forward and available for appropriation at the beginning of the following fiscal year, and reauthorizes the fund for an additional fiscal year, 1988.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal years, in millions of dollars)

	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Authorization Level					
DEA	60	—	—	—	—
United States Attorneys	31	—	—	—	—
United States Marshals	20	—	—	—	—
Federal Prison Construction	140	450	500	—	—
Federal Prison System	7	—	27	—	—
Drug Grant Program	100	200	—	—	—
Assets Forfeiture Fund	—	31	—	—	—
Total Authorization	358	681	527	—	—
Estimated Outlays	153	309	541	363	180

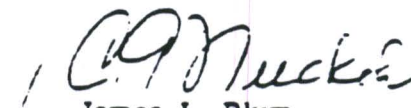
The costs of this bill fall within budget function 750.

Basis of Estimate:

For purposes of this estimate, it is assumed that this bill would be enacted prior to the beginning of fiscal year 1987. The authorization levels are those specified in the bill, except for the Assets Forfeiture Fund. There is no specific amount authorized for that fund, and the estimate assumes the CBO baseline level for 1988. Relative to current law, H.R. 5393 would increase by \$5 million the unobligated balances available for appropriation for this fund in 1987, 1988, and 1989, and reduce the amount deposited in the general fund of the Treasury at the end of fiscal years 1986, 1987, and 1988 by the same amount. Because the fund's collections have exceeded the appropriated levels since the fund was created, it is not expected that the availability of the \$5 million would necessarily result in an increase in appropriated levels relative to current law, but rather would make funds available for obligation earlier in the fiscal year.

The outlay estimates for all but the drug grant program are based on the historical spending rates for each activity. The outlay estimate for the drug grant program is based on information provided by the Office of Justice Programs.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None
7. ESTIMATE COMPARISON: None
8. PREVIOUS CBO ESTIMATE: None
9. ESTIMATE PREPARED BY: Mitchell Rosenfeld (226-2860)
10. ESTIMATE APPROVED BY:


James L. Blum
Assistant Director
for Budget Analysis

1. BILL NUMBER: H.R. 5378

2. BILL TITLE: Drug Abuse Education and Prevention Act of 1986.

3. BILL STATUS:

As ordered reported by the House Committee on Education and Labor on August 12, 1986.

4. BILL PURPOSE:

The purpose of this bill is to authorize through 1989 federal financial assistance to states and to institutions of higher education for drug abuse education and prevention programs. In addition, the bill would establish a National Advisory Council on Drug Abuse Education and Prevention. This bill is subject to subsequent appropriations action.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal year, in millions of dollars)

	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
<u>Drug Abuse Programs</u>					
Authorization level	350	350	350	--	--
Estimated outlays	28	266	350	322	34
<u>Study of Drug Abuse</u>					
Authorization level	3	--	--	--	--
Estimated outlays	2	1	--	--	--
<u>Dept. of Justice Assets Forfeiture Fund</u>					
Authorization level	10	41	42	--	--
Estimated outlays	10	40	42	1	
<u>Customs Forfeiture Fund</u>					
Authorization level	10	12	12	--	--
Estimated outlays	10	12	12	--	--
<u>Bill Total</u>					
Authorization level	373	403	404	--	--
Estimated outlays	50	319	404	323	84

* Less than \$500,000.

The costs of this bill fall within function 500.

Basis of Estimate

This bill authorizes funds for grants to states and institutions of higher education for drug abuse education and prevention programs. The bill also authorizes the establishment of federal drug abuse education programs and a National Advisory Council on Drug Abuse Education and Prevention. The authorization levels for these programs and for a study on drug abuse in the workplace are stated in the bill.

This bill also authorizes the use of funds from the Department of Justice Assets Forfeiture Fund and from the Customs Forfeiture Fund to carry out its provisions. The funding levels are stated in the bill at \$10 million from each Fund. In addition to the authorizations for the use of these Funds for drug abuse programs, this bill would extend through 1989 the authorizations for expenses necessary to administer these Funds. These expenses are already authorized through 1987. This bill would extend these authorizations at such sums as may be necessary. The 1987 estimate for both Funds reflects the additional \$10 million authorized for drug abuse programs above the already-authorized amount for expenses.

