

# Issue Brief

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**DRUG CONTROL**

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## DRUG CONTROL

SUMMARY

How to prevent the non-medical use of dependency-producing drugs has been a public policy concern for at least a century. A large part of the responsibility for controlling such substances has been assumed by the Federal Government. Historically based on a decision to restrict availability through a system of close regulation, including selective prohibition, the current Federal anti-drug strategy relies on activities and programs in five major areas: (1) regulation and other "enforcement" efforts; (2) support for international control and for control efforts of individual drug-producing and drug-transiting countries; (3) education and other prevention activities, (4) treatment and rehabilitation for drug-dependent persons; and (5) research on drugs, drug dependency, and prevention and treatment methods.

Although the basic policy of restriction has been criticized, it seems to enjoy general national support. A renewed discussion of the merits of legalization or "decriminalization" has not yet been reflected, to any significant degree, in congressional concerns over drug matters. Instead, today's policy questions are more likely to concern the degree of priority assigned to the problem, the level of resources devoted, the emphasis given to each of the major components of the anti-drug strategy, and the effectiveness of policy implementation (including overall coordination and direction).

During the first session of the 100th Congress, interest in drug control centered on budget levels and general oversight, especially with respect to provisions of an omnibus law enacted in 1986, the Anti-Drug Abuse Act. In the second session, the focal point is a new omnibus bill authorizing between \$2 billion and \$2.5 billion in additional appropriations, creating a number of new programs as well as expanding existing ones, and establishing new penalties and other sanctions for drug offenses.

## ISSUE DEFINITION

The nonmedical use of narcotics and other dangerous drugs has been a national problem since the latter part of the nineteenth century. A large part of the responsibility for controlling such substances has been assumed by the Federal Government. Currently embracing a broad spectrum of approaches, the Federal commitment to anti-drug efforts has expanded rapidly in recent years. At the most general level, the major issue is whether the policy of preventing the abuse of drugs through restrictive and even prohibitory controls is the best one possible. Assuming that it is, the second-level policy questions are: is the drug problem accorded an appropriate position in the list of national priorities; are we pursuing the right strategies for carrying the policy out; are these strategies being properly implemented; if not, how can they be improved; and do the strategies conflict with other national or public interests?

## BACKGROUND AND ANALYSIS

### **General Background**

How to prevent the nontherapeutic use of dependency-producing drugs has been a public policy issue in the United States for at least a century. Interest in the question, which is intermittent, has been especially strong in the past 25 years. During this period, an apparently sharp increase in heroin use in many inner cities after World War II was augmented by the growing abuse of other drugs -- including cocaine and, more recently, cocaine base ("crack" and "rock").

Statistics concerning the drug problem are controversial. Even the extent of abuse, past and present, is disputed -- and, concomitantly, any attempt to depict the trends of abuse. However, most authorities agree that there has in fact been an increase since the early 1960s, that it has been substantial, and that it has involved population groups previously unassociated with the problem.

On the Federal level, both the executive branch and Congress have reacted to public concern with new initiatives -- legislative and administrative -- as well as with the expansion of existing programs. Many approaches have been taken: in the "demand reduction" areas of treatment, prevention, and related research as well as in "supply reduction" efforts such as investigations and prosecutions of drug traffickers, drug interdiction, and the development of international accords.

During the 1960s and early 1970s the more traditional Federal emphasis on supply reduction was challenged in Congress, and the trend of legislation in that period reflected a greater concern for reduction in demand through provision of treatment and rehabilitation services to users, along with educational and other activities to prevent or reduce drug use. The Community Mental Health Centers Act of 1963 became the vehicle for establishing in 1968 a specialized grant program for treatment of drug dependence, as well as for prevention efforts. The Drug Abuse Education Act of 1970 created another prevention program, with a different emphasis and administered by a separate agency.

Budget totals provide a measure of the level and trend of the growing Federal commitment to combat the drug problem: spending for all such efforts rose from \$82 million in FY69 to approximately \$3.9 billion in FY87 and \$3.5 billion in FY88.

The Federal strategy for preventing abuse of dangerous drugs is multi-faceted. It is based on domestic laws which closely regulate the commerce in such drugs -- in some instances effectively banning them -- backed up by a system of international production controls and by a complex of multilateral and bilateral agreements covering not only production but also general domestic regulation and other aspects of government efforts to prevent illicit commerce. At the same time, to supplement these supply reduction efforts, the Federal Government pursues a demand reduction strategy by supporting treatment and prevention programs through grants-in-aid and by maintaining a program of research, both extra- and intramural, related to the abuse of drugs and methods of curbing it.

