

HR 5210

100TH CONGRESS  
2d Session

HOUSE OF REPRESENTATIVES

REPORT  
100-861

PROVIDING FOR THE CONSIDERATION OF A BILL  
RELATING TO THE OMNIBUS DRUG INITIATIVE

AUGUST 10, 1988.—Referred to the House Calendar and ordered to be printed

Mr. PEPPER, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 521]

The Committee on Rules, having had under consideration H. Res. 521, by nonrecord vote, report the same to the House with the recommendation that the resolution do pass.

The following are the amendments made in order under H. Res. 521.

An amendment to be offered by Representative Wortley of New York or his designee to be debatable for not to exceed 10 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

On page 10, after line 21, insert the following:

SEC. 1010. TRANSFER BY GOVERNMENT AGENCY OF RECORDS TO THE DEPARTMENT OF JUSTICE FOR CRIMINAL INVESTIGATION.

Section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412) is amended by adding at the end thereof the following new subsection:

“(f) Nothing in this title shall apply when financial records obtained by an agency or department of the United States are disclosed or transferred to the Attorney General upon the certification by a supervisory level official of the transferring agency or department that there is reason to believe that the records may be relevant to a violation of Federal criminal law. Records so transferred shall be used only for criminal investigative or prosecutive purposes by the Department of Justice and shall, upon completion of the investigation or prosecution (including any appeal), be returned only to the transferring agency or department.”

19-006

(2) Paragraph (1) does not limit the authority of the Secretary to expend Federal funds to administer and provide oversight of the clinical laboratory certification process.

An amendment to be offered by Representative Alexander of Arkansas or his designee to be debatable for not to exceed 20 minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

Page 402, after line 25, insert the following:

**TITLE XI—INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES**

**SEC. 11001. SHORT TITLE.**

This title may be cited as the "Anti-Stonewalling Act of 1988".

**SEC. 11002. INTERAGENCY COOPERATION RELATING TO INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES.**

(a) **IN GENERAL.**—Any officer or employee in the executive branch of the Government, who, in the course of the official duties of such officer or employee, obtains information about illegal foreign drug activities shall promptly furnish such information through the head of the agency in which the officer or employee serves or is employed—

(1) to the head of any other agency designated under subsection (b); and

(2) upon request of a committee of the Congress or of the Comptroller General, as the case may be, to such committee or to the Comptroller General.

(b) **DESIGNATIONS.**—Not later than 60 days after the date of the enactment of this Act, the President shall—

(1) designate agencies involved in the formulation of United States foreign policy or the enforcement of Federal drug laws to receive information under subsection (a)(1); and

(2) notify the Speaker and the minority leader of the House of Representatives, the President pro tempore and the minority leader of the Senate, and the Comptroller General of such designations.

The President shall review such designations once each year and may, on the basis of the review, change any designation, with notification as provided in paragraph (2).

(c) **NONDISCLOSURE.**—Except with respect to the disclosure of information to the General Accounting Office, notwithstanding subsection (a), the head of an agency may withhold the disclosure of information that, as determined by the head of the agency—

(1) may jeopardize a United States foreign intelligence or counterintelligence activity or source;

(2) may jeopardize a law enforcement investigation; or

(3) may adversely affect the national defense or security of the United States.

The authority to make such a determination may not be delegated. Any such determination shall be communicated in writing to the President, who may direct the head of the agency to furnish the information under such procedures and safeguards as the President may specify.

(d) **APPLICABILITY OF SECTION 716 OF TITLE 31, UNITED STATES CODE.**—If information requested by the Comptroller General under subsection (a) is not furnished within a reasonable time, section 716 of title 31, United States Code, shall apply to such request.

(e) **DUTY OF THE PRESIDENT.**—In the event the President withholds information from a committee of the Congress for any of the reasons set forth in subsection (c), the President shall transmit in writing to the chairman and ranking minority party member of such committee a statement of the reasons for the decision. If the information concerns a United States foreign intelligence or counterintelligence activity or source, the President shall promptly inform the chairman and ranking minority party member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the nature of the information withheld. This section does not waive or otherwise alter any right or procedure that the Congress or any committee of the Congress may otherwise have to receive such information.

(f) **DEFINITIONS.**—As used in this section—

(1) the term "officer or employee in the executive branch of the Government" means an appointed officer in the executive branch of the Government, an employee in the executive branch of the Government, and a member of a uniformed service; and

(2) the term "agency" means a dependent, agency, or establishment in the executive branch of the Government.

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