The 1988 and 1989 estimates for the Department of Justice Assets Forfeiture Fund are based on the 1986 funding level of \$28.71 million, adjusted for inflation, and added to the \$10 million for drug abuse programs. The estimate for the Customs Forfeiture Fund is based on our projection that future fund receipts and balances will be over \$20 million in 1987, decreasing to \$12 million in 1988 and 1989. The appropriation for this fund is limited by law to the amount of receipts for the year. The 1988 and 1989 estimates are based on our assumption that appropriations would be limited to the \$12 million projected for receipts.

The cost to the federal government from spending to administer these Funds may be partially or completely offset by the collections generated. No reliable estimate of the relationship between spending and collections is available.

Outlay estimates were made assuming full appropriation of estimated authorization levels. Outlays reflect the current spending pattern of education grant programs and the two forfeiture funds.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENT:

The grants to state and local governments authorized in this bill carry a matching requirement in 1988 and 1989. The federal share of program costs would be 100 percent in 1987, but would be limited to 75 percent in 1988 and 1989. If these programs were federally funded at \$350 million, state and local governments would be required to spend \$117 million.

7. ESTIMATE COMPARISON: None.

8. PREVIOUS CBO ESTIMATE: None.

9. ESTIMATE PREPARED BY: Ken Pott (226-2820).

August 13, 1986

Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 5334, the Drug Abuse Prevention and Treatment Act of 1986, as ordered reported by the House Committee on Energy and Commerce on August 7, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,



Rudolph G. Penner

cc: James T. Broyhill
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

August 13, 1986

1. BILL NUMBER: H.R. 5334

2. BILL TITLE:

Drug Abuse Prevention and Treatment Act of 1986.

3. BILL STATUS:

As ordered reported by the House Committee on Energy and Commerce on August 7, 1986.

4. BILL PURPOSE:

This bill would establish several new programs and initiatives to combat drug abuse.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal year, in millions of dollars)

	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
<u>Estimated Authorization</u>					
<u>Level</u>					
Agency for Substance Abuse Prevention	180.0	--	--	--	--
Navajo Demonstration Program	--	0.4	0.4	0.4	--
Advisory Commission on Education of Athletes	<u>0.7</u>	<u>0.7</u>	--	--	--
Total Estimated Authorization Level*	180.7	1.1	0.4	0.4	--
Total Estimated Outlays*	146.5	35.2	0.4	0.4	0.1

* Estimated costs for the following activities are not included in the table. Costs for these activities are uncertain and subject to administrative discretion:

- o White House Conference as authorized in Title III.
- o Alcohol and drug abuse treatment as authorized in Title V.
- o Facility renovations as authorized in Title V.
- o Costs to the FDA under Title VII.

The costs of this bill fall within budget function 550.

Basis of Estimate

Most authorization levels are stated in the bill. CBO assumes both stated and estimated authorizations are fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates calculated by CBO on the basis of similar program data. All authorizations are subject to subsequent appropriations action.

Titles I and II of the bill would establish a state allotment program and create the Agency for Substance Abuse Prevention within the Alcohol, Drug Abuse, and Mental Health Administration. The Agency would coordinate research, education and training for the prevention of drug and alcohol abuse and would administer the allotment program authorized under Title I. Allotments would be given to states both for treatment and rehabilitation services for drug abusers and for the development of community-based prevention activities. The authorization level for Titles I and II is stated in the bill at \$180 million for fiscal year 1987.

Title III of the bill would require the President to hold a White House Conference on Drug Abuse and Drug Trafficking Control not later than nine months after the date of enactment and issue recommendations within six months after the conference is convened. The President would be required to report to Congress annually during the three-year period following the submission of the final report. The bill provides such sums as may be necessary for fiscal year 1987 to carry out the conference. Based on costs of the upcoming White House Conference on Small Business, CBO estimates that a conference of this magnitude (approximately 3,000 participants) would cost between \$4 million and \$5 million. The organizers of the conference would have discretion as to its size, and therefore costs could differ. Almost all costs would be incurred in fiscal year 1987, the year in which the conference would be held.