#### Broad Issues

The following outline indicates a range of possible skeletal answers to these general questions: Is the basic policy of restriction the right one? Are we pursuing the right set of strategies to carry out the policy? Are they properly implemented? and How could they be improved?

1. The basic policy is wrong. We should legalize drugs because:
  - a. the black market would collapse and along with it the accompanying potential for corruption of the society, and
  - b. experience demonstrates that we can't stop the illicit traffic in any case.
2. Both policy and implementation are about right.
3. Continue basic policy of regulation and selective prohibition, but:
  - a. Substantially increase resources committed --
    - (1) all around.
    - (2) selectively.
  - b. Reduce commitment.
    - (1) We're spending too much, and we're uncertain about the effectiveness of what we're doing.
    - (2) Rely on demand reduction efforts to make the problem more manageable.
    - (3) Rely on time to solve the problem -- America (as well as other countries) has experienced drug epidemics before, and they eventually subsided. They have a natural life cycle that must run its course, followed by a period of reaction.
  - c. Change the emphasis.
    - (1) Current policy puts too much emphasis on supply reduction. Concentrate on demand reduction (it's the user who keeps the market going, and there's more likelihood of reaching him than of stopping the traffic itself) --
      - (a) through more education and other prevention efforts.
      - (b) through more and better treatment of those already dependent on drugs.

- (c) through more emphasis on deterrence by random testing for drug use, in the workplace and in schools, followed by appropriate action; by a more determined enforcement of "simple" possession statutes by the police; and through imposition of higher penalties by the courts.
- (2) Current policy puts too much (or not enough) emphasis on solving the problem "at the source". Overseas efforts to reduce the production of poppies, coca, and cannabis are unrealistic and doomed to fail (or, alternatively, offer the major hope, justifying an even greater commitment to the International Narcotics Control program under the Foreign Assistance Act and to various related efforts).
- (3) Concentrate on interdiction. It's more efficient to seize drugs before they enter the country or at the border than after they have been moved into the interior.
- (4) The breakup of trafficking organizations is, in the long run, the best way to reduce supply. This requires putting more emphasis on investigation and prosecution activities.
- d. Reorganize the Government's anti-drug structure for greater efficiency --
  - (1) by creation of a new entity (such as a super-agency headed by a "czar," a cabinet committee, or additional task forces).
  - (2) by shifting of existing operational agencies or functions (such as a total merger of the Drug Enforcement Administration with the FBI or moving the Coast Guard back to the Treasury Department).

The question as to whether anti-drug strategies conflict with other national or public interests could be asked in connection with: (1) the use of sanctions or other forms of pressure on foreign countries where the United States has other major interests that might thus be compromised; (2) practices, such as random employee testing, that might threaten a constitutional right; (3) selective law enforcement approaches based on "profiles," again perhaps conflicting with constitutional principles; and (4) the expenditure of large sums of money at a time when the Federal Government is laboring under a massive budget deficit.

Additional policy questions are posed by almost every aspect of the overall Federal drug control program. In the case of prevention efforts, for example, the overriding concern is whether they can be proved effective. Critics of curricula-based efforts in the schools contend that such methods have often proved counterproductive -- by stimulating an interest that ends in experimentation. Likewise, questions about the long-run results of treatment and rehabilitation regimens continue to be raised, as well as about the relative effectiveness of various treatment modalities.

### Recent Congressional Context

During the closing months of the 1986 session, Congress enacted a 15-title, 480-page drug control bill. Developed in the wake of the cocaine-related deaths of two prominent U.S. athletes and amid reports of epidemic use of cocaine and cocaine base, the measure was the product -- on the House side -- of 12 standing committees. The final version borrowed from a comparable Administration proposal as well as from a number of Senate bills put together by Members on both sides of the aisle. In addition to making substantive statutory changes -- including a new penalty system featuring mandatory sentences for the more serious trafficking offenses -- the new law (P.L. 99-570, the Anti-Drug Abuse Act of 1986) authorized increased spending of \$1.7 billion for FY87 alone.

The 1986 omnibus measure contained provisions relating to virtually every aspect of the Federal anti-drug effort. Subjects of separate and in most cases previously considered bills that were incorporated included: (1) additional controls designed to curb the "laundering" of monetary instruments derived from illicit drug trafficking; (2) regulation of so-called "designer drugs"; (3) new sanctions against uncooperative drug-source countries; (4) a new program of grants for State and local drug law enforcement; (5) a new program of drug abuse education grants; (6) a substantial increase in the funding of treatment grant programs; (7) increases in penalties for trafficking offenses, including mandatory minimums for more serious violations; and (8) substantial new enforcement authorities for the Customs Service. Among the more controversial proposals omitted from the final version were those to (1) greatly expand the role of the Armed Forces in drug law enforcement, (2) create an exception to the application of the Exclusionary Rule, and (3) provide for the death penalty for convicted traffickers under certain specified circumstances.