Title IV of the bill would make "controlled substance analogs" subject to the Controlled Substances Act, enabling the Drug Enforcement Administration (DEA) to prosecute chemists who develop subtle chemical variations of controlled substances (called designer drugs). This provision would aid prosecution in cases brought by the DEA involving controlled substance analogs. CBO estimates that no significant cost to the federal government would result from enactment of this provision. This title would not significantly change investigative efforts or costs, as these drugs are currently investigated and tested. It would make possible prosecution and conviction in some cases where it is currently not possible.

Title V of the bill would authorize such sums as may be necessary to carry out several Indian youth alcohol and drug abuse treatment and prevention activities. This title would require the coordination of existing and newly authorized Indian youth alcohol and substance abuse programs within the Indian Health Service (IHS) and the Bureau of Indian Affairs. This title would also require the IHS to provide a comprehensive alcohol and substance abuse treatment program for Indian youths. The bill is not specific as to the level of services to be provided. The IHS currently spends about \$25 million each year on alcohol and drug abuse treatment and prevention. CBO cannot determine the level of funding that might be needed to augment current services. Title V also allows the Secretary of HHS to identify and utilize federal facilities as Indian youth residential alcohol and substance abuse treatment centers. The bill also authorizes renovations of any of these facilities. No cost for renovations has been included in this estimate. Neither IHS nor BIA can estimate the number of facilities that might be needed or the cost and extent of renovation of such facilities. Title V would also authorize \$400,000 for fiscal years 1988, 1989, and 1990 for a Navajo Indian alcohol rehabilitation project.

Title VI of the bill would establish the Advisory Commission on the Comprehensive Education of Intercollegiate Athletes. The Commission would investigate issues related to athletics and drug use and report its conclusions to Congress within 18 months. Not to exceed \$650,000 for each fiscal year is authorized to be appropriated for the Commission. Funding would be needed in fiscal years 1987 and 1988 only.

Title VII of the bill would treat a certain class of chemicals, alkyl nitrites and their isomers, as a drug for the purposes of the Federal Food, Drug and Cosmetic Act. This Act bars drugs from interstate commerce unless they are proven safe. This provision would now make it illegal for a manufacturer to distribute alkyl nitrites and their isomers across state lines. Amyl nitrite, a member of this chemical class, is already a prescription drug and is monitored by the Food and Drug Administration (FDA). Since other alkyl nitrites are not currently classified as drugs, FDA has no involvement with them. Under current law, FDA monitors pharmaceutical manufacturers rather than chemical manufacturers. This provision could require FDA to seek out and inspect chemical manufacturers to determine compliance. Historically, FDA has taken a reactive role in compliance issues, not having the resources to initiate "spot" checks for compliance. FDA is unable to estimate at this time the additional cost they might incur if they are required to increase enforcement policy.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENT:

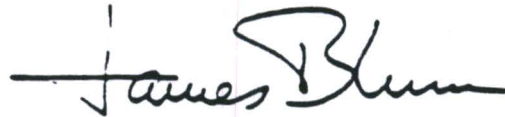
The budgets of state and local governments would not be affected directly by the enactment of this bill.

7. ESTIMATE COMPARISON: None.

8. PREVIOUS CBO ESTIMATE: None.

9. ESTIMATE PREPARED BY: Carmela Dyer (226-2820) and
Mitch Rosenfeld (226-2860)

10. ESTIMATE APPROVED BY:

A handwritten signature in black ink, appearing to read "James Blum". The signature is written in a cursive style with a horizontal line extending from the left.

James L. Blum
Assistant Director
for Budget Analysis



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

August 8, 1986

Rudolph G. Penner
Director

Honorable Jack Brooks
Chairman
Committee on Government Operations
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 5266, a bill to require the President to submit legislation for the reorganization of the Executive Branch in order to more effectively combat drug trafficking and drug abuse, as ordered reported by the House Committee on Government Operations, August 5, 1986. CBO estimates that enactment of this bill would result in a net cost to the federal government and would not affect the

to provide

Sincerely,

Rudolph G. Penner

cc: Honorable Frank Horton
Ranking Minority Member

029920.635

S.I.C.

99th CONGRESS
2d Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. _____

introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To strengthen the laws against illegal drugs, and for other
purposes.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Anti Drug Abuse Act of
5 1986".

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1 SEC. 3. COMPLIANCE WITH BUDGET ACT.

2 Notwithstanding any other provision of this Act, any
3 spending authority and any credit authority provided under
4 this Act shall be effective for any fiscal year only to such
5 extent or in such amounts as are provided in appropriation
6 Acts. For purposes of this Act, the term "spending
7 authority" has the meaning provided in section 401(c)(2) of
8 the Congressional Budget Act of 1974 and the term "credit
9 authority" has the meaning provided in section 3(10) of the
10 Congressional Budget Act of 1974.

11 TITLE I--ANTI-DRUG ENFORCEMENT

1 Subtitle A--Drug Penalties Enhancement Act of 1986

2 SEC. 1001. SHORT TITLE.

3 This part may be cited as the ``Drug Penalties

4 Enhancement Act of 1986``.

SEC. 2002. CONTROLLED SUBSTANCES ACT PENALTIES.

Section 401(b) (1) of the Controlled Substances Act (21 U.S.C. 841(b) (1)) is amended--

(1) by redesignating subparagraph (C) as subparagraph (D);
and

(2) by striking out subparagraphs (A) and (B) and inserting the following in lieu thereof:

"(1) (A) In the case of a violation of subsection (a) of this section involving--

"(i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

"(ii) 5 kilograms or more of a mixture or substance containing a detectable amount of--

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substance referred to in subclauses (I) through (III);"

"(iii) 50 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

"(iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(vi) 400 grams or more of a mixture or substance containing a detectable amount of fentanyl or 100 grams or more of a mixture or substance containing a detectable amount of any analog of fentanyl; or

"(vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life

imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$8,000,000 if the defendant is an individual or \$20,000,000 if the defendant is other than an individual, or both. Any sentence under this subparagraph shall, in the absence of such a prior conviction, impose a special parole term of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 10 years in addition to such term of imprisonment. ~~Notwithstanding the prior sentence,~~ and ~~Notwithstanding~~ any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph nor shall the term of imprisonment imposed under this subparagraph run concurrently with any other term of imprisonment under this subparagraph or under any other provision of law. No person sentenced under this subparagraph shall be eligible for parole during the ⁱⁿ term of imprisonment imposed therein.

"(B) In the case of a violation of subsection (a) of this section involving--

"(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

"(ii) 500 grams or more of a mixture or substance containing a detectable amount of--

"(I) coca leaves, except coca leaves and extracts

of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substance referred to in subclauses (I) through (III);";

X ^{Q → 5}
(iii) grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

"(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(vi) 40 grams or more of a mixture or substance containing a detectable amount of fentanyl or 10 grams or more of a mixture or substance containing a detectable amount of any analog of fentanyl; or

"(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a

fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$2,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Any sentence ^{imposed} under this subparagraph shall, in the absence of such a prior conviction, ^{include} ~~impose~~ a special parole term of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, ^{include} ~~impose~~ a special parole term of at least 8 years in addition to such term of imprisonment. ~~Notwithstanding the prior sentence, and~~ ^{Notwithstanding} any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph nor shall the term of imprisonment imposed under this subparagraph run concurrently with any other term of

imprisonment under this subparagraph or under any other provision of law. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed ~~therein~~.

"(C) In the case of a controlled substance in schedule I or II except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this

paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment. ~~Notwithstanding the prior sentence, and notwithstanding any other provision of law,~~ the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall such a term of imprisonment run concurrently with any other term of imprisonment under this subparagraph or under any other provision of law, nor shall a person so sentenced be eligible for parole during the term of such a sentence."