In addition to the omnibus bill, the 99th Congress passed several measures taking more incremental approaches to drug control problems.

### Issue Elements of Interest to the 100th Congress

Congressional interest in the drug issue during the first session of the 100th Congress was focussed on oversight -- of the Federal effort in general and of implementation of the 1986 legislation in particular. With the President's FY88 budget reflecting a \$900 million dollar reduction from the estimated level for FY87, disputes over the requested cuts were a prominent feature of the session. The FY89 budget, however, providing an approximate 13% increase over the enacted FY88 level, has generally been well received. Nevertheless, Congress is moving toward passage of a new omnibus bill, which would provide for major funding increases in most programs along with other changes and additional authorities.

**LEGISLATION****P.L. 100-71, H.R. 1827**

Supplemental Appropriations, FY87. Includes a provision setting forth certain restrictions on the use of funds made available by the act to implement provisions of Executive Order 12564 pertaining to the testing of certain Federal workers for use of illicit drugs. Reported to House (H.Rept. 100-28) Mar. 25, 1987. Passed House, amended, Apr. 24. Referred to Senate Committee on Appropriations Apr. 27. Reported to Senate, amended (S.Rept. 100-48) May 1. Passed Senate, amended, June 2. Conference report filed (H.Rept. 100-195), to which House agreed June 30 and Senate agreed July 1. Signed into law July 11, 1987.

**P.L. 100-180, H.R. 1748**

National Defense Authorization Act for FY88. Contains provisions requiring: (1) the General Accounting Office to conduct a comprehensive study of drug smuggling and Federal capabilities to deter it, paying special attention to the role of the Defense Department; (2) DOD to transfer to the Department of Transportation \$3 million of its FY88 appropriation and \$6 million of its FY89 appropriation for the Coast Guard Law Enforcement Detachment program; and (3) DOD to submit annually to Congress a plan for rendering drug law enforcement assistance to civilian drug law enforcement and interdiction agencies during the forthcoming fiscal year. (As passed House, included contents of H.R. 47 (q.v.) providing for the possibility of an expanded Armed Forces role in drug control.) Introduced Mar. 23, 1987; referred to Committee on Armed Services. Reported, amended (H.Rept. 100-58), Apr. 15, 1987. Passed House, amended, May 20. Passed Senate Oct. 2, with contents of S. 1174, amended. Conference report filed in House (H.Rept. 100-446) Nov. 17, to which House and Senate agreed. Signed into law Dec. 4, 1987.

**P.L. 100-297, H.R. 5**

School Improvement Amendments of 1988. Among other things, repeals the Drug-Free Schools and Communities Act portion of the Anti-Drug Abuse Act of 1986 and reauthorizes it as Title V of the Elementary and Secondary Education Act, at authorization levels of \$250 million for FY89, and such as may be necessary for FY90-93. Requires distribution of drug funds to local educational agencies within each State on the basis of the enrollment in public and private nonprofit schools, rather than on the school-age population. Adds provisions to include suicide prevention activities as part of local drug abuse education and prevention activities and to require a study on the relationship between drug and alcohol abuse and youth suicide. Introduced Jan. 6, 1987; referred to Committee on Education and Labor. Reported, amended (H.Rept. 100-95) May 15. Passed House May 21. Referred to Senate Committee on Labor and Human Resources June 3. Reported to Senate (without written report) Nov. 19. Passed Senate, with language of S. 373 as amended, Dec. 1, 1987. Conference report (H.Rept. 100-567) agreed to by House Apr. 19 and by Senate Apr. 20. Signed into law Apr. 28, 1988.

**H.R. 2585 (Hughes)/S. 1361 (DeConcini)**

Chemical Diversion and Trafficking Act of 1987. Amends the Controlled Substances Act to suppress the diversion of, and trafficking in, precursor chemicals and essential chemicals utilized in the illicit



manufacture of controlled substances. H.R. 2585 introduced June 3, 1987; referred to Committees on Energy and Commerce (Subcommittee on Health and the Environment) and on the Judiciary (Subcommittee on Crime). Hearings held Sept. 16, 1987. Contents of H.R. 2585 included in H.R. 4916, as ordered reported, amended, June 30, 1988. S. 1361 introduced June 11, 1987; referred to Committee on the Judiciary. (Similar provisions included in H.R. 5210.)