SEC. 1003. OTHER AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) Section 401 of the Controlled Substances Act (21 U.S.C. 841) is further amended as follows:

(1) In subsection (b), paragraph (1)(D), as redesignated, is amended by--

(A) striking out "a fine of not more than \$50,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual";

(B) striking out "a fine of not more than \$100,000" and inserting in lieu thereof "a fine not to exceed the greater

of twice that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual"; and

(C) inserting "except in the case of 100 or more marihuana plants regardless of weight," after "marihuana," the first place it appears.

(2) In subsection (b), paragraph (2) is amended by striking out "a fine of not more than \$25,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual", and by striking out "a fine of not more than \$50,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual".

(3) In subsection (b), paragraph (3) is amended by striking out "a fine of not more than \$10,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual", and by striking out "a fine of not more than \$20,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code,

or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual".

(4) In subsection (b), paragraph (4) is amended by striking out "1(C)" and inserting "1(D)" in lieu thereof.

(5) In subsection (b), paragraph (5) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed--

"(A) the amount authorized in accordance with this section;

"(B) the amount authorized in accordance with the provisions of title 18, United States Code;

"(C) \$500,000 if the defendant is an individual;

or

"(D) \$1,000,000 if the defendant is other than an individual;

or both."

(6) Subsection (d) is amended by striking out "a fine of not more than \$15,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual".

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

(1) by inserting the following new paragraph after paragraph (24):

"(25) The term 'serious bodily injury' means bodily injury which involves--

- "(A) a substantial risk of death;
- "(B) protracted and obvious disfigurement; or
- "(C) protracted loss or impairment of the function of a bodily member, organ, or mental faculty."; and

(2) by renumbering the following paragraphs accordingly.

7 SEC. ~~1504~~ AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE.

8 (a) Section 3553 of title 18, United States Code, is
9 amended by adding the following at the end thereof:

10 "(e) Limited Authority To Impose a Sentence Below a
11 Statutory Minimum.--Upon motion of the Government, the court
12 shall have the authority to impose a sentence below a level
13 established by statute as ⁹ minimum sentence so as to reflect a
14 defendant's substantial assistance in the investigation or
15 prosecution of another person who has committed an offense.
16 Such sentence shall be imposed in accordance with the
17 guidelines and policy statements issued by the Sentencing
18 Commission pursuant to section 994 of title 28, United States
19 Code."

20 (b) The amendment made by this section shall take effect
21 on the date of the taking effect of section 3553 of title 18,
22 United States Code.

23 SEC. ~~994~~ AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.

24 Section 994 of title 28 of the United States Code is
25 amended by--

1 (1) inserting the following after subsection (m):

2 "(n) The Commission shall assure that the guidelines
3 reflect the general appropriateness of imposing a lower
4 sentence than would otherwise be imposed, including a
5 sentence that is lower than that established by statute as
6 minimum sentence, to take into account a defendant's
7 substantial assistance in the investigation or prosecution of
8 another person who has committed an offense."; and

9 (2) redesignating subsections (n), (o), (p), (q),
10 (r), (s), (t), (u), (v), and (w) as subsections (o), (p),
11 (q), (r), (s), (t), (u), (v), (w), and (x), respectively.

12 ¹⁰⁰⁶ SEC. 1516. AMENDMENT TO THE FEDERAL RULES OF CRIMINAL
13 PROCEDURE.

14 (a) Rule 35(b) of the Federal Rules of Criminal Procedure
15 is amended by striking out "to the extent" and all that
16 follows through the end and inserting in lieu thereof the
17 following: "in accordance with the guidelines and policy
18 statements issued by the Sentencing Commission pursuant to
19 section 994 of title 28, United States Code. The court's
20 authority to lower a sentence under this subdivision includes
21 the authority to lower such sentence to a level below that
22 established by statute as a minimum sentence.".

23 (b) The amendment made by this section shall take effect
24 on the date of the taking effect of rule 35(b) of the Federal
25 Rules of Criminal Procedure, as amended by section 215(b) of

1 the Comprehensive Crime Control Act of 1984.

2 SEC. 1007. ~~ELIMINATION~~ ELIMINATION OF SPECIAL PAROLE TERMS.

3 (a) The Controlled Substances Act and the Controlled
4 Substances Import and Export Act are amended by striking out
5 "special parole term" wherever it appears and inserting
6 "term of supervised release" in lieu thereof.

7 (b) The amendments made by this section shall take effect
8 on the date of the taking effect of section 3583 of title 18,
9 United States Code.

10 SEC. 1008. ~~AMENDMENT~~ AMENDMENT TO THE COMPREHENSIVE CRIME CONTROL ACT
11 OF 1984.

12 (a) Subsection (a) of section 224 of the Comprehensive
13 Crime Control Act of 1984 is amended--

14 (1) by inserting "and" after the semicolon in
15 paragraph (4); and

16 (2) by striking out paragraphs (1), (2), (3), and (5)
17 and redesignating the other paragraphs accordingly.

18 (b) Section 224 of the Comprehensive Crime Control Act of
19 1984 is amended--

20 (1) by striking out subsection (b); and

21 (2) by redesignating subsection (c) as subsection
22 (b).

23 (c) Section 225 of the Comprehensive Crime Control Act of
24 1984 is amended to read as follows:

25 "Sec. 225. Section 1818 of the Controlled Substances

1 Import and Export Act (21 U.S.C. 960) is amended by repealing
2 subsection (c).''.

3 SEC. 1009. MISCELLANEOUS TECHNICAL AMENDMENTS.

4 (a)(1) Subsection (a) of section 3583 of title 18, United
5 States Code, is amended by inserting '', except that the
6 court shall include as a part of the sentence a requirement
7 that the defendant be placed on a term of supervised release
8 if such a term is required by statute'' after
9 ''imprisonment'' the second place it appears.

10 (2) Subsection (b) of section 3583 of title 18, United
11 States Code, is amended by striking out ''The'' and inserting
12 in lieu thereof ''Except as otherwise provided, the''.

13 (3) Subsection (e) of section 3583 of title 18, United
14 States Code, is amended--

15 (A) so that the catchline reads as follows:

16 ''Modification of conditions or revocation.'';

17 (B) in paragraph (2) by striking out ''or'' after the
18 semicolon;

19 (C) in paragraph (3) by striking out ''title,'' and
20 inserting ''title; or'' in lieu thereof; and

21 (D) by inserting the following new paragraph after
22 paragraph (3):

23 ''(4) revoke a term of supervised release, and
24 require the person to serve in prison all or part of the
25 term of supervised release without credit for time

1 previously served on postrelease supervision, if it finds
2 by a preponderance of the evidence that the person
3 violated a condition of supervised release, pursuant to
4 the provisions of rule 32.1 of the Federal Rules of
5 Criminal Procedure that are applicable to probation
6 revocation and to the provisions of applicable policy
7 statements issued by the Sentencing Commission.".

8 (4) The amendments made by this subsection shall take
9 effect on the date of the taking effect of section 3583 of
10 title 18, United States Code.

11 (b) Subsection (3) of section 994(a) of title 28, United
12 States Code, is amended by inserting "and revocation of
13 supervised release" after "supervised release."

14 (c) Section 511 of title II of the Comprehensive Drug
15 Abuse Prevention Act of 1978 (21 U.S.C. 881) is amended--

16 (1) in subsection (f) by inserting "or II" after
17 "I" each place it appears;

18 (2) by redesignating subsection (f) as subsection
19 (f)(1); and

20 (3) by inserting the following new paragraph after
21 subsection (f)(1) as so redesignated:

22 "(2) The Attorney General may direct the destruction of
23 all controlled substances in schedule I or II seized for
24 violation of this title under such circumstances as the
25 Attorney General may deem necessary.".