#### **H.R. 3051 (Mineta)**

Air Passenger Protection Act of 1987. Amends the Federal Aviation Act of 1958 to establish minimum standards regarding air carrier passenger services. Includes testing for the unauthorized use of alcohol and controlled substances by operators of railroad trains, aircraft, and commercial motor vehicles. Introduced July 29, 1988; referred to Committee on Public Works and Transportation. Passed House, amended, Oct. 5. Passed Senate, amended, Oct. 30, after substituting contents of S. 1485, which had previously been amended to include contents of S. 1041. Conferences scheduled. Motion to instruct conferees passed House June 15, 1988. (Related bills: H.R. 280, H.R. 691, H.R. 693, S. 356.)

#### **H.R. 4264 (Aspin)**

Department of Defense Amended Budget Authorization Act, 1989. As passed by House, includes provisions to: (1) authorize additional appropriations for drug interdiction by the military; (2) direct the President, within 30 days of enactment, to deploy Armed Forces equipment and personnel (including members of the National Guard and the Reserves) "sufficient to halt" the smuggling of narcotics into the United States by air or sea; and (3) direct the Secretary of Defense to "substantially halt," within 45 days, the smuggling of narcotics into the United States. Introduced Mar. 28, 1988; referred to Committee on Armed Services. Reported (H.Rept. 100-563) Apr. 5. Recommitted to committee. Reported with amendment (without written report) May 11; passed House, amended. Passed Senate, with text of S. 2355, May 27. Conference report filed (H.Rept. 100-753) July 7; agreed to by House and Senate July 14. Vetoed by the President Aug. 3, 1988.

#### **H.R. 4505 (Lloyd)**

Department of Energy Civilian Research and Development Authorization Act for FY89. As reported, includes the so-called "Walker amendment" prohibiting funds from being expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the entity or official to which funds are being appropriated. Introduced May 2, 1988; referred to Committee on Science, Space, and Technology. Reported with amendment (H.Rept. 100-636) May 19. Passed House, amended, June 3, 1988. Referred to Senate Committee on Energy and Natural Resources. (Note: Similar provisions have been incorporated in other bills, including the reported FY89 authorization bills for NASA, NBS, and NSF, as well as the FY89 legislative branch appropriations bill.)

#### **H.R. 4637 (Obey)**

Foreign Operations Export Financing and Related Programs Appropriations Act, 1989. Makes appropriations for foreign operations, export financing, and related programs for the fiscal year ending Sept. 30, 1989, and for other purposes. As passed by House, includes a floor

amendment that prohibits expenditure of funds in any workplace, including a workplace "within any government or military force," that is not free of any illegal possession or use of controlled substances, or bribery, tax evasion, graft, or price fixing, which is made known to the Federal entity or official to which funds are appropriated. Introduced May 19, 1988; referred to Committee on Appropriations. Reported (H.Rept. 100-641) May 19. Passed House May 25. Referred to Senate Committee on Appropriations May 26. Reported with amendment (S.Rept. 100-395) June 22. Passed Senate, amended, July 7, 1988. Conference scheduled.

#### **H.R. 4658 (Hutto)**

Coast Guard Drug Enforcement Act of 1988. Contains authorizations designed to provide more effective Coast Guard enforcement of laws relating to drug abuse. Introduced May 24, 1988; referred to Committees on Merchant Marine and Fisheries and on Ways and Means. Reported, amended (H.Rept. 100-814), Aug. 3, 1988. (Similar provisions included in H.R. 5210.)

#### **H.R. 4719 (Brooks)**

Drug-Free Workplace Act of 1988. Sets forth drug-free workplace requirements for Federal grantees and contractors. Introduced June, 1988; referred to Committee on Government Operations. Ordered reported, amended, June 29, 1988. (Similar provisions included in H.R. 5210.)

#### **H.R. 4841 (Fascell)**

International Narcotics Control Act of 1988. Authorizes an additional \$36 million for the International Narcotics Control program under the Foreign Assistance Act. Requests the Organization of American States to consider the possibility of establishing a multinational regional anti-narcotics force. Introduced June 16, 1988; referred to Committees on Foreign Affairs, on Ways and Means, and on Banking, Finance, and Urban Affairs. Reported by Committee on Foreign Affairs (H.Rept. 100-720, Part I) June 22, 1988. (Similar provisions included in H.R. 5210.)

#### **H.R. 4842 (Michel)**

Comprehensive Anti-Drugs Act of 1988. An omnibus 4-title bill (with 40 subtitles) emphasizing drug demand reduction through user accountability, increased criminal sanctions for drug offenses, tighter regulatory controls in certain areas, expanded enforcement authorities for some agencies, increases in Federal prison capacity and in funding of other segments of the Federal criminal justice system, added assistance for drug law enforcement efforts of foreign countries, and measures designed to improve U.S. interdiction efforts (including greater involvement of the Armed Services). Introduced June 16, 1988; referred jointly to Committees on the Judiciary, on Agriculture, on Armed Services, on Education and Labor, on Energy and Commerce, on Foreign Affairs, on Government Operations, on Merchant Marine and Fisheries, on Post Office and Civil Service, on Public Works and Transportation, on Ways and Means, and on Banking, Finance, and Urban Affairs; also to the Permanent Select Committee on Intelligence. (Related bill: H.R. 4446.)

#### **H.R. 4872 (Hawkins)**

Establishes education programs relating to the illicit use of drugs by youth. Introduced June 21, 1988; referred to Committee on Education and Labor. Reported, amended (H.Rept. 100-779) July 14, 1988. (Similar provisions included in H.R. 5210.)

**H.R. 4907 (Leland)**

Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1987. Amends the Public Health Service Act to revise and extend appropriation authorizations for expiring programs of the Alcohol, Drug Abuse, and Mental Health Administration. Among other things, breaks up the existing alcohol and drug abuse and mental health services block grant to the States to form separate grants for mental health and for substance abuse. For Alcohol and Drug Prevention, Treatment, and Rehabilitation Services (including the proposed new block grant), authorizes \$475 million for FY89 and such sums as may be necessary for FY90 and FY91. Authorizes \$100 million for grants for the purpose of expanding treatment capacity and reducing waiting periods of existing qualified programs. H.R. 3187 introduced Aug. 7, 1988; H.R. 4907, clean bill in lieu of H.R. 3187, introduced June 23, 1988; referred to Energy and Commerce. Ordered reported, amended, June 28, 1988. (Related bills: S. 924, S. 1943.) (Similar provisions included in H.R. 5210.)

**H.R. 4916 (Hughes)**

Anti-Drug Abuse Amendments Act of 1988. Includes: the Chemical Diversion and Trafficking Act; the Joint Federal Task Force on Clandestine Drug Laboratories Act; the Asset Forfeiture Amendments Act; the State and Local Law Enforcement Assistance Act; the Drug Enforcement Enhancement Act (for FY89, an additional \$620 million for the Drug Enforcement Administration, \$9 million for the Organized Crime Drug Enforcement program, and \$82.3 million for the Immigration and Naturalization Service); the Money Laundering Prosecution Act; establishment of an Office of Anti-Drug Operations and Policy; and provisions for denying certain Federal benefits (for specified periods) to persons convicted within a 10-year period of any felony drug offense or two misdemeanor offenses. As reported, includes an amendment providing for a police check/waiting period for commercial handgun transfers ("Brady bill"). Original bill H.R. 4868 introduced June 21, 1988; referred jointly to Committees on the Judiciary and on Energy and Commerce. Clean bill H.R. 4916 introduced June 27, 1988; referred jointly to Committees on the Judiciary, on Energy and Commerce, on Post Office and Civil Service, on Government Operations, and on Banking, Finance and Urban Affairs. Ordered reported by Committee on the Judiciary, amended, June 30, 1988. (Similar provisions included in H.R. 5210.)

**H.R. 4953 (St Germain)**

Money Laundering Control Amendments of 1988. Amends Title 31, U.S. Code, to establish new requirements and procedures to combat money laundering. Introduced June 16, 1988; referred to Committee on Banking, Finance, and Urban Affairs. Reported (H.Rept. 100-716) June 21, 1988. (Similar provisions included in H.R. 5210.)

**H.R. 5096 (Whitten)**

Makes special supplemental appropriations for FY88, including \$2.6 billion, in lump sum, for anti-drug efforts. Original bill H.R. 4728 introduced June 2; referred jointly to Committees on Appropriations and on Government Operations. Provisions included in H.R. 5096 (replacing H.R. 5027), as reported by Committee on Appropriations (H.Rept. 100-799) July 26, 1988.

**H.R. 5210 (Foley, Michel)**

Omnibus Drug Initiative Act of 1988. Contains 10 titles (named for originating committees), including provisions which: (1) make it more difficult to launder the proceeds from drug trafficking and other criminal enterprises; (2) establish several new drug awareness and education programs; (3) impose stricter penalties for certain drug-related offenses; (4) extend and expand the existing program of grants to State and local law enforcement agencies for drug law enforcement purposes; (5) reauthorize two important block grants for the provision of treatment and prevention services; (6) reauthorize international control efforts and earmark funds for specific purposes; (7) revise certification procedures and requirements for foreign assistance programs; (8) require Federal grantees and contract winners to provide a drug-free workplace; and (9) create a new grant program for treatment of intravenous drug users and for counseling on AIDS. Authorizes additional appropriations for Federal agency drug control functions and for grants-in-aid of \$2.1 billion. Major House floor amendments include those which: (1) provide for the possibility of the death penalty for certain drug trafficking offenses resulting in death; (2) create a new Federal office for developing and coordinating drug law enforcement policy; (3) are designed to foment "user accountability" through denial of certain Federal benefits to persons convicted of specified drug offenses; (4) establish a civil penalty (up to \$10,000) for illegal possession of a controlled substance; (5) strike provisions for a Federal "waiting period" for commercial handgun purchases; and (6) increase penalties for certain cocaine base possession offenses. Introduced Aug. 11, 1988; referred to Committees on Banking, Finance, and Urban Affairs, on Education and Labor, on Foreign Affairs, on Government Operations, on Interior and Insular Affairs, on the Judiciary, on Merchant Marine and Fisheries, on Public Works and Transportation, on Ways and Means, and on Energy and Commerce. Rule granted prior to introduction and reported to House (H.Rept. 100-861) Aug. 10; superseded by H.Rept. 100-861, part 2, reported Sept. 6. Rule passed House Sept. 7. Bill passed House Sept. 22, 1988. (Comparable bills: H.R. 4230, H.R. 4446, H.R. 4842; and S. 2205.)

**S. 789 (Biden)/H.R. 2454 (Rangel, Gilman, Rodino)**

National Narcotics Leadership Act of 1987. Establishes a new agency, the Office of National Drug Control Policy, to be headed by a cabinet-level official with responsibility for coordinating the "overall direction of United States policy, resources, and operations with respect to drug control and abuse." Among listed responsibilities is one for developing budgetary priorities and allocations with respect to drug control and abuse, "in concert with other governmental entities." Empowers the Director to direct each department or agency with responsibility for drug control to carry out the policies he establishes, "consistent with the general authority of each agency or department." Requires the Director to submit to Congress annually a "National and International Drug Control Strategy." Terminates the National Drug Enforcement Policy Board. Provides that proceeds of all drug trafficker asset forfeiture actions, after payment of agency expenses, be used for drug abuse prevention and control. S. 789 introduced Mar. 19, 1987; referred to Committee on the Judiciary. Hearings held May 14, 1987. H.R. 2454 introduced May 18, 1988; referred to Committee on the Judiciary (Subcommittee on Crime). (Related bills: H.R. 353, S. 15.)

**S. 1274 (Pell)/H.R. 3100 (Fascell)**

International Security and Development Cooperation Act of 1987. Among other things, amends the Foreign Assistance Act to authorize appropriations of \$98,750,000 for the International Narcotics Control program for FY88. Also (1) repeals section 2013 of the Anti-Drug Abuse Act (requiring a biannual report by the President on drug source countries whose governments or officials are guilty of any one of four specified types of conduct relating to drug trafficking and its control); and (2) amends that act's provision for the annual certification of major drug source countries as taking satisfactory anti-drug measures, to provide that all U.S. assistance be withheld from uncertified countries (in lieu of 50%, as now required). Original Senate bill (S. 720, by request) introduced Mar. 11, 1987; referred to Committee on Foreign Relations. Amended contents included in S. 1274, reported May 22 (S.Rept. 100-60). Original House bill (H.R. 1630, by request) introduced Mar. 17, 1987; referred to Committee on Foreign Affairs. Related provisions incorporated in H.R. 3100, reported Aug. 26 (H.Rept. 100-294), which passed House, amended, Dec. 10; referred to Senate Committee on Foreign Relations Dec. 16, 1987. Provisions inserted in H.R. 4471, as passed House May 12, 1988.

**S. 1943 (Kennedy)**

Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1987. Among other things: amends and extends the authority for the ADMS block grant. Revises the allocation formula to take into account State population in need of services and State fiscal capacity. Establishes a block grant program for prevention of AIDS among intravenous drug users. Introduced Dec. 11, 1987; referred to Committee on Labor and Human Resources. Reported, amended (S.Rept. 100-328), May 4, 1988. (Related bill: H.R. 4907.)

**S. 1970 (Thurmond)/H.R. 3777 (Gekas)**

Criminal Justice Reform Act of 1987. Provides that evidence obtained by search or seizure shall not be excluded in a Federal criminal proceeding if the search or seizure was undertaken in an objectively reasonable belief that it was in conformity with the Fourth Amendment; generally revises procedures for the review of habeas corpus petitions by the lower Federal courts; and both establishes procedures for the implementation of the death penalty under existing Federal law and authorizes penalties for additional offenses (including causing the death of a person while engaged in a continuing criminal drug enterprise). S. 1970 introduced Dec. 18, 1987; referred to Senate Committee on the Judiciary (Subcommittee on the Constitution). H.R. 3777 introduced Dec. 16, 1987; referred to House Committee on the Judiciary (Subcommittee on Criminal Justice).

**S. 2205 (DeConcini, D'Amato)/H.R. 4230 (English)**

Omnibus Antidrug Abuse Act of 1988. Authorizes appropriations of \$2.5 billion for increased anti-drug efforts. Establishes an Office of Enforcement and Border Affairs within the Treasury Department, to include the Coast Guard. Establishes within the Defense Department (ISA) the new position of Deputy Assistant Secretary for International Drug Interdiction and Enforcement. Establishes several new research and development programs to assist law enforcement agencies. Provides for additional IRS staff to collect \$1.25 billion in revenues owed to the U.S. Government, to

be used to fund a part of the new authorizations under the bill; also directs Federal agencies to collect \$2 billion (over and above the President's budget proposal) in non-tax delinquent debt to the Government, to be deposited in a new Anti-Drug Abuse Fund, and for other purposes. S. 2205 introduced Mar. 23, 1988; referred to Committee on the Judiciary. H.R. 4230 introduced Mar. 23, 1988; referred to Committees on Government Operations, on the Judiciary, on Ways and Means, on Foreign Affairs, on Energy and Commerce, on Education and Labor, on Armed Services, on Merchant Marine and Fisheries, on Intelligence, on Post Office and Civil Service, and on Science, Space, and Technology.

**S. 2355 (Nunn)**

National Defense Authorization Act for FY89. Floor amendments relating to drug control would: (1) have the effect of making drug interdiction (with an emphasis on detection and monitoring of aerial and maritime smuggling) an official mission of the Armed Forces; and (2) provide for the deputization of military personnel to make arrests beyond the United States and its territorial waters by designated members of the Coast Guard. Introduced May 4, 1988; referred to Committee on Armed Services. Reported (S.Rept. 100-326) May 4. Text inserted in H.R. 4264, as passed Senate.

**S. 2455 (D'Amato, DeConcini)**

Amends the Controlled Substances Act to provide for the imposition of the death penalty for the intentional killing of a law enforcement officer and for certain "Continuing Criminal Enterprise" (21 U.S.C. 848) offenses. Introduced May 27, 1988; placed on Senate legislative calendar. Passed Senate, amended, June 10, 1988.

**S.J.Res. 268 (Wilson)/H.J.Res. 499 (Smith)**

Disapproving the certification of the President, with respect to drug control efforts of the Government of Mexico, under Section 481(h) of the Foreign Assistance Act. S.J.Res. 268 introduced Mar. 2, 1988; referred to Committee on Foreign Relations. Committee discharged Apr. 12. Passed Senate Apr. 14. H.J.Res. 499 introduced Mar. 15, 1988; referred to Committees on Foreign Affairs, and on Banking, Finance, and Urban Affairs. Subcommittee hearings held Mar. 29, 1988. Forwarded to full committee (without recommendation) Apr. 13, 1988. (Note: Similar resolutions have been introduced respecting the certification of drug control efforts by the Bahamas, Peru, Bolivia, and Paraguay.)

**CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS**

U.S. Congress. House. Committee on Armed Services. Delegation to Latin America; report. Washington, U.S. Govt. Print. Off., 1987. 32 p.

At head of title: 99th Congress, 2d session. Committee print no. 23.

U.S. Congress. House. Committee on Banking, Finance and Urban Affairs. Money Laundering Control Amendments of 1988; report to accompany H.R. 4853. Washington, U.S. Govt. Print. Off., 1988. 22 p. (99th Congress, 2d session. House. Report no. 100-716)

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CHRONOLOGY

- 09/22/88 --- An omnibus bill (H.R. 5210), similar in scope to the Anti-Drug Abuse Act of 1986, passed the House. It authorizes an additional \$2.1 billion for drug control in FY89.
- 03/21/88 --- Customs Service initiated its "Zero Tolerance" program at U.S. ports of entry. Possession of an illicit controlled substance entails seizure of passport and of any private vehicle involved.
- 02/18/88 --- President's budget for FY89 was submitted to Congress. The request for all functions relating to drug control was estimated to be \$3.9 billion, a \$451 million increase (approximately 13%) over the amount appropriated for FY88 under the continuing resolution passed in December 1987.
- 12/21/87 --- Congress passed H.J.Res. 395, Continuing Appropriations for FY88. The estimated total amount for all drug abuse control functions funded is approximately \$3.5 billion.
- 05/22/87 --- The National Drug Policy Board approved a directive designating lead agencies in the principal areas of the Federal anti-drug program. The major contest for such designation, in the interdiction segment generally, was won by the Customs Service, but the Coast Guard was named lead agency in marine interdiction and co-lead in air interdiction.
- 03/26/87 --- President issued an Executive order placing responsibility for all Federal anti-drug programs -- including those having to do with treatment or prevention -- in one Cabinet level board, to be known as the National Drug Policy Board, with Attorney General as chairman, and Secretary of Health and Human Services as vice chairman.
- 10/27/86 --- President signed (P.L. 99-570) the omnibus drug control bill passed in the closing hours of the 99th Congress. The legislation, which touches upon virtually every aspect of the nation's efforts to prevent and control drug abuse, was developed on the House side by twelve separate committees. Subsequently, the Administration submitted an alternate bill, and the Senate leadership developed several variants. The final version was the result of intensive negotiation.
- 08/14/86 --- Attorney General announced a major new cooperative effort -- Operation Alliance -- to combat drug trafficking along the U.S.-Mexican border. The program calls for an additional 600 Federal agents at the border; it is expected to require at least 2 years to become fully operational.
- 04/08/86 --- President reportedly signed a National Security Decision Directive designating the international drug trade as a national security threat.

- 10/12/84 --- President signed H.J.Res. 648 (P.L. 98-473). Title II is the Comprehensive Crime Control Act of 1984, with a number of its major provisions aimed principally at the illicit traffic in narcotics and other dangerous drugs.
- 03/23/83 --- The White House announced the creation of a new drug interdiction group headed by Vice President George Bush. To be known as the National Narcotics Border Interdiction System (NNBIS), it will coordinate the work of Federal agencies with responsibilities for interdiction of sea-borne, air-borne and across-border importation of narcotics and other dangerous drugs -- principally the Customs Service, the Coast Guard, and the armed services.
- 10/14/82 --- President announced a major new drive against illicit drug trafficking. The Organized Crime Drug Enforcement program involves creation of 12 regional multi-agency task forces for investigation and prosecution of drug trafficking offenses.
- 01/21/82 --- Attorney General announced that the FBI had been given concurrent jurisdiction with the Drug Enforcement Agency (DEA) over the investigation of violations of Federal dangerous drug laws. The DEA Administrator will report to the Attorney General through the FBI Director.
- 12/01/81 --- President signed P.L. 97-86, which contained a provision authorizing certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specific purposes, including drug law enforcement.
- 08/13/81 --- President signed the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). Among other things, it consolidated into a single State block grant program the existing categorical grant programs for treatment and prevention of alcohol and drug abuse and for the promotion of mental health in general (the ADAMS block grant).
- 07/01/73 --- Bureau of Narcotics and Dangerous Drugs and several other agencies were merged into the Drug Enforcement Administration, by Reorganization Plan No. 2 of 1973. The new agency absorbed a number of Customs Bureau officials.
- 03/21/72 --- President signed the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), which established several programs to focus the resources of the Federal Government on drug abuse. Created the Special Action Office for Drug Abuse Prevention in the Executive Office of the President. It also provided for an expanded drug abuse prevention and treatment program within the Department of Health, Education, and Welfare (HEW) and established the National Institute on Drug Abuse (NIDA) within the National Institute on Mental Health (NIMH). In 1974, NIDA and NIMH were combined with the National Institute of Alcohol Abuse and Alcoholism to form the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), the lead HEW agency for substance abuse and mental health programs.

- 02/07/72 --- President signed the Foreign Assistance Act of 1971 (P.L. 92-226), which contained a provision establishing a program of assistance designed to encourage international narcotics control and the reduction of overseas drug production.
- 10/27/70 --- President signed the Comprehensive Drug Abuse Prevention and Control Act of 1970, an omnibus bill containing the Controlled Substances Act and the Controlled Substances Import and Export Act, which consolidated and revised all Federal laws regulating the commerce in narcotics and other dangerous drugs.
- 10/15/68 --- President signed P.L. 90-574, which included provisions to establish the first program of specialized grants for construction and staffing support (within the existing community mental health centers program) for treatment and rehabilitation of narcotic addicts and alcoholics.

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