Subtitle B--Drug Possession Penalty Act of 1986

2 SEC. 1051. SHORT TITLE.

3 This ^{subtitle} ~~part~~ may be cited as the "Drug Possession Penalty
4 Act of 1986".

5 SEC. ~~1052~~ PENALTY FOR SIMPLE POSSESSION.

6 Section 884 of the Controlled Substances Act (21 U.S.C.
7 884) is amended to read as follows:

8 "PENALTY FOR SIMPLE POSSESSION

9 "Sec. 884. (a) It shall be unlawful for any person
10 knowingly or intentionally to possess a controlled substance
11 unless such substance was obtained directly, or pursuant to a
12 valid prescription or order, from a practitioner, while
13 acting in the course of his professional practice, or except
14 as otherwise authorized by this title or title III. Any
15 person who violates this subsection shall be sentenced to a
16 term of imprisonment of not more than 1 year, and shall be
17 fined a minimum of \$1,000 but not more than \$5,000, or both,
18 except that if he commits such offense after a prior
19 conviction under this subsection, or a prior conviction for
20 any drug or narcotic offense chargeable under this title or
21 title III or under the law of any State, has become final, he
22 shall be sentenced to a term of imprisonment for not less
23 than 15 days but not more than 2 years, and shall be fined a
24 minimum of \$2,500 but not more than \$10,000, except, further,
25 that if he commits such offense after two or more prior

1 convictions under this subsection, or two or more prior
2 convictions for any drug or narcotic offense chargeable under
3 the law of any State or a combination of two or more such
4 offenses have become final, he shall be sentenced to a term
5 of imprisonment for not less than 90 days but not more than 3
6 years, and shall be fined a minimum of \$5,000 but not more
7 than \$25,000. The imposition or execution of a minimum
8 sentence required to be imposed under this subsection shall
9 not be suspended or deferred. Further, upon conviction, a
10 person who violates this subsection shall be ~~imposed~~^{FINED} the
11 reasonable costs of the investigation and prosecution of the
12 offense, including the costs of prosecution of an offense as
13 defined in sections 1918 and 1920 of title 28, United States
14 Code, except that this sentence shall not apply and a fine
15 under this section need not be imposed if the court
16 determines under the provision of title 18 that the defendant
17 lacks the ability to pay.

18 "(b) As used in this section, the term 'drug or narcotic
19 offense' means any offense which proscribes the possession,
20 distribution, manufacture, cultivation, sale, transfer, or
21 the attempt or conspiracy to possess, distribute,
22 manufacture, cultivate, sell or transfer any substance the
23 possession of which is prohibited under this title."

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S.L.C.

1 Subtitle--C--Juvenile Drug Trafficking Act of 1986

2 SEC. 1101. SHORT TITLE.

3 This subtitle may be cited as the ``Juvenile Drug
4 Trafficking Act of 1986``.

5 SEC. 1102. OFFENSE.

6 Part D of the Controlled Substances Act is amended by
7 adding after section 405A a new section as follows:

8 ``EMPLOYMENT OR USE OF PERSONS UNDER TWENTY-ONE YEARS OF AGE
9 IN DRUG OPERATIONS

10 ``Sec. 405B. (a) Except as authorized by this title, it
11 shall be unlawful for any person at least eighteen years of
12 age to knowingly and intentionally--

13 ``(1) employ, hire, use, persuade, induce, entice, or
14 coerce, a person under twenty-one years of age to violate
15 any provision of this title; or

16 ``(2) employ, hire, use, persuade, induce, entice, or
17 coerce, a person under twenty-one years of age to assist
18 in avoiding detection or apprehension for any offense of
19 this title by any Federal, State, or local law
20 enforcement official.

21 ``(b) Any person at least eighteen years of age who
22 violates section 405B(a) (1) or (2) of this title is
23 punishable by a term of imprisonment, or a fine, or both; up
24 to twice that authorized by section 401(b) of this title, and
25 at least twice any special parole term authorized by section

1 401(b) of this title, for a first offense.

2 "(c) Any person at least eighteen years of age who
3 violates section 405B(a) (1) or (2) of this title after a
4 prior conviction or convictions under subsection (a) of this
5 section have become final, is punishable by a term of
6 imprisonment, or a fine, or both, up to three times that
7 authorized by section 401(b) of this title for a first
8 offense under that section, and at least three times any
9 special parole term authorized by section 401(b) of this
10 title for a first offense under that section.

405B(a)(1)(2)

11 "(d) Any person who violates ~~subsection (a)(1) or~~
12 ~~(a)(2)~~

13 "(1) by knowingly providing or distributing to any
14 person under twenty-one years of age; or

15 "(2) if the person employed, hired, or used is
16 fourteen years of age or younger,
17 shall be subject to a term of imprisonment for not more than
18 five years or a fine of not more than \$50,000, or both, in
19 addition to any other punishment authorized by this section.

20 "(e) In any case of any sentence imposed under this
21 section, imposition or execution of such sentence shall not
22 be suspended and probation shall not be granted. An
23 individual convicted under this section of an offense for
24 which a mandatory minimum term of imprisonment is set out in
25 section 401(b) of this title shall not be eligible for parole

1 under section 4202 of title 18, United States Code, until the
2 individual has served the mandatory term of imprisonment
3 required by section 401(b) as enhanced by this section.".

4 SEC. 1103. TECHNICAL AMENDMENTS.

5 (a) Section 401(b) of the Controlled Substances Act (21
6 U.S.C. 841(b)) is amended strike cut the phrase "or 405A"
7 and inserting in lieu thereof "", 405A, or 405B".

8 (b) Section 401(c) of the Controlled Substances Act (21
9 U.S.C. 841(c)) is amended by striking out "405A" each place
10 it appears and inserting in lieu thereof "", 405A, or 405B".

11 (c) The table of contents of the Comprehensive Drug Abuse
12 Prevention and Control Act of 1970 is amended by inserting
13 after the item relating to section 405A the following:

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

14 SEC. 1104. MANUFACTURING A CONTROLLED SUBSTANCE WITHIN 1000
15 FEET OF A COLLEGE.

16 Section 405A of the Controlled Substances Act (21 U.S.C.
17 845a) is amended, in subsection (a), by inserting "or
18 manufacturing" after "distributing" and by striking cut
19 "a public or private elementary or secondary school" and
20 inserting in lieu thereof "a public or private elementary,
21 vocational, or secondary school or a public or private
22 college, junior college, or university".

Subtitle D--Assets Forfeiture Amendments Act of 1986

SEC. 1151. ~~SHORT TITLE.~~

~~Subtitle~~
This ~~Act~~ may be cited as the "Asset Forfeiture
Amendments Act of 1986".

SEC. 1152. ~~ASSET FORFEITURE FUNDS~~

(a) DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND. --

Subsection (c) of section 524 of title 28, United States Code,
is amended --

(1) in paragraph (1) before subparagraph (A) by
striking out "in such amounts as may be specified in
appropriations Acts";

(2) by inserting at the end of paragraph (A) the
following:

"such payments may also include those, made
pursuant to regulations promulgated by the Attorney
General, that are necessary and direct program-related
expenses for the purchase or lease of automatic data
processing equipment (not less than ninety percent of
which use will be program-related), training,
printing, contracting for services directly related to
the processing of and accounting for forfeitures, and
the storage, protection, and destruction of controlled
substances;"

(3) by inserting after subparagraph (A) of paragraph
(1) the following new subparagraph and renumbering the
subsequent subparagraphs appropriately:

"(B) the payment of awards for information or
assistance directly relating to violations of the the
criminal drug laws of the United States.

(4) by amending newly designated subparagraph (F) of paragraph (1) to read as follows:

"(F) for equipping for drug law enforcement functions any government owned or leased vessels, vehicles, and aircraft available for official use by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service; and";

(5) by striking out paragraph (8); and

(6) by adding at the end of the subsection the following new paragraph:

"(9) (A) If any funds deposited into the Department of Justice Assets Forfeiture Fund or the Customs Forfeiture Fund (19 U.S.C. 1613a, 1613b) are not expended or obligated prior to thirty days after the end of the fiscal year, ninety percent of such funds shall be transferred into a Special Forfeiture Fund.

"(B) The funds in the Special Forfeiture Fund shall be disbursed, during the fiscal year in which they are transferred into the Special Fund, by the Attorney General, after consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Education, to enhance the following efforts: