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Narcotics and Other Dangerous Drugs: Brief Summaries of Federal Laws to Control Supply, 1961-1991

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NARCOTICS AND OTHER DANGEROUS DRUGS: BRIEF SUMMARIES OF FEDERAL LAWS TO CONTROL SUPPLY, 1961-1991

SUMMARY

Federal efforts to prevent the abuse of narcotics and other dangerous drugs are supported by statutes for the most part distinct from those regulating drug commerce in general. The major laws now in effect have been either written or rewritten during the past thirty years. This compilation provides summaries of enactments, treaties and reorganization plans that were passed or approved in that period and that bear some clear relationship to attempts to prevent drug misuse by means of *supply* reduction. Demand reduction measures are not included.

Until the 1960s, Federal interest in drug control was almost entirely in the supply reduction or regulatory and "law enforcement" area. Attention had been focussed on the development of international controls supported by appropriate domestic restrictions. The emphasis on supply reduction was challenged with growing frequency in the 1960s and 1970s, and laws were passed that reflected a greater concern with reducing the *demand* for drugs. The Community Mental Health Centers Act of 1963 and its subsequent amendments ensured a larger Federal role in treatment and rehabilitation. Another drug policy facet was added in 1970 with the establishment of programs to *prevent* the initiation of drug-taking and *intervene* in adolescent drug use before the development of dependency.

The principal regulatory effort was the enactment, in 1970, of the landmark Controlled Substances Act (CSA) (P.L. 91-513). While originally intended simply to consolidate the many laws written since 1909, in its final form the 1970 statute substantially changed penalties for drug violations and strengthened regulation of the pharmaceutical industry with respect to narcotics and other habituating drugs. It also provided States with a model for comprehensive prescriptive and regulatory legislation, which in its broad framework has been generally adopted.

Other significant legislation of the 1970s and early 1980s established a foreign aid program to encourage curbs in overseas drug production and clarified the Posse Comitatus Act to permit the U.S. Armed Services to assist in civilian law enforcement of drug control laws.

Beginning in 1984, a new pattern emerged: the enactment every two years of an omnibus, far-ranging bill for drug control specifically or crime control generally. These lengthy measures have added substantially to Federal criminal and drug laws as well to the scope and extent of demand reduction and international efforts. Significant features emphasize "financial" curbs on trafficking, such as forfeiture of trafficker assets and deterrents to money "laundering."

Among measures of Federal interest in the drug problem are funding levels. Since FY 1969—the first year such estimates were compiled by the Office of Budget and Management—budget authority allocated to drug control functions has risen from $82 million to an estimated $12 billion (FY 1992).

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INTRODUCTION

During the past thirty years, Congress has enacted a large number of laws intended, in whole or in part, to prevent the misuse of narcotics and other dangerous drugs. Of these enactments, some are designed to reduce the *demand* for such drugs—through treatment, education, and intervention efforts. Others are aimed at reduction of drug *supply*—through regulation of manufacture and distribution, curbing illicit traffic, foreign assistance for the control of drug production and trafficking abroad, and support of multilateral international efforts.

This compilation provides summaries of enactments, treaties and reorganization plans, passed or approved from 1961 through 1991. Those included have some clearly indicated relationship—either by specific reference or by virtue of legislative history—to the Federal effort to prevent drug misuse by means of *supply* reduction. Measures for the prevention of drug misuse through demand reduction or "user accountability"[1] are not included.

Appropriation laws are included only if they contain provisions bearing on the substance of the activity or program for which funds are being appropriated.

It should be noted that many measures of a general nature—such as broadly directed anti-crime laws or laws authorizing the activities and funding of general law enforcement agencies (Coast Guard, Customs Service, FBI, etc.)—may also contribute to the drug control effort.

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[1] User accountability measures form a category that does not fit neatly into the supply-demand delineation of drug control efforts. The term has been often used to describe civil sanctions such as suspension of the driver's license of someone testing positive for drug use. However, under Title V of the Anti-Drug Abuse Act of 1988 it is also used to apply to provisions (1) allowing or requiring denial of certain Federal benefits (grants, contracts, loans, mortgage guarantees, and permits) for specified periods to certain convicted drug offenders and (2) prohibiting the award of grants or contracts to any person or entity that fails to take certain steps designed to maintain a drug-free workplace. Logically, it could cover any sanction aimed at the user, including penalties—civil or criminal—for "simple" possession (i.e., possession with no intent to sell or distribute).

PUBLIC LAWS

P.L. 87-228

Makes it a Federal crime, punishable by a fine of up to $10,000 or 5 years imprisonment or both, to travel or use communications facilities in interstate or foreign commerce to carry on or to aid racketeering activity (including any illegal organized enterprise involving narcotic drugs).

P.L. 87-274: Juvenile Delinquency and Youth Offenses Control Act

Authorizes $10 million for fiscal year 1962 and each of the two succeeding years to make grants to Federal, State, local and other public or nonprofit agencies and organizations to pay part of the cost of carrying out projects demonstrating or developing practices for the prevention, diminution, and treatment of juvenile delinquency and holding promise of making a substantial contribution to the solution of juvenile delinquency problems (including the problem of juvenile drug abuse).

Provides technical assistance services to States, municipalities, and other agencies—including investigations, reports and short term training.

Directs the Secretary of the Department of Health, Education and Welfare, in administering the Act, to consult with the President's Committee on Juvenile Delinquency and Youth Crime on matters of general policy and procedure.

P.L. 88-368: Juvenile Delinquency Act Extension

Extends for an additional 2 years the Juvenile Delinquency and Youth Offenses Control Act of 1961, with provision for a special demonstration project for prevention and control of juvenile delinquency in the District of Columbia.

P.L. 89-74: Drug Abuse Control Amendments of 1965

Amends the Federal Food, Drug, and Cosmetic Act to provide for special controls over the manufacture and distribution of depressant and stimulant drugs—including increased recordkeeping and inspection requirements, control over intrastate commerce in such drugs as well as interstate—and to make possession of the drugs (other than by the user) illegal outside the legitimate channels of commerce.

P.L. 89-793: Narcotic Addict Rehabilitation Act of 1966

Provides for the possibility of civil commitment, for treatment, of narcotic addicts charged with Federal law violations; provides for the possibility, under certain circumstances, of civil commitment to Federal care (for treatment purposes) of addicts who are not charged with any criminal offense; and provides for grants to States to assist in developing and maintaining specialized services and programs for addicts. Also, makes Federal marihuana law violators eligible for parole.

Reorganization Plan No. 1, effective April 8, 1968

Merges the Bureau of Narcotics (Treasury Department) with the Bureau of Drug Abuse Control (Department of Health, Education and Welfare) to form a new agency, the Bureau of Narcotics and Dangerous Drugs, in the Department of Justice.

P.L. 90-351: (Title I) Omnibus Crime Control and Safe Streets Act of 1968: Title I, Law Enforcement Assistance

Authorizes a program of formula grants to States for the purpose of improving and strengthening law enforcement, which may include efforts to treat and rehabilitate narcotic addicts within State criminal justice systems; and also authorizes a program of "discretionary" grants to States and localities for implementation of "special emphasis" law enforcement activities, which also may include drug abuse control projects.

P.L. 90-639: Increased Penalties for Dangerous Drug Offenses

Provides increased penalties for illegal trafficking in depressant and stimulant drugs, including LSD and other hallucinogens, and makes possession of such drugs illegal (first offense a misdemeanor) unless they were obtained through a valid prescription.

P.L. 91-296: Marihuana and Health Reporting Act

(Title V of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970). Requires the Secretary of Health, Education, and Welfare to make an annual report to the Congress on the health consequences of marihuana use.

P.L. 91-452: Organized Crime Control Act of 1970

Title I: Provides for the summoning of special grand juries in major metropolitan areas, for the purpose of investigating organized crime activities, and authorizes such juries to issue reports upon conclusion of their terms.

Title II: Provides that, and prescribes the manner in which, a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination, and defines the scope of the immunity to be provided such witness with respect to information given under an order.

Title III: Codifies previously existing Federal civil contempt procedures designed to deal with recalcitrant witnesses in grand jury and court proceedings, authorizing civil contempt commitment until the court order is complied with, and makes subject to Federal process witnesses who flee State investigative commissions to avoid giving testimony.

Title IV: Abolishes the "two-witness" and "direct evidence" rules in the trying of Federal perjury cases, and provides for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements.

Title V: Authorizes the Attorney General to protect and maintain Federal or State government witnesses in organized crime proceedings, along with their families.

Title VI: Authorizes the taking of pretrial depositions of Federal Government witnesses in criminal cases against persons believed to have participated in organized crime activity, and the use of such depositions as evidence in subsequent prosecutions.

Title VII: Provides that in any legal proceeding of the United States, the consideration of claims that evidence is inadmissable because derived from the illegal use of electronic, mechanical or other device shall be limited to those cases where the alleged illegal act has taken place within five years of the time the claim is made; and limits disclosure of information by the Government in such cases to only such as is relevant to determination of admissibility of the evidence and is in the interest of justice.

Title IX: Racketeer Influenced and Corrupt Organizations (RICO). Amends title 18, U.S.C., to prohibit infiltration of the management of legitimate organizations by racketeering activity or by the proceeds of racketeering activity where interstate or foreign commerce is affected; provides for criminal penalties (including forfeiture of property to the United States) upon conviction of violations of the prohibitions; and provides for civil remedies (e.g., court-ordered divestiture of interest) to prevent and restrain violations of the prohibition provisions.

Title X: Provides for additional sentences for habitual, professional, or organized crime offenders convicted of a Federal offense.

Title XII: Establishes a Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special-offender sentencing authorized under the Act, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies—to report within 6 years of establishment.

P.L. 91-508

Title I: Financial Recordkeeping. Requires the maintenance of records by banks, businesses and other U.S. financial institutions where such records would be useful in criminal, tax, or regulatory investigations or proceedings.

Title II: Currency and Foreign Transactions Report Act. Among other things, requires all banks and other financial institutions to file a currency transaction report with the Internal Revenue Service for each deposit, withdrawal or exchange of currency or monetary instruments in excess of $10,000. Requires any individual involved in exporting or importing monetary instruments exceeding $5,000 to report such transactions to the Customs Service. Provides for the seizure and forfeiture of monetary instruments involved in a violation of the reporting requirement. Authorizes the Secretary of the Treasury to make information from the required reports available to any other Federal department or agency upon request.

P.L. 91-513: Comprehensive Drug Abuse Prevention and Control Act of 1970

Title II: Controlled Substances Act. Replaces previous narcotic and dangerous drug control laws (except those relating to importation and exportation; see Title III) with a single statute and makes certain changes in the substance of these laws, including: (1) establishment of five separate schedules for the classification of all narcotics and other dangerous drugs ("controlled substances"), with the extent of regulation of each drug or substance varying according to its assigned schedule (but with distinctions between narcotics and non-narcotics in the two most restrictive schedules); (2) transfer to the Secretary of Health, Education and Welfare of authority to designate the classification of substances proposed to be regulated under the Act, in the absence of control required by a treaty in effect upon enactment; (3) extension of existing law's licensing requirements for narcotics manufacturers to manufacturers of *all* controlled drugs and to all distributors of such drugs; (4) a revision of penalties, among which is one making any first-time simple possession offense a misdemeanor, regardless of the drug involved, and one eliminating mandatory minimum sentences except in cases involving a special class of professional criminal (one shown to have been involved in a "continuing criminal enterprise"); (5) provision of possibility of expungement of police record, after satisfactory probation, in the case of a first offender convicted of illegal possession of a narcotic drug or marihuana (such a possibility already existed for other possession offenders); (6) provision for possibility of use of "no-knock" search warrants by law enforcement officers engaged in enforcing the Act; and (7) establishment of a commission to conduct a study of marihuana and a second study of drug abuse in general, and to make recommendations regarding control. For carrying out functions under Title II, authorizes Justice Department appropriations of $60 million for FY 1972, $70 million for FY 1973, and $90 million for FY 1974. Separately, authorizes annual appropriations of $6 million for specific purpose of increasing Federal narcotics enforcement strength by 300 agents plus support personnel.

Title III: Controlled Substances Import and Export Act. Replaces with a single new provision of law the existing statutes relating to importation and exportation of narcotics and dangerous drugs, conforming to the provisions of Title II (See above); and repeals other revenue laws relating to narcotics and marihuana.

P.L. 92-13

Increases appropriation authorizations for the Commission on Marihuana and Drug Abuse.

P.L. 92-31

Extends the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for an additional year and establishes an interdepartmental Council of Juvenile Delinquency to coordinate all Federal delinquency control programs. Authorizes appropriations of $75 million for FY 1972.

P.L. 92-73: Department of Agriculture—Environmental and Consumer Protection Appropriations Act, 1972

Contains a provision barring the payment of Federal subsidies to farmers who knowingly allow wild marihuana growing on their land to be harvested.

P.L. 92-129: Selective Service Act Amendments

Contains a provision directing the Armed Forces: to identify drug-dependent servicemen and to provide them with treatment; to identify prospective servicemen who are drug- or alcohol-dependent, refuse them entrance into the Armed Forces, and refer them to civilian treatment facilities; and to report to Congress within 60 days of enactment as to implementation of the provisions and with recommendations for additional legislative action determined necessary to combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug- or alcohol-dependent person.

P.L. 92-226: Foreign Assistance Act of 1971

Among other things, authorizes suspension of foreign assistance to countries not cooperating in attempts to curb illegal drug traffic to the United

States and creates an assistance program designed to encourage international narcotics control.[2]

P.L. 92-245, 92-246, 92-247

Authorizes U.S. contributions to and participation in the Asian Development Bank, the Inter-American Development Bank, and the International Development Association, respectively. Each contains a provision instructing the U.S. Executive Director for the relevant institution to vote against any loan (or other utilization of the institution's funds) to any country with respect to which the President has made a determination that its government has failed to take adequate steps to prevent narcotics and other dangerous drugs from entering the United States unlawfully or from being sold unlawfully to any U.S. Government personnel or their dependents within the country's jurisdiction.

P.L. 92-255: Drug Abuse Office and Treatment Act of 1972

Title II: Establishes an office in the Executive Office of the President—to be called the Special Action Office for Drug Abuse Prevention (SAODAP)—to coordinate and direct Federal drug abuse control efforts related to rehabilitation of drug-dependent persons, education, training, and research; makes specific appropriation authorizations for the new office. Although "drug traffic prevention" functions (law enforcement activities, diplomatic negotiations, and foreign assistance for controlling drug production and traffic) are excluded from the jurisdiction of the Office, provides that the Director of SAODAP may make *recommendations* to the President in connection with any drug traffic prevention function, and that he shall consult with and be consulted by all agencies involved in such functions regarding their policies, priorities, and objectives. Also specifically provides that the Director shall report, in writing to the President, the conduct of any agency—be it concerned with abuse prevention or traffic prevention—which "substantially impairs the effective conduct" of any other drug function. Further provides that the Attorney General must give prior notice to the SAODAP Director of any scheduling action (addition, removal, or transfer) under the Controlled Substances Act. Specifies June 30, 1975, as the expiration date for the Office.

Title III: Directs the President to develop a "comprehensive, coordinated long-term Federal strategy" for all drug abuse prevention and drug traffic prevention functions conducted, sponsored, or supported by the Federal Government. Requires such strategy to be promulgated initially no later than nine months after enactment of the title. To assist in preparing strategy, directs the President to establish a Strategy Council, consisting at least of the Director of SAODAP, the Attorney General, the Secretaries of HEW, State, and Defense,

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[2] Amended by P.L. 92-352 (State Department appropriations authorizations, 1972) to provide for a specific FY 1973 appropriation authorization of $42,500,000 for the assistance program.

and the Administrator of Veterans' Affairs. Provides that the strategy must be reviewed, revised as necessary, and promulgated as revised at least once a year.

P.L. 92-293

Authorizes the Attorney General to provide care for narcotic addicts placed on probation, released on parole, or mandatorily released (who are not eligible for handling under the provisions of the Narcotic Addict Rehabilitation Act of 1966).

P.L. 92-381

Extends the Juvenile Delinquency Prevention and Control Act of 1968 for two additional years. The Act provides for grants to assist States and communities (agencies outside the juvenile justice system) in furnishing diagnostic, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, which services may include drug abuse treatment or prevention projects.

P.L. 92-420

Amends the Narcotic Addict Rehabilitation Act of 1966 to increase treatment options available through judicial disposition of addicts, especially to allow methadone maintenance.

P.L. 93-83: Crime Control Act of 1973

Funds the law enforcement assistance program under the Omnibus Crime Control and Safe Streets Act of 1968 for three additional years—authorizing appropriations of $1 billion for fiscal years 1974 and 1975, and $1.25 billion for FY 1976. Reduces State-local matching requirements from 25 to 10 percent except for Part C construction, and increases to 50 percent the local non-Federal share to be paid by the States for both Part B planning and Part C action grants. Contains a provision specifically requiring States receiving grants for correctional programs to provide "necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, alcoholics, or alcohol abusers." Further, contains a Part C amendment referring specifically to "centers for treatment of narcotic addicts" as a possible component of a comprehensive State plan.

P.L. 93-87: Federal-Aid Highway Act of 1973

Authorizes, among other changes, funding of research by public or private agencies, institutions and individuals to explore the relationship between drug use and highway safety.

P.L. 93-189: Foreign Assistance Act of 1973

Authorizes appropriations of $42.5 million for the International Narcotics Control program established under the Foreign Assistance Act of 1971, for each of fiscal years 1974 and 1975, and contains a requirement that the President transmit to Congress quarterly and semi-annual reports on all aspects of U.S. International Narcotics Control programs and activities.

P.L. 93-218

Authorizes the disposal of opium from the National Stockpile.

P.L. 93-281: Narcotic Addict Treatment Act of 1974

Amends the Controlled Substances Act to provide for the separate registration of practitioners who use narcotic drugs in the treatment of addicts.

P.L. 93-415: Juvenile Justice and Delinquency Prevention Act of 1974

Replaces and generally expands the programs authorized by the old Juvenile Delinquency Prevention Act. Establishes an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration, to administer a formula grant and contract program of assistance to States and localities for the development of delinquency prevention and control programs (defined as meaning "any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, *including drug and alcohol abuse programs*, the improvement of the juvenile justice system and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent"). Authorizes appropriations of $75 million for FY 1975, $125 million for FY 1976, and $150 million for FY 1977. Creates a Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate Federal juvenile delinquency programs, and creates an Advisory Committee for Juvenile Justice and Delinquency Prevention to make policy and management recommendations for Federal programs. Establishes a National Institute for Juvenile Justice and Delinquency Prevention to serve as an information clearinghouse and training center. Authorizes the Secretary of HEW to make grants and provide technical assistance to localities and nonprofit private agencies for the development of facilities to serve the needs of runaway youth, outside the justice system—authorizing appropriations for this purpose of $10 million for fiscal years 1975 through 1977. Extends the old Juvenile Delinquency Prevention Act for an additional year.

P.L. 93-481

Authorizes appropriations for enforcement of the Controlled Substances Act by the Drug Enforcement Administration—$105 million for FY 1975, $175 million for FY 1976, and $200 million for FY 1977. Also repeals the "no-knock" search warrant provision of the Controlled Substances Act, and extends the possibility of parole to all persons convicted of a narcotic or dangerous drug offense under the Federal laws in force prior to enactment of the Controlled Substances Act of 1970.

P.L. 93-618: Trade Act of 1974

Among other things, provides for duty-free treatment of any eligible article from any "beneficiary developing country" designated by the President, no country to be so designated if it fails to take adequate steps to cooperate with the United States to prevent the unlawful entry into the latter of narcotic drugs and other substances controlled under the Controlled Substances Act which are produced, processed or transported in that country. Also requires the President to submit a report at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances are produced, processed, or transported for unlawful entry into the United States, and requires that the report include a description of the measures taken by these countries to prevent such activities.

Reorganization Plan No. 2 of 1973

Consolidates and entrusts to a single new agency within the Justice Department, to be known as the Drug Enforcement Administration, all Federal activities relating to the prevention of illicit traffic in narcotics and dangerous drugs.

P.L. 94-237: Drug Abuse Office and Treatment Act of 1972, Amendments

Among other things, establishes on a 3-year basis an Office of Drug Abuse Policy (ODAP) in the Executive Office of the President, to succeed the defunct Special Action Office for Drug Abuse Prevention in providing coordination and policy formulation for Federal efforts to prevent and control drug abuse. Authorizes $700,000 for FY 1976, $500,000 for the transition, and 2 million for each of FY 1977 and 1978. Specifically authorizes certain research efforts by the National Institute on Drug Abuse (NIDA), including those that relate to the development of non-addictive substitutes for opium derivatives—with appropriation authorizations of $7 million annually through FY 1978.

P.L. 94-329: International Security Assistance and Arms Export Control Act of 1976

Among other things, extends the International Narcotics Control program under the Foreign Assistance Act for another two years, with appropriation authorizations of $40 million for FY 1976 and $34 million for FY 1977. Provides that no part of the FY 1976 money may go to any country where illegal traffic in opiates has been a significant problem absent a Presidential determination and certification to Congress that the country is "significantly reducing the amount of illegal opiates entering the international market." Prohibits participation by any U.S. official in any "direct police arrest action" in a foreign country with respect to narcotics control efforts. Directs the President to make a study of methods through which U.S.-funded narcotics control programs in foreign countries might instead be assisted through international organizations.

P.L. 94-419: Defense Department Appropriations Act, FY 1977

Although the act contains no formal provision, the conference report calls for an end to the random urinalysis testing programs of the armed services, intended for the detection of drug abuse, by October 1, 1976, with funds saved to be redirected to military alcohol abuse programs. The conference committee also agreed that the Department should take "positive steps to make all commanders aware of the fact that participating in a drug or alcohol abuse rehabilitation program is, of itself, not to be considered grounds to deny reenlistment."

P.L. 94-455: Tax Reform Act of 1976

Establishes stricter rules of confidentiality with respect to Federal income tax returns. Has the effect of limiting the circumstances under which the Internal Revenue Service may make information available to other Federal agencies.

P.L. 94-503: Crime Control Act of 1976

Extends the law enforcement assistance program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 for an additional three years and authorizes appropriations of $880 million for FY 1977 and $800 million for each of FY 1978 and 1979 (along with an additional $15 million for each year for a new community anti-crime program authorized by Sec. 103 of the act).

Provides that the Law Enforcement Assistance Administration (LEAA) is under the policy direction and control of the Attorney General.

Provides for participation by State legislatures in the planning process. Requires inclusion in the State Planning Agency (SPA) of a minimum of three judicial members.

Provides for voluntary establishment of judicial planning committees to develop annual State judicial plans, to be approved by SPAs and incorporated into State plans.

Requires SPAs to allocate $50 million annually to such committees and increases Part B planning block grants accordingly. Specifically authorizes Part C funding for programs for strengthening the courts, for preventing crimes against the elderly, for community anti-crime programs, and for early case assessment programs.

Requires that juvenile delinquency programs be allocated 19.15 percent of the total appropriation for LEAA.

Requires specific annual authorizations for Justice Department appropriations beginning Oct. 1, 1978.

Authorizes the use of Part C funds for the "development of programs to identify drug-dependent offenders (including alcoholics, drug addicts, and drug abusers)"; and requires all States to establish "procedures for effective coordination between State planning agencies and single State agencies designated under section (409)(e)(1) of the Drug Abuse Office and Treatment Act of 1972 in responding to the needs" of such offenders.

Requires the Institute of Criminal Justice, in consultation with the National Institute on Drug Abuse, to give research priority to determining the relationship between drug abuse and crime and "to evaluate the success of the various types of drug treatment programs in reducing crime."

Provides for the removal from the Federal civil service system of all upper-level supervisory personnel in the Drug Enforcement Administration.

S. Res. 578

Urges Federal judges to set more realistic bail for major narcotics law offenders.

H. Res. 1350

Provides for the establishment and funding, during the 94th Congress, of the House Select Committee on Narcotics Abuse and Control, for the purposes of studying and reviewing the problems of narcotics abuse and control.[3]

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[3] Resolutions providing for the continuance of the Committee have been passed in all subsequent Congresses.

P.L. 95-92: International Security Assistance and Arms Export Control Act of 1977

Among other things, extends the appropriation authorization for the International Narcotics Control Program under sec. 482 of the Foreign Assistance Act for one additional year (FY 1978), at the level of $39 million.

P.L. 95-115: Juvenile Justice Amendments of 1977

Extends and expands the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations of $150 million in FY 1978, $175 million in FY 1979, and $200 million in FY 1980. Relaxes certain stringent requirements of the Act. Increases appropriation authorizations for the Runaway Youth Act.

P.L. 95-137

Extends appropriation authorizations for the enforcement of the Controlled Substances Act for two additional years, $188 million for FY 1978 and $215 million for FY 1979. Repeals the annual $6 million authorization under section 103 of the Act.

P.L. 95-142: Medicare-Medicaid Anti-Fraud and Abuse Amendments

Contains a number of provisions for the general purpose of preventing fraud and abuse under the Medicare and Medicaid programs, including: stricter penalties, requirement of the suspension of practitioners convicted of criminal offenses, establishment of a uniform reporting system for health facilities, and incentives for establishment of State Medicaid fraud units.

P.L. 95-384: International Security Assistance Act of 1978

Among other things: authorizes appropriations for the International Narcotics Control program (section 482 of the Foreign Assistance Act) for one additional year (FY 1979), at the level of $40 million. Amends the "Mansfield Amendment" of 1976 to provide specifically that no U.S. officer or employee may interrogate or be present at the interrogation of any U.S. person arrested in any foreign country with respect to narcotics control efforts without the written consent of that person. Also prohibits the use of any funds authorized by the section in any program involving the spraying of a herbicide to eradicate marihuana plants if the use of the herbicide is likely to cause serious harm to the health of persons who may use or consume the sprayed marihuana, but provides further that the prohibition does not apply when the herbicide is used in conjunction with another substance that will provide a clear warning to potential users. Establishes procedures under which the use of a herbicide in a marihuana eradication program funded under the section is to be evaluated by the Department of Agriculture and the Environmental Protection Agency, to ascertain whether the prohibition should be invoked; also requires the Secretary of State to submit a comprehensive report to Congress each year on efforts taken to ensure compliance with the requirements of the herbicide provisions and to prevent the spraying of marihuana with herbicides harmful to humans.

P.L. 95-410: Customs Procedural Reform and Simplication Act

Among other things, amends the Tariff Act of 1930 to increase from $2,500 to $10,000 the maximum value of property (seized in connection with a violation of U.S. customs laws) that is subject to administrative as opposed to judicial forfeiture; makes by reference the same change with respect to all seizures made under the Controlled Substances Act.

P.L. 95-461: Drug Abuse Prevention and Treatment Amendments of 1978

Among other things, extends specific authorization for support of certain areas of research—including the creation, development, and testing of synthetic analgesics, antitussives and other drugs which are (A) non-addictive or (B) less addictive than opium or its derivatives, to replace those substances in medical use.

P.L. 95-481: Foreign Assistance and Related Programs Appropriation Act, FY 1978

Contains a provision placing a $3 million ceiling on U.S. contributions, during FY 1978, to the United Nations Fund for Drug Abuse Control.

P.L. 95-537: Contract Services for Drug Dependent Federal Offenders Act of 1978

Transfers from the Justice Department to the Administrative Office of the U.S. Courts the authority to contract for aftercare services for released Federal offenders who are drug-dependent, thus consolidating responsibilities for supervisory care for such offenders in a single agency.

P.L. 95-633: Psychotropic Substances Act of 1977

Amends the Controlled Substances Act and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Provides for tighter controls on the manufacture and distribution of the drug phencyclidine (PCP), including increased penalties for illicit trafficking, and places certain restrictions on commerce in the PCP ingredient piperidine. Also provides for seizure and forfeiture of moneys and other negotiable instruments furnished or intended to be furnished in exchange for illicitly transferred controlled substances.

H. Con. Res. 265

Endorses the Hermosillo Declaration ("on Combating Traffic in Drugs at the International Level," adopted by the seventeenth Mexico-United States Interparliamentary Conference, May 1977) and urges the President to encourage other nations to cooperate in an international effort to eradicate narcotics trafficking and to eliminate illicit production of opium.

P.L. 96-43: Speedy Trial Act Amendments of 1979

Amends the Speedy Trial Act of 1974 to modify a number of requirements, particularly to extend the period, from the time of arraignment, during which a trial must commence. Specifically with respect to offenders who might be subject to the provisions of the Narcotic Addict Rehabilitation Act of 1966, extends the periods of delay that are excluded in computing the time limits for the filing of an information or indictment, and the commencement of trial, to include delay resulting from any proceeding or deferral or prosecution pursuant to that act.

P.L. 96-53: International Development Cooperation Act of 1979

Among other things, requires agencies that plan development assistance programs for countries in which there is illicit narcotics cultivation to give priority consideration to programs that would reduce such cultivation by stimulating broader development opportunities.

P.L. 96-92: International Security Assistance Act of 1979

In addition to other provisions, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. Extends the program through FY 1980, authorizing $51.7 million, with $16 million earmarked for the Republic of Colombia. Provides that contributions for the U.N. Fund for Drug Abuse Control may not exceed $3 million or 25 percent of total member-nation contributions. Amends the anti-paraquat provision of 1978 to make clear that it is not intended to jeopardize programs aimed at reducing narcotics traffic.

P.L. 96-132: Department of Justice Appropriation Authorization Act, Fiscal Year 1980

Authorizes appropriations for the Justice Department for FY 1980. For the Drug Enforcement Administration (DEA), authorizes $198.3 million. Amends the Controlled Substances Act to (1) authorize DEA to pay tort claims arising in foreign countries in connection with the agency's operations, such payment to be made in accordance with the Federal Tort Claims Act, and (2) repeal the requirement that an award of compensation be made to informers in accordance with the customs laws.

P.L. 96-157: Justice System Improvement Act

Amends Title I of the Omnibus Crime Control and Safe Streets Act. Establishes a National Institute of Justice (NIJ) and a Bureau of Justice Statistics (BJS). Transfers the research operations of the Law Enforcement Assistance Administration (LEAA) to the new NIJ and its statistics operations to the new BJS. Places all three entities—LEAA, NIJ, and BJS—under a new Justice Department agency, the Office of Justice Assistance, Research and Statistics (OJARS). Authorizes $750 million per year for FY 1980 through 1983 for the major assistance activities, education and training, and administration; $25 million for each of these fiscal years for research; $25 million for each year for statistical activities; and $25 million for each year for a community anti-crime program.

P.L. 96-181: Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979

Among other things, transfers to the President the responsibilities of the former Office of Drug Abuse Policy. Expands membership of the Strategy Council on Drug Abuse to include appropriate State and local government officials. Extends specific authorization for the National Institute on Drug Abuse to conduct or support research on designated subjects, including the development of synthetic analgesics, antitussives and other drugs which are non-addictive or less addictive than opium or its derivatives, to replace those substances in medical use.

P.L. 96-350

Makes it unlawful for any person on board a U.S. vessel or a vessel subject to U.S. jurisdiction—or for a U.S. citizen on any vessel—to possess, manufacture, distribute, dispense, or unlawfully import a controlled substance. Also makes it unlawful for any person anywhere to possess a controlled substance intending or knowing that it will be unlawfully imported into the United States. Provides for first offense penalties of up to 15 years imprisonment, or a fine of up to $25,000, or both, and of double those maximums for a second or subsequent offense.

P.L. 96-359: Infant Formula Act of 1980

Among other things, contains provisions to (1) increase the maximum penalty for trafficking in marihuana in amounts exceeding 1,000 lbs., to 15 years in prison, or $125,000, or both (double for a second offense); (2) extend the 1978 amendments to the Controlled Substances Act relating to commerce in the PCP constituent piperidine; and (3) direct the Attorney General to make available to the States additional information on the extent of, and on trends in, the abuse of drugs.

P.L. 96-509: Violent Juvenile Crime Control Act of 1980

Title I: Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to include the finding that the justice system should give additional attention to violent crimes committed by juveniles, particularly in the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Repeals declarations of purpose relating to the establishment of training programs and centralized research and information services dealing with juvenile delinquency.

Title II: Amends the Juvenile Justice and Delinquency Prevention Act of 1974, to specify, among other things, that the Office of Juvenile Justice and Delinquency Prevention shall be (1) under the general authority of the Attorney General and (2) under the direction of an Administrator with final authority over specified administrative functions. Provides for a 3-year planning cycle for formula grants. Requires that—5 years after the enactment of the amendments—States receiving funds may no longer detain juveniles in jails or lockups housing adult offenders. Provides for an emphasis on removing juveniles from jails and lockups, on serious juvenile offenders, on the training of personnel to deal with offenders with learning disabilities, on exemplary activities, and on the implementation of juvenile justice standards. Authorizes appropriations of $200 million each year for FY 1981-1984.

P.L. 96-528

Makes appropriations for Agriculture, Rural Development, and Related Agencies programs for FY 1981 and for other purposes. Among other things, prohibits the use of funds appropriated pursuant to the act for making production or other payments to persons or corporations that harvest—for illegal use—marihuana or other prohibited drug-producing plants.

P.L. 96-533: International Security and Development Cooperation Act of 1980

Among other things, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign

Assistance Act. For FY 1981 authorizes $38.6 million. Makes available certain aircraft, communications equipment and operational support to the Colombian anti-narcotics enforcement program.

P.L. 97-86: Department of Defense Authorization for Appropriations for FY 1982

Among other things, by way of clarifying the Posse Comitatus statute, authorizes certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specified purposes, including enforcement of the Controlled Substances Act.

P.L. 97-113: International Security and Development Cooperation Act of 1981

Among other things, authorizes appropriations for the International Narcotics Control program under section 482 of the Foreign Assistance Act: $37.7 million for each of the fiscal years 1982 and 1983. Repeals the provision of the act that had prohibited the use of assistance funds for drug crop eradication efforts using an herbicide shown to be harmful to human health; however, requires the Secretary of State to inform the Secretary of Health and Human Services (HHS) of the use or intended use, by any country or international organization, of any herbicide to eradicate marihuana under a program receiving assistance. Further requires the Secretary of HHS to monitor the health impact of the use of marihuana that has been sprayed by an herbicide and to report to Congress any evidence of harmful effects. Allows funds earmarked for Colombia under the FY80 appropriation to be used for marihuana eradication (with paraquat). Urges the President to spend at least $100,000 to develop a substance that clearly warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons. Requires such a substance, if developed, to be used with the herbicide.

Directs the President to make an annual report to Congress on U.S. policy for establishing an international strategy to prevent narcotics trafficking.

P.L. 97-116: Immigration and Nationality Act Amendments of 1981

Among other things, permits the waiver of simple marihuana possession offenses, involving 30 grams or less, as grounds for deportation of the alien spouse, child, or parent or a U.S. citizen or permanent resident.

P.L. 97-248: Tax Equity and Fiscal Responsibility Act of 1982

Contains provisions designed to remove impediments to Internal Revenue Service cooperation with other Federal law enforcement agencies. Specifically, decentralizes authority to apply for tax disclosure orders, eliminates "Catch-22" standards for acceptable applications for disclosure orders, and substitutes the United States for individual Federal employees in civil damage actions for unauthorized disclosure of tax information. Also amends the Internal Revenue Code to eliminate the possibility of taking any deduction or receiving any credit, in relation to taxes, for any expenditure made in connection with the illegal sale of substances controlled under the Federal Controlled Substances Act or similar State statute.

P.L. 98-67 (Title II): Caribbean Basin Economic Recovery Act

Authorizes the President to proclaim duty-free treatment for all "eligible articles" from any Caribbean country specifically designated under the act unless that country fails to meet certain enumerated requirements. One requirement is that the country must take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in 21 U.S.C. 812) produced, processed, or transported in such country from entering the United States unlawfully.

P.L. 98-151: Further Continuing Appropriations, FY 1984

Contains a prohibition on the provision of assistance, through programs funded under the Foreign Assistance Appropriations Act as provided for in P.L. 98-377 and P.L. 98-63 and out of funds appropriated under the act, to any country during any three-month period (after October 1, 1983) following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (cultivated, produced, or processed in that country, or transported through it) from being sold illegally within the jurisdiction of such country to U.S. Government personnel or their dependents or from entering the United States unlawfully.

P.L. 98-164: Department of State Authorization Act, FY 1984 and FY 1985

Contains provisions making U.S. assistance to any country that is a major producer of opium, coca, or marihuana contingent on reductions by that country in the levels of such production. Requires the President to submit, annually, a report on U.S. efforts to establish and encourage an international strategy to prevent the illicit cultivation and production of, and traffic in, narcotics and other controlled substances. Specifies that reports shall identify source countries and determine the "maximum reductions in illicit drug production which are achievable" in primary source countries; submission of report is to be followed by consultations between the Administration and Congress on appropriate steps to be taken with respect to delinquent countries.

P.L. 98-236

Amends the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the authorization of appropriations, through FY 1986, for contracts with public or private agencies for the supervision of released drug offenders.

P.L. 98-305: Controlled Substance Registrant Protection Act of 1984

Makes it a Federal crime to rob or burgle a pharmacy or other dispenser (registered under the Federal Controlled Substances Act to manufacture, distribute or dispense the drugs regulated under that statute) of a substance controlled under the Federal Controlled Substances Act *if* (1) the replacement cost of the substance is at least $500, (2) the person committing the offense traveled in interstate or foreign commerce or used any facility in commerce to facilitate the act, or (3) another person was killed or suffered significant bodily injury as a result of the offense. Authorizes penalties of up to 20 years imprisonment or up to $25,000, or both; where bodily injury occurs, up to 25 years or up to $35,000, or both; where death occurs, up to life imprisonment or up to $50,000, or both.

P.L. 98-329

Transfers the drug methaqualone from Schedule II to Schedule I under the Controlled Substances Act, thus banning it except for specifically approved experimental purposes.

P.L. 98-411: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985

In addition to making appropriations for the Justice Department for FY 1985, provides that the authorities contained in P.L. 96-132, "Department of Justice Appropriation Authorization Act, Fiscal Year 1980," shall remain in effect until the termination date of the act or until the effective date of a Department of Justice Appropriation Authorization Act for FY 1985, whichever is earlier. Also extends exemptions, for the Federal Bureau of Investigation, from certain restrictions on undercover investigative operations, and authorizes their application to similar operations of the Drug Enforcement Administration—requiring from both agencies detailed audits and reports on such operations.

P.L. 98-473 (Title II): Comprehensive Crime Control Act of 1984

Chapter I: Bail.

Amends the Bail Reform Act to (1) permit Federal courts to consider the factor of potential danger to the community in determining whether to release an accused individual pending trial (or appeal, if convicted) or, if release is appropriate, in determining the conditions for release and (2) increase penalties for jumping bail.

Chapter II: Sentencing Reform.

For development of a more uniform and predictable Federal sentencing system, establishes a commission to formulate guidelines for use by the courts when determining sentences. Eliminates parole and allows only limited "good time" credits. Requires guidelines to reflect possible effects of sentences on Federal prison capacities. Specifies that departure from guidelines must be explained in writing by the court. Repeals Youth Corrections Act.

Chapter III: Forfeiture.

Amends both the Controlled Substances Act and the Racketeering Influenced and Corrupt Organizations Act (RICO). Imposes the sanction of criminal forfeiture for all felony drug offenses. Expands the scope of previously authorized criminal forfeiture sanctions under RICO to include the forfeiture of racketeering activity *proceeds*. Raises the ceiling (to $100,000) on the value of property subject to administrative forfeiture. Creates two funds from forfeiture proceeds to maintain seized property and pay for certain law enforcement expenses and in other ways facilitates forfeitures in drug-related and racketeering cases. [See also Chapter XXIII, below.]

Chapter V: Drug Enforcement Amendments.

Part A: Controlled Substance Penalties. Amends both the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) to (1) increase the maximum prison penalties for trafficking in large amounts of an opiate, cocaine, phencyclidine (PCP), or lysergic acid diethylamide (LSD), (2) increase the level of maximum fines that may be imposed as penalties for trafficking in *any* controlled substance, (3) increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in CSA Schedules I or II (such as LSD and PCP), (4) increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms, (5) permit State and foreign drug convictions to be considered under the enhanced sentencing provisions applying to repeat drug offenders, and (6) create a new offense under the act of distributing a controlled substance in or on, or within a thousand feet of, "the real property comprising a public or private elementary school," a first offense being subject to double the maximum penalty for a regular trafficking offense and a second offense being subject to a mandatory minimum of three years imprisonment and a maximum of life. [See also Chapter XXIII, below.]

Part B: Diversion Control Amendments. Amends the Controlled Substances Act to (1) permit the Attorney General to deny an application for practitioner registration if he determines that its issuance would be inconsistent with the public interest, (2) make it easier to revoke or suspend any registration under the CSA (manufacturers, importers, distributors, and practitioners), (3) eliminate some practitioner recordkeeping requirements and tighten others, (4) simplify practitioner registration requirements (allowing a three-year life-span if determined appropriate), (5) clarify the control of isomers, (6) establish new emergency authority for the Attorney General to place under temporary controls any uncontrolled substance not being marketed in the United States for medical purposes—including registration, recordkeeping, and criminal sanctions for violation, (7) authorize a program of grants to State and local governments ($6 million a year for FY 1985 and FY 1986) to assist them in suppressing diversion of controlled substances from legitimate medical, scientific and commercial channels, and (8) expand import permit requirements to include the importation of certain non-narcotic Schedule III substances.

Chapter VI. Division I: Justice Assistance.

Among other things, provides for Federal funding, through matching block grants to the States, of State and local law enforcement programs "of proven effectiveness or which offer a high probability of improving the functions of the criminal justice system and which focus primarily on violent crime and serious offenders." Specifically indicates drug trafficking as one of the "critical problems of crime" that funded projects may address. Authorizes appropriations of $70 million for FY 1985.

Chapter VI. Division II: Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974.

Reauthorizes a program of assistance to States for the development of programs to combat juvenile delinquency, and of alternatives to incarceration of juveniles.

Chapter IX: Currency and Foreign Transactions Reporting Act Amendments.

Designed principally to prevent the laundering of money by drug traffickers and organized crime figures, (1) prohibits the *attempted* transport, out of the United States, of monetary instruments exceeding $10,000 (as well as actual transport, as under previously existing law, the minimum being increased from the previous $5,000) absent the prior filing of a report with the Treasury Department, (2) allows customs officials to search, without a warrant, for unreported amounts of cash brought into or carried out of the country, (3) authorizes rewards to informants providing original information on a major violation of the Act, and (4) increases the penalties for failure to keep the records and file the reports required under the Act.

Chapter X: Miscellaneous Violent Crime Amendments

Part A: Murder-for-Hire and Violent Crimes in Aid of Racketeering. Extends previously existing Federal jurisdiction over contract killings and violence to cover those involving travel in interstate or foreign commerce or using a facility of commerce, and also those committed for anything of pecuniary value received from a "racketeering" enterprise.

Part B. Creates a new offense of *soliciting* the commission of a violent Federal felony.

Chapter XI: Serious Non-violent Offenses

Part A. Makes it an offense to warn anyone that he or his property is about to be searched by Federal authorities.

Part B. Prohibits the possession of certain contraband articles, including any narcotic drug, by a Federal prison inmate.

Chapter XII: Procedural Amendments

Part A. Prosecution of Certain Juveniles as Adults. Provides for Federal prosecution, as adults, of certain juvenile defendants charged with serious Federal drug offenses or crimes of violence.

Part B. Wiretap Amendments. Authorizes emergency wiretaps without a court order in certain specified situations (including illegal currency transactions and offenses related to victim-witness intimidation).

Chapter XIII. National Narcotics Act

Creates a National Drug Enforcement Policy Board, an interagency council to coordinate Federal drug law enforcement activities, under the chairmanship of the Attorney General. Gives chairman authority to approve budget reprogramming requests of any agency, if drug law enforcement is involved, and allows him to direct the reassignment of personnel, with the concurrence of the head of the agency affected.

Chapter XXIII

Authorizes an alternative sentence of a fine of up to twice the proceeds from a violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Racketeering Influenced and Corrupt Organization chapter of title 18, U.S. Code. Authorizes the proceeds of forfeited property to be placed in a fund for the maintenance of seized property, the purchase of evidence, and the retro-fitting of seized and forfeited conveyances for law enforcement purposes.

P.L. 98-499: Aviation Drug-Trafficking Control Act

Amends the Federal Aviation Act of 1958 to (1) require the mandatory revocation, for up to five years, of the airman certificate of someone convicted of a violation of a State or Federal law relating to controlled substances, and (2) provide for additional penalties for the transportation of controlled substances by aircraft.

P.L. 98-509: Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984

Contains a provision for repeal of the statute requiring establishment of a Strategy Council on Drug Abuse and the preparation of an annual "National Drug Abuse Strategy."

P.L. 98-573: Trade and Tariff Act of 1984

Contains amendments to the Tariff Act of 1930 to raise the ceiling (from $10,000 to $100,000) on the value of property subject to administrative forfeiture (unless contested) because of its involvement in a violation of U.S. customs laws and to remove entirely the ceiling in the case of conveyances used to import, export, transport, or store any substance covered by the Controlled Substance Act. Raises (from $250 to $2,500) the amount of the bond required from a claimant who contests such forfeiture and who seeks a judicial hearing and determination. [With the exception of the amount of bond required in contested cases, the provisions are essentially the same as those of Part D of Chapter III of P.L. 98-473, the Comprehensive Crime Control Act of 1984.]

P.L. 98-596: Criminal Fine Enforcement Act of 1984

Amends the Federal criminal code to improve the collection of fines and to increase the maximum fine level for certain offenses.

P.L. 99-83: International Security and Development Cooperation Act of 1985

For the International Narcotics Control program, authorizes appropriations of $57.5 million for each of fiscal years 1986 and 1987. Makes economic and military assistance to Bolivia contingent on the licensing of coca growers and the limitation of production to preestablished needs, allowing 50 percent of the scheduled payments for FY86 to be made after compliance—with the remaining 50 percent to be provided when the President certifies to Congress that Bolivia has met the eradication targets for 1985 that were specified in a 1983 agreement. For continuation of aid in FY87, Bolivia must have developed a plan to eradicate illicit production. Conditions approximately $90 million of the total amount of FY86 assistance scheduled for Peru on a showing of "substantial progress" by Peru in developing a plan to eliminate unlicensed coca production. To receive full assistance in FY87, Peru must have put the plan into operation. Terminates the ban on participation by U.S. officers or employees in police arrest actions or interrogations in foreign countries where such participation has been agreed on by the Secretary of State and the government of the country in question. Requires countries receiving assistance for narcotic control to provide at least 25 percent of the cost of any program or project funded with such assistance. Authorizes provision of defense armaments for foreign aircraft being used to combat drugs. Requires a study to determine the feasibility of establishing a Latin American regional narcotics control organization. Requires a number of additional reports to Congress on matters pertaining to drug control.

P.L. 99-88: Supplemental Appropriations for FY 1985

Contains a provision directing the Secretary of Defense to submit a report to Congress on the role of the Department in the drug interdiction and law enforcement activities of the Federal government and also directs the President to make a similar report covering *all* Federal drug enforcement efforts, setting forth "the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission."

P.L. 99-93: State Department authorizations, FY 1986 and FY 1987

Contains a provision establishing the International Narcotics Control Commission, to monitor drug control treaties.

P.L. 99-145: Department of Defense authorizations, FY 1986

Clarifies authorization of military support for civilian drug interdiction, specifying that it includes authority to establish and operate one or more reserve forces airborne surveillance and detection units. Requires the Attorney General to conduct regular programs on military cooperation with civilian law enforcement officials. Provides for a study on use of the E-2 aircraft for drug interdiction. Provides for the mandatory assignment of Coast Guard personnel to each naval vessel at sea in a drug interdiction area and authorizes 500 additional Coast Guard personnel for this purpose.

P.L. 99-190: Further Continuing Appropriations, FY 1986

Contains provisions to (1) earmark $300 million for the enhancement of drug interdiction efforts by the Defense Department, of which $35 million is further earmarked for the commencement of the configuration of an AC-13OH-30 pressurized drug surveillance aircraft and the establishment of an "appropriate" command and control element for the drug interdiction mission within the Air Force, and (2) require that 50 percent of the funds (excluding International Narcotics Control funds) for Jamaica and Peru be withheld from obligation unless the President determines and reports to Congress that these governments are "sufficiently responsive to the U.S. Government's concerns on drug control and that the added expenditures of the funds for that country are in the national interests of the United States."

P.L. 99-570: Anti-Drug Abuse Act of 1986

A far-ranging omnibus enactment with 15 titles, relates to virtually every aspect of Federal efforts to prevent and control the abuse of drugs.

Generally: authorizes expanded enforcement measures in drug-producing countries, calls for increased interdiction efforts, strengthens anti-smuggling provisions, proscribes certain procedures designed to "launder" money derived from illicit drug sales, increases criminal sanctions against drug offenders, establishes a program of grants for State and local drug law enforcement, extends and expands Federal drug abuse education and other prevention efforts, authorizes large increases in funding for treatment and rehabilitation. Altogether, increases appropriation authorizations for FY 1987 by approximately $1.7 billion, $671 million to be grants to States and localities.

Specifically, major provisions can be further summarized as follows:

I. PENALTIES AND OTHER REGULATORY, ENFORCEMENT, AND CRIMINAL JUSTICE PROVISIONS

Provides for mandatory minimum prison sentences—and increases current maximums—for offenses involving larger amounts of the more dangerous drugs (establishes a three-category system of violations, with corresponding penalty ranges, based on amount of the drug involved). Raises maximum penalties for all Schedule I or II offenses and substantially increases maximum fines for all offenses.

Where death or bodily injury results from use of the drug sold (any Schedule I or II drug except marihuana), provides for imprisonment of from 20 years to life.

Makes it a crime, subject to enhanced penalties, for an adult to act in concert with a person under 21 in violating the Controlled Substances Act. No probation or suspended sentence.

Expands existing offense of selling drugs within 1,000 feet of a school to include "manufacturing" and to cover institutions of higher learning.

Amends the Continuing Criminal Enterprise statute to increase fines and provide for mandatory life imprisonment, under certain circumstances, for conviction under the statute.

Amends the Gun Control Act to include drug trafficking among offenses that if committed while armed, after a history of three prior drug trafficking offenses, are punishable by a mandatory 15 years in prison.

Provides for mandatory penalties for the unauthorized simple possession of any controlled substance—a $1,000 fine for a first offense, 15 days in prison and $2,500 for a second, and 90 days and $5,000 for a third. Convicted offender is required to pay investigation and prosecution costs.

Extends authority to employ the Armed Forces in assisting in civilian law enforcement to include assistance under emergency circumstances when the size and scope of the activity poses a serious threat to the interest of the United States and when the assistance would significantly enhance the enforcement of certain specified Federal statutes, including major anti-drug laws.

Grants the Customs Service numerous new enforcement authorities designed to enhance anti-smuggling efforts, and increases penalties for various smuggling offenses.

Authorizes forfeiture of substitute assets when a convicted drug trafficker has hidden his drug profits from prosecutors. Provides for civil forfeiture of assets derived from drug trafficking in other countries and found in the United States, to be shared with foreign governments to the extent that there was joint action in a particular investigation or as required by international agreement.

Makes it a Federal crime to knowingly "launder," in any of various specified ways (including the structuring of banking transactions to evade reporting requirements) the proceeds of drug trafficking, racketeer crimes, arms exporting and other profit-motivated offenses. Requires further banking regulations designed to reveal the presence of laundering. Provides for forfeiture of launderer's profit and the monetary instruments laundered (or property in which they have been invested) as well as of profits from drug trafficking offenses committed in other countries.

Makes it unlawful to manufacture with the intent to distribute, to possess with such intent, or to distribute a "designer drug," i. e., a controlled substance analogue (defined as a substance "(i) the chemical structure of which is substantially similar to that of a controlled substance in schedule I or II [under the Controlled Substances Act] *or* (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II" or one which is represented or intended as such).

Exempts from the Freedom of Information Act's disclosure requirements any records compiled for law enforcement purposes that would reasonably be expected to interfere with enforcement proceedings or to disclose a confidential informant or investigative information. Also exempts from disclosure any law enforcement guidelines if such disclosure would reasonably be expected to risk circumvention of the law.

Provides criminal penalties for willfully operating air craft at night without lights in conjunction with drug trafficking, for the willful use or installation of unlawful fuel systems in aircraft, and for various other actions or omissions on the part of operators.

Makes it a Federal violation to use a registered or fraudulently registered aircraft in conjunction with transporting controlled substances. Allows States to impose criminal penalties for the use of forged or altered aircraft registrations.

Makes it unlawful to open or maintain (or manage or control) any place for the purpose of manufacturing, distributing or using a controlled substance.

Amends existing law provisions covering maritime offenses involving controlled substances to extend the definition of certain elements of such offenses (changes designed to eliminate certain problems that have arisen in the prosecution of these cases).

Makes it clear that aliens convicted of controlled substance offenses by Federal, State, or foreign governments are ineligible for admission to the United States and are deportable if in the United States. Also authorizes expedited procedures for deportation hearings for aliens arrested for controlled substances offenses committed in the United States.

Prohibits the sale or transport of drug paraphernalia in interstate or foreign commerce, the use of the mails to promote such sale, or (specifically) the import or export of such items.

Contains various provisions regarding testing, licensing and qualification of operators of commercial motor vehicles, including provisions designed to encourage State efforts to curb the use of alcohol or controlled substances by such operators and to disqualify persons who commit certain offenses—including driving a commercial vehicle under the influence of alcohol or drugs—from holding a "classified driver's license" under a new national system instituted by the bill.

Authorizes the Federal Communications Commission to revoke any license that has been used for drug-related activities and to seize the communications equipment.

Makes it a Federal felony, subject to up to 5 years in prison or a fine of up to $10,000 or both, to operate or direct a common carrier while under the influence of drugs or alcohol.

II. International Narcotics Control[4]

Mandates a 50 percent suspension of U.S. assistance—for each current fiscal year (and a 100 percent suspension for subsequent years)—to major illicit drug-producer and -transit countries (including those in which monetary instruments are "laundered" with government knowledge or complicity) *unless* the President certifies to the Congress that (1) such a country is cooperating with the U.S. or is taking adequate remedial steps on its own, or (2) vital national interests require continued assistance. (Previous provision required aid restrictions [a 100 percent cutoff] only if the President made a positive determination that such countries had failed to take adequate remedial action.)

Provides that Presidential certification for exemption from sanctions may be overridden within 30 days by enactment of a joint resolution disapproving the determination contained in the certification.

Mandates a 100 percent suspension (and denial of favorable U.S. votes in multilateral development banks) of assistance to certain categories of major illicit producer or transit countries unless the President certifies that (1) assistance is an overriding national interest, (2) assistance improves prospects for anti-drug cooperation, or (3) the government of the country is making good-faith efforts to investigate and prosecute crimes against U.S. drug agents.

Restores 50 percent of assistance allocated to Bolivia if President certifies that she has cooperated with the United States in narcotics interdiction operations in FY 1987, resulting in a significant disruption of that industry.

Conditions restoration of full assistance to Bolivia upon Presidential certification that in 1986 she has either: (1) met her eradication targets planned for 1985; or (2) entered into an agreement with the United States for meeting planned 1985 targets in 1987 and is making substantial progress towards meeting the 1985 targets.

Withholds $1 million of international narcotics control assistance to Mexico until the President reports to the Congress that the Mexican Government

[4] Adapted from a summary prepared by Raphael Perl, CRS Specialist in International Affairs.

has fully investigated and brought to trial those responsible for: (1) the murder of DEA agent Enrique Camarena Salazar; and (2) the arrest and torture of DEA agent Victor Cortez.

Requires that U.S. Executive Directors of the various multilateral development banks in which the United States holds membership be instructed to vote against loans or other funds for any major illicit drug-producing country or major drug-transit country unless the President certifies that the country is cooperating with the United States, or has taken adequate steps on its own, in preventing illicit drug production and the traffic of illicit drugs into the United States.

Requires the President to make an annual determination (subject to override by joint congressional resolution) as to whether drug-source countries are cooperating with the United States in controlling drug production and illicit trafficking, prohibits favorable tariff treatment of these countries' exports to the United States, and requires duty increases of up to 50 percent on such exports. Also, prohibits the allocation of a sugar quota to an uncooperative country.

Expresses the sense of the Congress that unless substantial progress is demonstrated in resolving issues related to: (1) the murder of DEA agent Camarena; (2) the torture of agent Cortez; (3) effective use by Mexican authorities of U.S. supplied aircraft for eradication and interdiction; and (4) cross-border trafficking and drug-related violence, the President should consider taking one or more of the following measures against Mexico: (1) imposition of a mandatory travel advisory; (2) restrictions on foreign assistance; (3) denial of favorable tariff treatment to Mexican products; and (4) denial of favorable votes in multilateral development banks.

Eliminates the Foreign Assistance Act's restrictions on aid by U.S. officials or employees to foreign police in making an arrest overseas [Sec. 481(c), the "Mansfield Amendment"]. (Retains prohibitions against: (1) presence of such officials at interrogation of a U.S. citizen absent the consent of that citizen, and (2) the making of a direct arrest in a foreign country by such U.S. officials.) Permits U.S. employees to make or participate in arrests in foreign countries to protect life, or for safety in exigent circumstances.

Increases the FY 1987 authorization for the International Narcotics Control program under the Foreign Assistance Act—from $57.5 million to $75.4 million—and authorizes an additional $45 million provided a formal budget is submitted.

Earmarks $10 million of the additional $45 million assistance for helicopters and other aircraft, for use primarily in Latin American narcotics control.

Earmarks $1 million for development of herbicides for coca eradication.

Authorizes an additional $3 million for AID drug education programs and $2 million for USIA drug education programs.

Expresses support for the 1987 U.N. International Conference on Drug Abuse and Trafficking and calls upon the President to direct the Secretary of State to enter into negotiations to establish a Mexico-U.S. Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control.

Requires the Secretary of the Treasury to instruct the U.S. Executive Directors of the multilateral development banks to propose that (1) all possible support be given to drug eradication programs, and (2) the banks increase lending for crop substitution programs.

III. ADDITIONAL FUNDING FOR DRUG LAW ENFORCEMENT

Increases appropriation authorizations for Federal agencies and programs for FY 1987:[5]

Department of Defense: Total of $337.5 million for enhanced intelligence collection activities and for drug interdiction aircraft and aerostat radar to be used by the Customs Service and the Coast Guard. Includes $45 million for purchase of radar systems for Coast Guard surveillance aircraft and $15 million for the Coast Guard Tactical Law Enforcement Team.

Coast Guard: $89 million for acquisition, construction, and improvement and $39 million for operating expenses.

Customs Service: $81 million for salaries and expenses and $94 million for the Air Interdiction Program.

C-3I Centers: $25 million for establishment and operation of command, control, communications, and intelligence (C-3I) centers, under the direction of the Commissioner of Customs, the Commandant of the Coast Guard, the Attorney General, and the National Narcotics Border Interdiction System (NNBIS).

U.S.-Bahamas Interdiction Task Force: $10 million for aircraft and communications in aid of a joint U.S.-Bahamas task force established by the act and $5 million (in the Coast Guard budget) for the design engineering and other activities for construction of a drug interdiction docking facility in the Bahamas.

Drug Enforcement Administration: $60 million.

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[5] Authorizations are in addition to those amounts agreed to in the conference agreement reached on Title I of H.J. Res. 738 (99th Congress) (P.L. 99-500). For counterpart appropriations, see Title II of P.L. 99-500.

Federal Prison System: $124.5 million—$96.5 million for construction and $28 million for operation.

Office of Justice Assistance: $5 million for a pilot prison capacity program. (A related provision requires the Defense Department to conduct a study on the use, as prisons, of existing facilities under the jurisdiction of the Department.)

Other correctional matters: $5 million for support of Federal prisoners in non-Federal institutions.

Judiciary: Defender services—$18 million; Jurors and commissioners—$7.5 million for fees and expenses.

F.B.I.: $2 million to procure secure voice radios.

Secret Service: $5 million to procure secure voice radios.

U.S. Attorneys: $31 million.

U.S. Marshals: $17 million.

Authorizes following grants for State and local drug law enforcement:

Bureau of Justice Assistance: For a new program of matching formula grants to the States (75/25) for State and local enforcement of drug control laws—$230 million for FY 1987, $230 million for FY 1988, and $230 million for FY 1989. Twenty percent of the total amount appropriated in any fiscal year is to be set aside for discretionary grants to be awarded by the Bureau. Of the remaining 80 percent, each qualifying State is to receive a minimum grant of $500,000; the balance is to be distributed on the basis of the ratio of the population which a State bears to the ratio of the population of all the participating States.

IV. DEMAND REDUCTION[6]

V. GENERAL

Requires the President to submit recommendations to Congress, within 6 months, for legislation to reorganize the Executive branch "to more effectively combat drug traffic and drug abuse."

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[6] For a summary of the act's demand reduction provisions, see CRS Report 86-968 GOV.

Requires the President to convene a "White House Conference for a Drug Free America", bringing together individuals concerned with all aspects of the drug problem and efforts to control it. Conference to prepare a report with findings and recommendations as well as proposals for any legislative action necessary to implement such recommendations.

P.L. 99-640: Maritime Drug Law Enforcement Act (provisions of the Coast Guard Authorization Act of 1986)

Among other things, amends P.L. 96-350, relating to Coast Guard enforcement of laws on importation of controlled substances, to further define the term "customs waters" for purposes of certain drug offenses.

P.L. 99-661: National Defense Authorization Act of FY 1987

Contains provisions requiring the President, within 180 days of enactment, to submit to Congress a comprehensive program designed to interdict aircraft, vessels, and vehicles carrying illegal drugs into the United States. Sets forth various elements for inclusion in the program, including a plan for maximizing Defense Department assistance to other agencies in the drug enforcement and interdiction effort. Requires a second report, also within 180 days, making recommendations for statutory changes that allow more efficient use of the Armed Forces in anti-drug efforts, and discussing various matters pertaining to such involvement and to the possibility of sealing the borders of the United States against penetration by illegal drugs—including costs, effects on military preparedness, and personnel requirements.

P.L. 99-646

Amends title 18 of the U.S. Code and other statutes to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984.

P.L. 100-180: National Defense Authorization Act of 1988

Contains provisions requiring: (1) the General Accounting Office to conduct a comprehensive study of drug smuggling and Federal capacities to deter it, paying special attention to the role of the Department of Defense, (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.

P.L. 100-690: Anti-Drug Abuse Act of 1988[7]

An omnibus 10-title (364 pages) enactment, like its predecessor statute of 1986 (see above. P.L. 99-570) pertaining to all aspects of the Federal drug control strategy. The principal provisions related to drug supply control can be summarized as follows:

General

Raises appropriation authorization ceilings for various Federal anti-drug efforts by $2.7 billion in fiscal year 1989.

Expresses the sense of Congress that legalization proposals should be rejected and that consideration should be given only to proposals to attack directly the supply of, and demand for, illicit drugs.

Coordination of Federal Anti-Drug Efforts

Creates a new agency for the coordination of Federal anti-drug efforts, headed by a cabinet-level director (so-called drug czar) subject to Senate confirmation.

Crimes and Penalties

Permits the imposition of the death penalty for killings committed by drug "kingpins", by those acting in their interests, by other major drug traffickers and smugglers, and for the drug-related killing of a law enforcement officer.

Permits the Justice Department to assess civil penalties of up to $10,000 for illegal possession of small amounts of certain controlled substances where the offender has no prior criminal conviction for a drug offense or only one prior civil conviction, provided that if judicial review is sought the accused has rights similar to those of a criminal defendant.

Increases penalties for possession of cocaine base ("crack").

Increases penalties for operating common carriers while under the influence of drugs or alcohol.

Makes it a Federal crime to corrupt a Federal, State, or local official (including a juror) in furtherance of a drug trafficking violation.

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[7] For complete summary, see CRS Report 89-288 GOV.

Adds violent felonies committed by juveniles to the category of offenses that would give rise to enhanced punishments under the Armed Career Criminal statute.

Provides for mandatory life imprisonment of certain three-time drug offenders.

Increases or establishes a number of other penalties relating to—among other matters—violent crimes and drug offenses involving firearms, drug importation, drug offenses involving minors or committed near schoolyards or other youth facilities, and drug distribution in prisons.

Increases penalties for distribution of anabolic steroids and calls for the application of criminal forfeiture provisions in felony steroid or human growth hormone distribution cases.

Regulatory Law Changes and Additions

Establishes new recordkeeping and reporting requirements and controls on certain chemicals frequently used in the production of illegal drugs.

Contains provisions designed to improve systems of registering aircraft, certifying pilots, and processing major aircraft repair and alteration forms and to increase enforcement of requirements associated with such systems.

Adjusts the mechanisms for identifying and preventing efforts to launder drug profits including agreements with other countries to ensure the existence and availability of records concerning transactions in substantial amounts of United States currency; requires identification of those involved in transactions to purchase cashier's checks or money orders involving more than $3,000 in coin or currency and more extensive recordkeeping of such transactions under certain circumstances; creates criminal penalties for failure to comply with the IRS cash transaction reporting requirements; establishes certain tax violations as predicate offenses for the federal money laundering prohibitions and money laundering as a RICO predicate offense; and modifies the money laundering forfeiture provisions to permit seizure of substitute assets but exempting defense attorneys and banks under some circumstances.

Criminal Procedure

Revises Federal forfeiture laws for more efficient and equitable use—providing for expedited administrative proceedings, protection of innocent owners of conveyances, equitable distribution to State and foreign law enforcement authorities, and adjustments concerning the Department of Justice and Customs forfeiture funds which permit disposal for purposes of Federal prison construction and use by the Coast Guard.

Requires the revocation of parole, probation, and other supervised release for anyone found to be in possession of an illegal drug.

Expands immigration law to permit, in drug-related cases, expedited bail restrictions and deportation, and to add more stringent provisions on illegal entry and reentry into the United States.

Provides for certain protections for innocent owners of vessels subject to seizure because of involvement in illicit drug trafficking or use.

Increased Funding for Law Enforcement

Substantially increases appropriation authorizations for most Federal agencies with responsibilities for enforcement of drug laws.

Extends and expands the program of grants for State and local drug law enforcement, established by the Anti-Drug Abuse Act of 1986. Allows direct distribution to localities under certain circumstances.

Extends and expands various Federal programs for the prevention of juvenile delinquency and the administration of juvenile justice.

International Control

Calls for various U.S. Government moves to strengthen international drug control efforts, including those to encourage creation of (1) a Latin American regional anti-narcotics force, (2) a U.N.-affiliated international drug force, (3) an international criminal court, and (4) an international currency control agency.

Contains a number of provisions targeted at specific drug-producing and drug-transiting countries, such as those conditioning U.S. assistance on specified measures to be taken by the recipient or earmarking assistance for specified anti-drug purposes.

Makes various changes in the annual reporting and certification process under the International Narcotics Control provisions of the Foreign Assistance Act of 1961—including addition of requirements (1) that the President establish numerical standards and guidelines for determining which countries are major illicit drug transit nations and (2) that Congress have 45 days (instead of 30) to disapprove Presidential certification of a country as exempt from trade and aviation sanctions.

For FY 1989, authorizes $101 million for international narcotics control programs ($ 2.5 million over FY 1988).

P.L. 101-164: Department of Transportation and Related Agencies Appropriations Act, 1990

Contains provisions appropriating $3.2 billion for increases, over and above the Administration's February request, in drug and crime control efforts ($900 million more for drug control than the total Administration requests and $600 million for general crime control purposes, principally Federal prison construction). Also increases authorization ceilings for certain treatment and prevention programs.

P.L. 101-189: National Defense Authorization Act, FY 1990-91

Contains provisions authorizing an additional $450 million in FY 1990 for DOD drug interdiction and law enforcement support activities, including $70 million to expand National Guard drug interdiction activities. Restates the drug control missions given to DOD by the FY 1989 Defense authorization bill.

P.L. 101-231: International Narcotics Control Act of 1989

Authorizes $125 million for FY 1990 in new military and law enforcement assistance to Bolivia, Colombia, and Peru.

P.L. 101-510: National Defense Authorization Act for FY 1991

Under *Title X—Drug Interdiction and Counter-Drug Activities*—includes provisions which: authorize funds for DOD drug interdiction efforts in general, with the National Guard named specifically; allow military support including the transfer of military equipment to State and local drug enforcement agencies; mandate the Comptroller General to submit a report within 6 months of enactment examining the counter-drug budget and expenditures of DOD; require a study of the OH-58D helicopter for the detection of cross-border drug smuggling; require a study of Andean anti-drug efforts; and urge international negotiations toward the establishment of an international strike force against major international drug traffickers. Also establishes a "Counter-Narcotics Technology Center" within the Office of National Drug Control Policy.

P.L. 101-516: Appropriations for Department of Transportation and related agencies for FY 1991

Contains a provision that, as of FY 1993, withholds 5 percent for the first and second years, then 10 percent for the following years, of Federal highway funds to States which do not revoke drivers' licenses for drug offenses, with a State exemption provision.

P.L. 101-623: International Narcotics Control Act of 1990

Authorizes international narcotics control activities for FY 1991, including authorizations of $300 million for economic assistance and $8 million for military and law enforcement assistance to the Andean nations (provided that aggregate military and law enforcement assistance to these nations for FY 1991 may not exceed $250 million, with a subceiling of $175 million each for military and law enforcement aid.). Provides a permanent waiver of the previous legal prohibition of the use of U.S. foreign aid for crop substitution programs and a one-year waiver of the legal requirement to suspend aid to those countries more than one year behind in their debts to the United States. Urges the President to use his authority to provide relief of debt by Bolivia, Colombia, and Peru, given their continuing efforts to stop cocaine trafficking into the United States.

P.L. 101-647: Crime Control Act of 1990

Contains a number of drug-related provisions, including those which: (1) provide for the further regulation of precursor chemicals used in manufacturing illicit drugs; (2) authorize up to double ($900 million) the amount of Federal aid to State and local law enforcement; (3) authorize additional manpower for DEA and other Justice Department agencies responsible for enforcing drug laws and dealing with drug offenders; (4) further curb money laundering; (5) bring anabolic steroids under the controls of the Controlled Substances Act; (6) authorize $220 million for new correctional options, including boot camps and other innovative programs; (7) expand the possibilities for use of civil action against drug offenders; (8) establish a $20 million "rural drug initiative" for increased efforts by rural area police and prosecutors; (9) require that sentencing guidelines be amended to increase sentences for offenses involving smokable crystal methamphetamine ("ice"), and (10) amend existing statutes relating to forfeiture of drug trafficker assets. (For greater detail, see CRS Report 91-69 GOV, *Crime Control Act of 1990 (P.L. 101-647): Summary*.)

P.L. 102-132

Amends the Anti-Drug Abuse Act of 1988 to extend authorization of drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth, through FY 1994.

P.L. 102-138: Foreign Relations Authorization Act, FYs 1992 and 1993

Contains a provision expressing the sense of the Congress that: (1) all U.S. law enforcement personnel serving in Mexico should be accorded the same status as diplomatic and consular personnel serving at U.S. posts in Mexico; and (2) all Mexican narcotics law enforcement personnel serving in the United states should be accorded the same diplomatic and consular status as Drug Enforcement Administration personnel serving in Mexico.

P.L. 102-140: Justice Department Appropriations Act, FY 1992

Contains a provision to make permanent the current 75 percent/25 percent Federal-State formula used for distribution of funds under the Byrne block grant program.

P.L. 102-190: National Defense Authorization Act, FY 1992 and 1993

In addition to other drug control funding authorizations, provides for increased Department of Defense support ($40 million total) of counter-drug activities of Federal, State, local, and foreign law enforcement agencies. Makes clear that the DOD lead role in detection and monitoring of aerial and maritime importation of illegal drugs into the United States is to be carried out in support of such agencies.

MULTILATERAL TREATIES

Single Convention on Narcotic Drugs, 1961

[Entered into force for the United States June 24, 1967]. Replaces previous multilateral international treaties for the control of narcotic drug traffic with a single new instrument, designed to simplify and strengthen the existing machinery of regulation. General purpose is to limit the production and distribution of opium, coca, cannabis and their derivatives, along with specified synthetic narcotic compounds. Requires signatories to adopt appropriate legislation to limit production and distribution to such amounts as are necessary for medical and scientific purposes, to introduce necessary administrative and enforcement measures, and to cooperate with the international drug control organs as well as with other countries. [TIAS 6298]

1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961

Increases the authority of the International Narcotics Control Board. [26 UST 1439; TIAS 8118]

Convention on Psychotropic Substances

[Entered into force for the United States April 16, 1980]. Provides for the international control of depressant, stimulant, and hallucinogenic substances not subject to the Single Convention on Narcotic Drugs. [TIAS 9725)

U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

[Entered into force for the United States November 11, 1990.] Requires signatories to take specific law enforcement measures—providing appropriately severe sanctions—to improve their ability to identify, arrest, prosecute and convict drug traffickers across international boundaries. Pledges parties to cooperate in the extradition of accused offenders and to provide each other mutual legal assistance in the investigation and prosecution of those offenses. Obliges parties to cooperate in a wide range of anti-narcotics activities, including law enforcement and training, crop eradication and demand reduction programs, suppression of illicit trade in precursor chemicals, imposition of controls on use of the mails for trafficking purposes, implementation of procedures designed to curb the "laundering" of monetary instruments, and the seizure and forfeiture of the proceeds from and instrumentalities used in illicit trafficking activities. Further, requires signatories to ensure that commercial carriers are not used for illicit traffic and to suppress illicit traffic in free trade zones and free ports.

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92-732 GOV

CRS Report for Congress

Narcotics and Other Dangerous Drugs: Brief Summaries of Federal Laws to Control Supply, 1961-1991

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September 25, 1992

CRS

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NARCOTICS AND OTHER DANGEROUS DRUGS: BRIEF SUMMARIES OF FEDERAL LAWS TO CONTROL SUPPLY, 1961-1991

SUMMARY

Federal efforts to prevent the abuse of narcotics and other dangerous drugs are supported by statutes for the most part distinct from those regulating drug commerce in general. The major laws now in effect have been either written or rewritten during the past thirty years. This compilation provides summaries of enactments, treaties and reorganization plans that were passed or approved in that period and that bear some clear relationship to attempts to prevent drug misuse by means of *supply* reduction. Demand reduction measures are not included.

Until the 1960s, Federal interest in drug control was almost entirely in the supply reduction or regulatory and "law enforcement" area. Attention had been focussed on the development of international controls supported by appropriate domestic restrictions. The emphasis on supply reduction was challenged with growing frequency in the 1960s and 1970s, and laws were passed that reflected a greater concern with reducing the *demand* for drugs. The Community Mental Health Centers Act of 1963 and its subsequent amendments ensured a larger Federal role in treatment and rehabilitation. Another drug policy facet was added in 1970 with the establishment of programs to *prevent* the initiation of drug-taking and *intervene* in adolescent drug use before the development of dependency.

The principal regulatory effort was the enactment, in 1970, of the landmark Controlled Substances Act (CSA) (P.L. 91-513). While originally intended simply to consolidate the many laws written since 1909, in its final form the 1970 statute substantially changed penalties for drug violations and strengthened regulation of the pharmaceutical industry with respect to narcotics and other habituating drugs. It also provided States with a model for comprehensive prescriptive and regulatory legislation, which in its broad framework has been generally adopted.

Other significant legislation of the 1970s and early 1980s established a foreign aid program to encourage curbs in overseas drug production and clarified the Posse Comitatus Act to permit the U.S. Armed Services to assist in civilian law enforcement of drug control laws.

Beginning in 1984, a new pattern emerged: the enactment every two years of an omnibus, far-ranging bill for drug control specifically or crime control generally. These lengthy measures have added substantially to Federal criminal and drug laws as well to the scope and extent of demand reduction and international efforts. Significant features emphasize "financial" curbs on trafficking, such as forfeiture of trafficker assets and deterrents to money "laundering."

Among measures of Federal interest in the drug problem are funding levels. Since FY 1969—the first year such estimates were compiled by the Office of Budget and Management—budget authority allocated to drug control functions has risen from $82 million to an estimated $12 billion (FY 1992).

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NARCOTICS AND OTHER DANGEROUS DRUGS: BRIEF SUMMARIES OF FEDERAL LAWS TO CONTROL SUPPLY, 1961-1991

INTRODUCTION

During the past thirty years, Congress has enacted a large number of laws intended, in whole or in part, to prevent the misuse of narcotics and other dangerous drugs. Of these enactments, some are designed to reduce the *demand* for such drugs—through treatment, education, and intervention efforts. Others are aimed at reduction of drug *supply*—through regulation of manufacture and distribution, curbing illicit traffic, foreign assistance for the control of drug production and trafficking abroad, and support of multilateral international efforts.

This compilation provides summaries of enactments, treaties and reorganization plans, passed or approved from 1961 through 1991. Those included have some clearly indicated relationship—either by specific reference or by virtue of legislative history—to the Federal effort to prevent drug misuse by means of *supply* reduction. Measures for the prevention of drug misuse through demand reduction or "user accountability"[1] are not included.

Appropriation laws are included only if they contain provisions bearing on the substance of the activity or program for which funds are being appropriated.

It should be noted that many measures of a general nature—such as broadly directed anti-crime laws or laws authorizing the activities and funding of general law enforcement agencies (Coast Guard, Customs Service, FBI, etc.)—may also contribute to the drug control effort.

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[1] User accountability measures form a category that does not fit neatly into the supply-demand delineation of drug control efforts. The term has been often used to describe civil sanctions such as suspension of the driver's license of someone testing positive for drug use. However, under Title V of the Anti-Drug Abuse Act of 1988 it is also used to apply to provisions (1) allowing or requiring denial of certain Federal benefits (grants, contracts, loans, mortgage guarantees, and permits) for specified periods to certain convicted drug offenders and (2) prohibiting the award of grants or contracts to any person or entity that fails to take certain steps designed to maintain a drug-free workplace. Logically, it could cover any sanction aimed at the user, including penalties—civil or criminal—for "simple" possession (i.e., possession with no intent to sell or distribute).

PUBLIC LAWS

P.L. 87-228

Makes it a Federal crime, punishable by a fine of up to $10,000 or 5 years imprisonment or both, to travel or use communications facilities in interstate or foreign commerce to carry on or to aid racketeering activity (including any illegal organized enterprise involving narcotic drugs).

P.L. 87-274: Juvenile Delinquency and Youth Offenses Control Act

Authorizes $10 million for fiscal year 1962 and each of the two succeeding years to make grants to Federal, State, local and other public or nonprofit agencies and organizations to pay part of the cost of carrying out projects demonstrating or developing practices for the prevention, diminution, and treatment of juvenile delinquency and holding promise of making a substantial contribution to the solution of juvenile delinquency problems (including the problem of juvenile drug abuse).

Provides technical assistance services to States, municipalities, and other agencies—including investigations, reports and short term training.

Directs the Secretary of the Department of Health, Education and Welfare, in administering the Act, to consult with the President's Committee on Juvenile Delinquency and Youth Crime on matters of general policy and procedure.

P.L. 88-368: Juvenile Delinquency Act Extension

Extends for an additional 2 years the Juvenile Delinquency and Youth Offenses Control Act of 1961, with provision for a special demonstration project for prevention and control of juvenile delinquency in the District of Columbia.

P.L. 89-74: Drug Abuse Control Amendments of 1965

Amends the Federal Food, Drug, and Cosmetic Act to provide for special controls over the manufacture and distribution of depressant and stimulant drugs—including increased recordkeeping and inspection requirements, control over intrastate commerce in such drugs as well as interstate—and to make possession of the drugs (other than by the user) illegal outside the legitimate channels of commerce.

P.L. 89-793: Narcotic Addict Rehabilitation Act of 1966

Provides for the possibility of civil commitment, for treatment, of narcotic addicts charged with Federal law violations; provides for the possibility, under certain circumstances, of civil commitment to Federal care (for treatment purposes) of addicts who are not charged with any criminal offense; and provides for grants to States to assist in developing and maintaining specialized services and programs for addicts. Also, makes Federal marihuana law violators eligible for parole.

Reorganization Plan No. 1, effective April 8, 1968

Merges the Bureau of Narcotics (Treasury Department) with the Bureau of Drug Abuse Control (Department of Health, Education and Welfare) to form a new agency, the Bureau of Narcotics and Dangerous Drugs, in the Department of Justice.

P.L. 90-351: (Title I) Omnibus Crime Control and Safe Streets Act of 1968: Title I, Law Enforcement Assistance

Authorizes a program of formula grants to States for the purpose of improving and strengthening law enforcement, which may include efforts to treat and rehabilitate narcotic addicts within State criminal justice systems; and also authorizes a program of "discretionary" grants to States and localities for implementation of "special emphasis" law enforcement activities, which also may include drug abuse control projects.

P.L. 90-639: Increased Penalties for Dangerous Drug Offenses

Provides increased penalties for illegal trafficking in depressant and stimulant drugs, including LSD and other hallucinogens, and makes possession of such drugs illegal (first offense a misdemeanor) unless they were obtained through a valid prescription.

P.L. 91-296: Marihuana and Health Reporting Act

(Title V of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970). Requires the Secretary of Health, Education, and Welfare to make an annual report to the Congress on the health consequences of marihuana use.

P.L. 91-452: Organized Crime Control Act of 1970

Title I: Provides for the summoning of special grand juries in major metropolitan areas, for the purpose of investigating organized crime activities, and authorizes such juries to issue reports upon conclusion of their terms.

Title II: Provides that, and prescribes the manner in which, a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination, and defines the scope of the immunity to be provided such witness with respect to information given under an order.

Title III: Codifies previously existing Federal civil contempt procedures designed to deal with recalcitrant witnesses in grand jury and court proceedings, authorizing civil contempt commitment until the court order is complied with, and makes subject to Federal process witnesses who flee State investigative commissions to avoid giving testimony.

Title IV: Abolishes the "two-witness" and "direct evidence" rules in the trying of Federal perjury cases, and provides for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements.

Title V: Authorizes the Attorney General to protect and maintain Federal or State government witnesses in organized crime proceedings, along with their families.

Title VI: Authorizes the taking of pretrial depositions of Federal Government witnesses in criminal cases against persons believed to have participated in organized crime activity, and the use of such depositions as evidence in subsequent prosecutions.

Title VII: Provides that in any legal proceeding of the United States, the consideration of claims that evidence is inadmissable because derived from the illegal use of electronic, mechanical or other device shall be limited to those cases where the alleged illegal act has taken place within five years of the time the claim is made; and limits disclosure of information by the Government in such cases to only such as is relevant to determination of admissibility of the evidence and is in the interest of justice.

Title IX: Racketeer Influenced and Corrupt Organizations (RICO). Amends title 18, U.S.C., to prohibit infiltration of the management of legitimate organizations by racketeering activity or by the proceeds of racketeering activity where interstate or foreign commerce is affected; provides for criminal penalties (including forfeiture of property to the United States) upon conviction of violations of the prohibitions; and provides for civil remedies (e.g., court-ordered divestiture of interest) to prevent and restrain violations of the prohibition provisions.

Title X: Provides for additional sentences for habitual, professional, or organized crime offenders convicted of a Federal offense.

Title XII: Establishes a Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special-offender sentencing authorized under the Act, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies—to report within 6 years of establishment.

P.L. 91-508

Title I: Financial Recordkeeping. Requires the maintenance of records by banks, businesses and other U.S. financial institutions where such records would be useful in criminal, tax, or regulatory investigations or proceedings.

Title II: Currency and Foreign Transactions Report Act. Among other things, requires all banks and other financial institutions to file a currency transaction report with the Internal Revenue Service for each deposit, withdrawal or exchange of currency or monetary instruments in excess of $10,000. Requires any individual involved in exporting or importing monetary instruments exceeding $5,000 to report such transactions to the Customs Service. Provides for the seizure and forfeiture of monetary instruments involved in a violation of the reporting requirement. Authorizes the Secretary of the Treasury to make information from the required reports available to any other Federal department or agency upon request.

P.L. 91-513: Comprehensive Drug Abuse Prevention and Control Act of 1970

Title II: Controlled Substances Act. Replaces previous narcotic and dangerous drug control laws (except those relating to importation and exportation; see Title III) with a single statute and makes certain changes in the substance of these laws, including: (1) establishment of five separate schedules for the classification of all narcotics and other dangerous drugs ("controlled substances"), with the extent of regulation of each drug or substance varying according to its assigned schedule (but with distinctions between narcotics and non-narcotics in the two most restrictive schedules); (2) transfer to the Secretary of Health, Education and Welfare of authority to designate the classification of substances proposed to be regulated under the Act, in the absence of control required by a treaty in effect upon enactment; (3) extension of existing law's licensing requirements for narcotics manufacturers to manufacturers of *all* controlled drugs and to all distributors of such drugs; (4) a revision of penalties, among which is one making any first-time simple possession offense a misdemeanor, regardless of the drug involved, and one eliminating mandatory minimum sentences except in cases involving a special class of professional criminal (one shown to have been involved in a "continuing criminal enterprise"); (5) provision of possibility of expungement of police record, after satisfactory probation, in the case of a first offender convicted of illegal possession of a narcotic drug or marihuana (such a possibility already existed for other possession offenders); (6) provision for possibility of use of "no-knock" search warrants by law enforcement officers engaged in enforcing the Act; and (7) establishment of a commission to conduct a study of marihuana and a second study of drug abuse in general, and to make recommendations regarding control. For carrying out functions under Title II, authorizes Justice Department appropriations of $60 million for FY 1972, $70 million for FY 1973, and $90 million for FY 1974. Separately, authorizes annual appropriations of $6 million for specific purpose of increasing Federal narcotics enforcement strength by 300 agents plus support personnel.

Title III: Controlled Substances Import and Export Act. Replaces with a single new provision of law the existing statutes relating to importation and exportation of narcotics and dangerous drugs, conforming to the provisions of Title II (See above); and repeals other revenue laws relating to narcotics and marihuana.

P.L. 92-13

Increases appropriation authorizations for the Commission on Marihuana and Drug Abuse.

P.L. 92-31

Extends the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for an additional year and establishes an interdepartmental Council of Juvenile Delinquency to coordinate all Federal delinquency control programs. Authorizes appropriations of $75 million for FY 1972.

P.L. 92-73: Department of Agriculture—Environmental and Consumer Protection Appropriations Act, 1972

Contains a provision barring the payment of Federal subsidies to farmers who knowingly allow wild marihuana growing on their land to be harvested.

P.L. 92-129: Selective Service Act Amendments

Contains a provision directing the Armed Forces: to identify drug-dependent servicemen and to provide them with treatment; to identify prospective servicemen who are drug- or alcohol-dependent, refuse them entrance into the Armed Forces, and refer them to civilian treatment facilities; and to report to Congress within 60 days of enactment as to implementation of the provisions and with recommendations for additional legislative action determined necessary to combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug- or alcohol-dependent person.

P.L. 92-226: Foreign Assistance Act of 1971

Among other things, authorizes suspension of foreign assistance to countries not cooperating in attempts to curb illegal drug traffic to the United

States and creates an assistance program designed to encourage international narcotics control.[2]

P.L. 92-245, 92-246, 92-247

Authorizes U.S. contributions to and participation in the Asian Development Bank, the Inter-American Development Bank, and the International Development Association, respectively. Each contains a provision instructing the U.S. Executive Director for the relevant institution to vote against any loan (or other utilization of the institution's funds) to any country with respect to which the President has made a determination that its government has failed to take adequate steps to prevent narcotics and other dangerous drugs from entering the United States unlawfully or from being sold unlawfully to any U.S. Government personnel or their dependents within the country's jurisdiction.

P.L. 92-255: Drug Abuse Office and Treatment Act of 1972

Title II: Establishes an office in the Executive Office of the President—to be called the Special Action Office for Drug Abuse Prevention (SAODAP)—to coordinate and direct Federal drug abuse control efforts related to rehabilitation of drug-dependent persons, education, training, and research; makes specific appropriation authorizations for the new office. Although "drug traffic prevention" functions (law enforcement activities, diplomatic negotiations, and foreign assistance for controlling drug production and traffic) are excluded from the jurisdiction of the Office, provides that the Director of SAODAP may make *recommendations* to the President in connection with any drug traffic prevention function, and that he shall consult with and be consulted by all agencies involved in such functions regarding their policies, priorities, and objectives. Also specifically provides that the Director shall report, in writing to the President, the conduct of any agency—be it concerned with abuse prevention or traffic prevention—which "substantially impairs the effective conduct" of any other drug function. Further provides that the Attorney General must give prior notice to the SAODAP Director of any scheduling action (addition, removal, or transfer) under the Controlled Substances Act. Specifies June 30, 1975, as the expiration date for the Office.

Title III: Directs the President to develop a "comprehensive, coordinated long-term Federal strategy" for all drug abuse prevention and drug traffic prevention functions conducted, sponsored, or supported by the Federal Government. Requires such strategy to be promulgated initially no later than nine months after enactment of the title. To assist in preparing strategy, directs the President to establish a Strategy Council, consisting at least of the Director of SAODAP, the Attorney General, the Secretaries of HEW, State, and Defense,

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[2] Amended by P.L. 92-352 (State Department appropriations authorizations, 1972) to provide for a specific FY 1973 appropriation authorization of $42,500,000 for the assistance program.

and the Administrator of Veterans' Affairs. Provides that the strategy must be reviewed, revised as necessary, and promulgated as revised at least once a year.

P.L. 92-293

Authorizes the Attorney General to provide care for narcotic addicts placed on probation, released on parole, or mandatorily released (who are not eligible for handling under the provisions of the Narcotic Addict Rehabilitation Act of 1966).

P.L. 92-381

Extends the Juvenile Delinquency Prevention and Control Act of 1968 for two additional years. The Act provides for grants to assist States and communities (agencies outside the juvenile justice system) in furnishing diagnostic, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, which services may include drug abuse treatment or prevention projects.

P.L. 92-420

Amends the Narcotic Addict Rehabilitation Act of 1966 to increase treatment options available through judicial disposition of addicts, especially to allow methadone maintenance.

P.L. 93-83: Crime Control Act of 1973

Funds the law enforcement assistance program under the Omnibus Crime Control and Safe Streets Act of 1968 for three additional years—authorizing appropriations of $1 billion for fiscal years 1974 and 1975, and $1.25 billion for FY 1976. Reduces State-local matching requirements from 25 to 10 percent except for Part C construction, and increases to 50 percent the local non-Federal share to be paid by the States for both Part B planning and Part C action grants. Contains a provision specifically requiring States receiving grants for correctional programs to provide "necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, alcoholics, or alcohol abusers." Further, contains a Part C amendment referring specifically to "centers for treatment of narcotic addicts" as a possible component of a comprehensive State plan.

P.L. 93-87: Federal-Aid Highway Act of 1973

Authorizes, among other changes, funding of research by public or private agencies, institutions and individuals to explore the relationship between drug use and highway safety.

P.L. 93-189: Foreign Assistance Act of 1973

Authorizes appropriations of $42.5 million for the International Narcotics Control program established under the Foreign Assistance Act of 1971, for each of fiscal years 1974 and 1975, and contains a requirement that the President transmit to Congress quarterly and semi-annual reports on all aspects of U.S. International Narcotics Control programs and activities.

P.L. 93-218

Authorizes the disposal of opium from the National Stockpile.

P.L. 93-281: Narcotic Addict Treatment Act of 1974

Amends the Controlled Substances Act to provide for the separate registration of practitioners who use narcotic drugs in the treatment of addicts.

P.L. 93-415: Juvenile Justice and Delinquency Prevention Act of 1974

Replaces and generally expands the programs authorized by the old Juvenile Delinquency Prevention Act. Establishes an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration, to administer a formula grant and contract program of assistance to States and localities for the development of delinquency prevention and control programs (defined as meaning "any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, *including drug and alcohol abuse programs*, the improvement of the juvenile justice system and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent"). Authorizes appropriations of $75 million for FY 1975, $125 million for FY 1976, and $150 million for FY 1977. Creates a Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate Federal juvenile delinquency programs, and creates an Advisory Committee for Juvenile Justice and Delinquency Prevention to make policy and management recommendations for Federal programs. Establishes a National Institute for Juvenile Justice and Delinquency Prevention to serve as an information clearinghouse and training center. Authorizes the Secretary of HEW to make grants and provide technical assistance to localities and nonprofit private agencies for the development of facilities to serve the needs of runaway youth, outside the justice system—authorizing appropriations for this purpose of $10 million for fiscal years 1975 through 1977. Extends the old Juvenile Delinquency Prevention Act for an additional year.

P.L. 93-481

Authorizes appropriations for enforcement of the Controlled Substances Act by the Drug Enforcement Administration—$105 million for FY 1975, $175 million for FY 1976, and $200 million for FY 1977. Also repeals the "no-knock" search warrant provision of the Controlled Substances Act, and extends the possibility of parole to all persons convicted of a narcotic or dangerous drug offense under the Federal laws in force prior to enactment of the Controlled Substances Act of 1970.

P.L. 93-618: Trade Act of 1974

Among other things, provides for duty-free treatment of any eligible article from any "beneficiary developing country" designated by the President, no country to be so designated if it fails to take adequate steps to cooperate with the United States to prevent the unlawful entry into the latter of narcotic drugs and other substances controlled under the Controlled Substances Act which are produced, processed or transported in that country. Also requires the President to submit a report at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances are produced, processed, or transported for unlawful entry into the United States, and requires that the report include a description of the measures taken by these countries to prevent such activities.

Reorganization Plan No. 2 of 1973

Consolidates and entrusts to a single new agency within the Justice Department, to be known as the Drug Enforcement Administration, all Federal activities relating to the prevention of illicit traffic in narcotics and dangerous drugs.

P.L. 94-237: Drug Abuse Office and Treatment Act of 1972, Amendments

Among other things, establishes on a 3-year basis an Office of Drug Abuse Policy (ODAP) in the Executive Office of the President, to succeed the defunct Special Action Office for Drug Abuse Prevention in providing coordination and policy formulation for Federal efforts to prevent and control drug abuse. Authorizes $700,000 for FY 1976, $500,000 for the transition, and 2 million for each of FY 1977 and 1978. Specifically authorizes certain research efforts by the National Institute on Drug Abuse (NIDA), including those that relate to the development of non-addictive substitutes for opium derivatives—with appropriation authorizations of $7 million annually through FY 1978.

P.L. 94-329: International Security Assistance and Arms Export Control Act of 1976

Among other things, extends the International Narcotics Control program under the Foreign Assistance Act for another two years, with appropriation authorizations of $40 million for FY 1976 and $34 million for FY 1977. Provides that no part of the FY 1976 money may go to any country where illegal traffic in opiates has been a significant problem absent a Presidential determination and certification to Congress that the country is "significantly reducing the amount of illegal opiates entering the international market." Prohibits participation by any U.S. official in any "direct police arrest action" in a foreign country with respect to narcotics control efforts. Directs the President to make a study of methods through which U.S.-funded narcotics control programs in foreign countries might instead be assisted through international organizations.

P.L. 94-419: Defense Department Appropriations Act, FY 1977

Although the act contains no formal provision, the conference report calls for an end to the random urinalysis testing programs of the armed services, intended for the detection of drug abuse, by October 1, 1976, with funds saved to be redirected to military alcohol abuse programs. The conference committee also agreed that the Department should take "positive steps to make all commanders aware of the fact that participating in a drug or alcohol abuse rehabilitation program is, of itself, not to be considered grounds to deny reenlistment."

P.L. 94-455: Tax Reform Act of 1976

Establishes stricter rules of confidentiality with respect to Federal income tax returns. Has the effect of limiting the circumstances under which the Internal Revenue Service may make information available to other Federal agencies.

P.L. 94-503: Crime Control Act of 1976

Extends the law enforcement assistance program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 for an additional three years and authorizes appropriations of $880 million for FY 1977 and $800 million for each of FY 1978 and 1979 (along with an additional $15 million for each year for a new community anti-crime program authorized by Sec. 103 of the act).

Provides that the Law Enforcement Assistance Administration (LEAA) is under the policy direction and control of the Attorney General.

Provides for participation by State legislatures in the planning process. Requires inclusion in the State Planning Agency (SPA) of a minimum of three judicial members.

Provides for voluntary establishment of judicial planning committees to develop annual State judicial plans, to be approved by SPAs and incorporated into State plans.

Requires SPAs to allocate $50 million annually to such committees and increases Part B planning block grants accordingly. Specifically authorizes Part C funding for programs for strengthening the courts, for preventing crimes against the elderly, for community anti-crime programs, and for early case assessment programs.

Requires that juvenile delinquency programs be allocated 19.15 percent of the total appropriation for LEAA.

Requires specific annual authorizations for Justice Department appropriations beginning Oct. 1, 1978.

Authorizes the use of Part C funds for the "development of programs to identify drug-dependent offenders (including alcoholics, drug addicts, and drug abusers)"; and requires all States to establish "procedures for effective coordination between State planning agencies and single State agencies designated under section (409)(e)(1) of the Drug Abuse Office and Treatment Act of 1972 in responding to the needs" of such offenders.

Requires the Institute of Criminal Justice, in consultation with the National Institute on Drug Abuse, to give research priority to determining the relationship between drug abuse and crime and "to evaluate the success of the various types of drug treatment programs in reducing crime."

Provides for the removal from the Federal civil service system of all upper-level supervisory personnel in the Drug Enforcement Administration.

S. Res. 578

Urges Federal judges to set more realistic bail for major narcotics law offenders.

H. Res. 1350

Provides for the establishment and funding, during the 94th Congress, of the House Select Committee on Narcotics Abuse and Control, for the purposes of studying and reviewing the problems of narcotics abuse and control.[3]

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[3] Resolutions providing for the continuance of the Committee have been passed in all subsequent Congresses.

P.L. 95-92: International Security Assistance and Arms Export Control Act of 1977

Among other things, extends the appropriation authorization for the International Narcotics Control Program under sec. 482 of the Foreign Assistance Act for one additional year (FY 1978), at the level of $39 million.

P.L. 95-115: Juvenile Justice Amendments of 1977

Extends and expands the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations of $150 million in FY 1978, $175 million in FY 1979, and $200 million in FY 1980. Relaxes certain stringent requirements of the Act. Increases appropriation authorizations for the Runaway Youth Act.

P.L. 95-137

Extends appropriation authorizations for the enforcement of the Controlled Substances Act for two additional years, $188 million for FY 1978 and $215 million for FY 1979. Repeals the annual $6 million authorization under section 103 of the Act.

P.L. 95-142: Medicare-Medicaid Anti-Fraud and Abuse Amendments

Contains a number of provisions for the general purpose of preventing fraud and abuse under the Medicare and Medicaid programs, including: stricter penalties, requirement of the suspension of practitioners convicted of criminal offenses, establishment of a uniform reporting system for health facilities, and incentives for establishment of State Medicaid fraud units.

P.L. 95-384: International Security Assistance Act of 1978

Among other things: authorizes appropriations for the International Narcotics Control program (section 482 of the Foreign Assistance Act) for one additional year (FY 1979), at the level of $40 million. Amends the "Mansfield Amendment" of 1976 to provide specifically that no U.S. officer or employee may interrogate or be present at the interrogation of any U.S. person arrested in any foreign country with respect to narcotics control efforts without the written consent of that person. Also prohibits the use of any funds authorized by the section in any program involving the spraying of a herbicide to eradicate marihuana plants if the use of the herbicide is likely to cause serious harm to the health of persons who may use or consume the sprayed marihuana, but provides further that the prohibition does not apply when the herbicide is used in conjunction with another substance that will provide a clear warning to potential users. Establishes procedures under which the use of a herbicide in a marihuana eradication program funded under the section is to be evaluated by the Department of Agriculture and the Environmental Protection Agency, to ascertain whether the prohibition should be invoked; also requires the Secretary of State to submit a comprehensive report to Congress each year on efforts taken to ensure compliance with the requirements of the herbicide provisions and to prevent the spraying of marihuana with herbicides harmful to humans.

P.L. 95-410: Customs Procedural Reform and Simplication Act

Among other things, amends the Tariff Act of 1930 to increase from $2,500 to $10,000 the maximum value of property (seized in connection with a violation of U.S. customs laws) that is subject to administrative as opposed to judicial forfeiture; makes by reference the same change with respect to all seizures made under the Controlled Substances Act.

P.L. 95-461: Drug Abuse Prevention and Treatment Amendments of 1978

Among other things, extends specific authorization for support of certain areas of research—including the creation, development, and testing of synthetic analgesics, antitussives and other drugs which are (A) non-addictive or (B) less addictive than opium or its derivatives, to replace those substances in medical use.

P.L. 95-481: Foreign Assistance and Related Programs Appropriation Act, FY 1978

Contains a provision placing a $3 million ceiling on U.S. contributions, during FY 1978, to the United Nations Fund for Drug Abuse Control.

P.L. 95-537: Contract Services for Drug Dependent Federal Offenders Act of 1978

Transfers from the Justice Department to the Administrative Office of the U.S. Courts the authority to contract for aftercare services for released Federal offenders who are drug-dependent, thus consolidating responsibilities for supervisory care for such offenders in a single agency.

P.L. 95-633: Psychotropic Substances Act of 1977

Amends the Controlled Substances Act and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Provides for tighter controls on the manufacture and distribution of the drug phencyclidine (PCP), including increased penalties for illicit trafficking, and places certain restrictions on commerce in the PCP ingredient piperidine. Also provides for seizure and forfeiture of moneys and other negotiable instruments furnished or intended to be furnished in exchange for illicitly transferred controlled substances.

H. Con. Res. 265

Endorses the Hermosillo Declaration ("on Combating Traffic in Drugs at the International Level," adopted by the seventeenth Mexico-United States Interparliamentary Conference, May 1977) and urges the President to encourage other nations to cooperate in an international effort to eradicate narcotics trafficking and to eliminate illicit production of opium.

P.L. 96-43: Speedy Trial Act Amendments of 1979

Amends the Speedy Trial Act of 1974 to modify a number of requirements, particularly to extend the period, from the time of arraignment, during which a trial must commence. Specifically with respect to offenders who might be subject to the provisions of the Narcotic Addict Rehabilitation Act of 1966, extends the periods of delay that are excluded in computing the time limits for the filing of an information or indictment, and the commencement of trial, to include delay resulting from any proceeding or deferral or prosecution pursuant to that act.

P.L. 96-53: International Development Cooperation Act of 1979

Among other things, requires agencies that plan development assistance programs for countries in which there is illicit narcotics cultivation to give priority consideration to programs that would reduce such cultivation by stimulating broader development opportunities.

P.L. 96-92: International Security Assistance Act of 1979

In addition to other provisions, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. Extends the program through FY 1980, authorizing $51.7 million, with $16 million earmarked for the Republic of Colombia. Provides that contributions for the U.N. Fund for Drug Abuse Control may not exceed $3 million or 25 percent of total member-nation contributions. Amends the anti-paraquat provision of 1978 to make clear that it is not intended to jeopardize programs aimed at reducing narcotics traffic.

P.L. 96-132: Department of Justice Appropriation Authorization Act, Fiscal Year 1980

Authorizes appropriations for the Justice Department for FY 1980. For the Drug Enforcement Administration (DEA), authorizes $198.3 million. Amends the Controlled Substances Act to (1) authorize DEA to pay tort claims arising in foreign countries in connection with the agency's operations, such payment to be made in accordance with the Federal Tort Claims Act, and (2) repeal the requirement that an award of compensation be made to informers in accordance with the customs laws.

P.L. 96-157: Justice System Improvement Act

Amends Title I of the Omnibus Crime Control and Safe Streets Act. Establishes a National Institute of Justice (NIJ) and a Bureau of Justice Statistics (BJS). Transfers the research operations of the Law Enforcement Assistance Administration (LEAA) to the new NIJ and its statistics operations to the new BJS. Places all three entities—LEAA, NIJ, and BJS—under a new Justice Department agency, the Office of Justice Assistance, Research and Statistics (OJARS). Authorizes $750 million per year for FY 1980 through 1983 for the major assistance activities, education and training, and administration; $25 million for each of these fiscal years for research; $25 million for each year for statistical activities; and $25 million for each year for a community anti-crime program.

P.L. 96-181: Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979

Among other things, transfers to the President the responsibilities of the former Office of Drug Abuse Policy. Expands membership of the Strategy Council on Drug Abuse to include appropriate State and local government officials. Extends specific authorization for the National Institute on Drug Abuse to conduct or support research on designated subjects, including the development of synthetic analgesics, antitussives and other drugs which are non-addictive or less addictive than opium or its derivatives, to replace those substances in medical use.

P.L. 96-350

Makes it unlawful for any person on board a U.S. vessel or a vessel subject to U.S. jurisdiction—or for a U.S. citizen on any vessel—to possess, manufacture, distribute, dispense, or unlawfully import a controlled substance. Also makes it unlawful for any person anywhere to possess a controlled substance intending or knowing that it will be unlawfully imported into the United States. Provides for first offense penalties of up to 15 years imprisonment, or a fine of up to $25,000, or both, and of double those maximums for a second or subsequent offense.

P.L. 96-359: Infant Formula Act of 1980

Among other things, contains provisions to (1) increase the maximum penalty for trafficking in marihuana in amounts exceeding 1,000 lbs., to 15 years in prison, or $125,000, or both (double for a second offense); (2) extend the 1978 amendments to the Controlled Substances Act relating to commerce in the PCP constituent piperidine; and (3) direct the Attorney General to make available to the States additional information on the extent of, and on trends in, the abuse of drugs.

P.L. 96-509: Violent Juvenile Crime Control Act of 1980

Title I: Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to include the finding that the justice system should give additional attention to violent crimes committed by juveniles, particularly in the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Repeals declarations of purpose relating to the establishment of training programs and centralized research and information services dealing with juvenile delinquency.

Title II: Amends the Juvenile Justice and Delinquency Prevention Act of 1974, to specify, among other things, that the Office of Juvenile Justice and Delinquency Prevention shall be (1) under the general authority of the Attorney General and (2) under the direction of an Administrator with final authority over specified administrative functions. Provides for a 3-year planning cycle for formula grants. Requires that—5 years after the enactment of the amendments—States receiving funds may no longer detain juveniles in jails or lockups housing adult offenders. Provides for an emphasis on removing juveniles from jails and lockups, on serious juvenile offenders, on the training of personnel to deal with offenders with learning disabilities, on exemplary activities, and on the implementation of juvenile justice standards. Authorizes appropriations of $200 million each year for FY 1981-1984.

P.L. 96-528

Makes appropriations for Agriculture, Rural Development, and Related Agencies programs for FY 1981 and for other purposes. Among other things, prohibits the use of funds appropriated pursuant to the act for making production or other payments to persons or corporations that harvest—for illegal use—marihuana or other prohibited drug-producing plants.

P.L. 96-533: International Security and Development Cooperation Act of 1980

Among other things, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign

Assistance Act. For FY 1981 authorizes $38.6 million. Makes available certain aircraft, communications equipment and operational support to the Colombian anti-narcotics enforcement program.

P.L. 97-86: Department of Defense Authorization for Appropriations for FY 1982

Among other things, by way of clarifying the Posse Comitatus statute, authorizes certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specified purposes, including enforcement of the Controlled Substances Act.

P.L. 97-113: International Security and Development Cooperation Act of 1981

Among other things, authorizes appropriations for the International Narcotics Control program under section 482 of the Foreign Assistance Act: $37.7 million for each of the fiscal years 1982 and 1983. Repeals the provision of the act that had prohibited the use of assistance funds for drug crop eradication efforts using an herbicide shown to be harmful to human health; however, requires the Secretary of State to inform the Secretary of Health and Human Services (HHS) of the use or intended use, by any country or international organization, of any herbicide to eradicate marihuana under a program receiving assistance. Further requires the Secretary of HHS to monitor the health impact of the use of marihuana that has been sprayed by an herbicide and to report to Congress any evidence of harmful effects. Allows funds earmarked for Colombia under the FY80 appropriation to be used for marihuana eradication (with paraquat). Urges the President to spend at least $100,000 to develop a substance that clearly warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons. Requires such a substance, if developed, to be used with the herbicide.

Directs the President to make an annual report to Congress on U.S. policy for establishing an international strategy to prevent narcotics trafficking.

P.L. 97-116: Immigration and Nationality Act Amendments of 1981

Among other things, permits the waiver of simple marihuana possession offenses, involving 30 grams or less, as grounds for deportation of the alien spouse, child, or parent or a U.S. citizen or permanent resident.

P.L. 97-248: Tax Equity and Fiscal Responsibility Act of 1982

Contains provisions designed to remove impediments to Internal Revenue Service cooperation with other Federal law enforcement agencies. Specifically, decentralizes authority to apply for tax disclosure orders, eliminates "Catch-22" standards for acceptable applications for disclosure orders, and substitutes the United States for individual Federal employees in civil damage actions for unauthorized disclosure of tax information. Also amends the Internal Revenue Code to eliminate the possibility of taking any deduction or receiving any credit, in relation to taxes, for any expenditure made in connection with the illegal sale of substances controlled under the Federal Controlled Substances Act or similar State statute.

P.L. 98-67 (Title II): Caribbean Basin Economic Recovery Act

Authorizes the President to proclaim duty-free treatment for all "eligible articles" from any Caribbean country specifically designated under the act unless that country fails to meet certain enumerated requirements. One requirement is that the country must take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in 21 U.S.C. 812) produced, processed, or transported in such country from entering the United States unlawfully.

P.L. 98-151: Further Continuing Appropriations, FY 1984

Contains a prohibition on the provision of assistance, through programs funded under the Foreign Assistance Appropriations Act as provided for in P.L. 98-377 and P.L. 98-63 and out of funds appropriated under the act, to any country during any three-month period (after October 1, 1983) following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (cultivated, produced, or processed in that country, or transported through it) from being sold illegally within the jurisdiction of such country to U.S. Government personnel or their dependents or from entering the United States unlawfully.

P.L. 98-164: Department of State Authorization Act, FY 1984 and FY 1985

Contains provisions making U.S. assistance to any country that is a major producer of opium, coca, or marihuana contingent on reductions by that country in the levels of such production. Requires the President to submit, annually, a report on U.S. efforts to establish and encourage an international strategy to prevent the illicit cultivation and production of, and traffic in, narcotics and other controlled substances. Specifies that reports shall identify source countries and determine the "maximum reductions in illicit drug production which are achievable" in primary source countries; submission of report is to be followed by consultations between the Administration and Congress on appropriate steps to be taken with respect to delinquent countries.

P.L. 98-236

Amends the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the authorization of appropriations, through FY 1986, for contracts with public or private agencies for the supervision of released drug offenders.

P.L. 98-305: Controlled Substance Registrant Protection Act of 1984

Makes it a Federal crime to rob or burgle a pharmacy or other dispenser (registered under the Federal Controlled Substances Act to manufacture, distribute or dispense the drugs regulated under that statute) of a substance controlled under the Federal Controlled Substances Act *if* (1) the replacement cost of the substance is at least $500, (2) the person committing the offense traveled in interstate or foreign commerce or used any facility in commerce to facilitate the act, or (3) another person was killed or suffered significant bodily injury as a result of the offense. Authorizes penalties of up to 20 years imprisonment or up to $25,000, or both; where bodily injury occurs, up to 25 years or up to $35,000, or both; where death occurs, up to life imprisonment or up to $50,000, or both.

P.L. 98-329

Transfers the drug methaqualone from Schedule II to Schedule I under the Controlled Substances Act, thus banning it except for specifically approved experimental purposes.

P.L. 98-411: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985

In addition to making appropriations for the Justice Department for FY 1985, provides that the authorities contained in P.L. 96-132, "Department of Justice Appropriation Authorization Act, Fiscal Year 1980," shall remain in effect until the termination date of the act or until the effective date of a Department of Justice Appropriation Authorization Act for FY 1985, whichever is earlier. Also extends exemptions, for the Federal Bureau of Investigation, from certain restrictions on undercover investigative operations, and authorizes their application to similar operations of the Drug Enforcement Administration—requiring from both agencies detailed audits and reports on such operations.

P.L. 98-473 (Title II): Comprehensive Crime Control Act of 1984

Chapter I: Bail.

Amends the Bail Reform Act to (1) permit Federal courts to consider the factor of potential danger to the community in determining whether to release an accused individual pending trial (or appeal, if convicted) or, if release is appropriate, in determining the conditions for release and (2) increase penalties for jumping bail.

Chapter II: Sentencing Reform.

For development of a more uniform and predictable Federal sentencing system, establishes a commission to formulate guidelines for use by the courts when determining sentences. Eliminates parole and allows only limited "good time" credits. Requires guidelines to reflect possible effects of sentences on Federal prison capacities. Specifies that departure from guidelines must be explained in writing by the court. Repeals Youth Corrections Act.

Chapter III: Forfeiture.

Amends both the Controlled Substances Act and the Racketeering Influenced and Corrupt Organizations Act (RICO). Imposes the sanction of criminal forfeiture for all felony drug offenses. Expands the scope of previously authorized criminal forfeiture sanctions under RICO to include the forfeiture of racketeering activity *proceeds*. Raises the ceiling (to $100,000) on the value of property subject to administrative forfeiture. Creates two funds from forfeiture proceeds to maintain seized property and pay for certain law enforcement expenses and in other ways facilitates forfeitures in drug-related and racketeering cases. [See also Chapter XXIII, below.]

Chapter V: Drug Enforcement Amendments.

Part A: Controlled Substance Penalties. Amends both the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) to (1) increase the maximum prison penalties for trafficking in large amounts of an opiate, cocaine, phencyclidine (PCP), or lysergic acid diethylamide (LSD), (2) increase the level of maximum fines that may be imposed as penalties for trafficking in *any* controlled substance, (3) increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in CSA Schedules I or II (such as LSD and PCP), (4) increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms, (5) permit State and foreign drug convictions to be considered under the enhanced sentencing provisions applying to repeat drug offenders, and (6) create a new offense under the act of distributing a controlled substance in or on, or within a thousand feet of, "the real property comprising a public or private elementary school," a first offense being subject to double the maximum penalty for a regular trafficking offense and a second offense being subject to a mandatory minimum of three years imprisonment and a maximum of life. [See also Chapter XXIII, below.]

Part B: Diversion Control Amendments. Amends the Controlled Substances Act to (1) permit the Attorney General to deny an application for practitioner registration if he determines that its issuance would be inconsistent with the public interest, (2) make it easier to revoke or suspend any registration under the CSA (manufacturers, importers, distributors, and practitioners), (3) eliminate some practitioner recordkeeping requirements and tighten others, (4) simplify practitioner registration requirements (allowing a three-year life-span if determined appropriate), (5) clarify the control of isomers, (6) establish new emergency authority for the Attorney General to place under temporary controls any uncontrolled substance not being marketed in the United States for medical purposes—including registration, recordkeeping, and criminal sanctions for violation, (7) authorize a program of grants to State and local governments ($6 million a year for FY 1985 and FY 1986) to assist them in suppressing diversion of controlled substances from legitimate medical, scientific and commercial channels, and (8) expand import permit requirements to include the importation of certain non-narcotic Schedule III substances.

Chapter VI. Division I: Justice Assistance.

Among other things, provides for Federal funding, through matching block grants to the States, of State and local law enforcement programs "of proven effectiveness or which offer a high probability of improving the functions of the criminal justice system and which focus primarily on violent crime and serious offenders." Specifically indicates drug trafficking as one of the "critical problems of crime" that funded projects may address. Authorizes appropriations of $70 million for FY 1985.

Chapter VI. Division II: Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974.

Reauthorizes a program of assistance to States for the development of programs to combat juvenile delinquency, and of alternatives to incarceration of juveniles.

Chapter IX: Currency and Foreign Transactions Reporting Act Amendments.

Designed principally to prevent the laundering of money by drug traffickers and organized crime figures, (1) prohibits the *attempted* transport, out of the United States, of monetary instruments exceeding $10,000 (as well as actual transport, as under previously existing law, the minimum being increased from the previous $5,000) absent the prior filing of a report with the Treasury Department, (2) allows customs officials to search, without a warrant, for unreported amounts of cash brought into or carried out of the country, (3) authorizes rewards to informants providing original information on a major violation of the Act, and (4) increases the penalties for failure to keep the records and file the reports required under the Act.

Chapter X: Miscellaneous Violent Crime Amendments

Part A: Murder-for-Hire and Violent Crimes in Aid of Racketeering. Extends previously existing Federal jurisdiction over contract killings and violence to cover those involving travel in interstate or foreign commerce or using a facility of commerce, and also those committed for anything of pecuniary value received from a "racketeering" enterprise.

Part B. Creates a new offense of *soliciting* the commission of a violent Federal felony.

Chapter XI: Serious Non-violent Offenses

Part A. Makes it an offense to warn anyone that he or his property is about to be searched by Federal authorities.

Part B. Prohibits the possession of certain contraband articles, including any narcotic drug, by a Federal prison inmate.

Chapter XII: Procedural Amendments

Part A. Prosecution of Certain Juveniles as Adults. Provides for Federal prosecution, as adults, of certain juvenile defendants charged with serious Federal drug offenses or crimes of violence.

Part B. Wiretap Amendments. Authorizes emergency wiretaps without a court order in certain specified situations (including illegal currency transactions and offenses related to victim-witness intimidation).

Chapter XIII. National Narcotics Act

Creates a National Drug Enforcement Policy Board, an interagency council to coordinate Federal drug law enforcement activities, under the chairmanship of the Attorney General. Gives chairman authority to approve budget reprogramming requests of any agency, if drug law enforcement is involved, and allows him to direct the reassignment of personnel, with the concurrence of the head of the agency affected.

Chapter XXIII

Authorizes an alternative sentence of a fine of up to twice the proceeds from a violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Racketeering Influenced and Corrupt Organization chapter of title 18, U.S. Code. Authorizes the proceeds of forfeited property to be placed in a fund for the maintenance of seized property, the purchase of evidence, and the retro-fitting of seized and forfeited conveyances for law enforcement purposes.

P.L. 98-499: Aviation Drug-Trafficking Control Act

Amends the Federal Aviation Act of 1958 to (1) require the mandatory revocation, for up to five years, of the airman certificate of someone convicted of a violation of a State or Federal law relating to controlled substances, and (2) provide for additional penalties for the transportation of controlled substances by aircraft.

P.L. 98-509: Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984

Contains a provision for repeal of the statute requiring establishment of a Strategy Council on Drug Abuse and the preparation of an annual "National Drug Abuse Strategy."

P.L. 98-573: Trade and Tariff Act of 1984

Contains amendments to the Tariff Act of 1930 to raise the ceiling (from $10,000 to $100,000) on the value of property subject to administrative forfeiture (unless contested) because of its involvement in a violation of U.S. customs laws and to remove entirely the ceiling in the case of conveyances used to import, export, transport, or store any substance covered by the Controlled Substance Act. Raises (from $250 to $2,500) the amount of the bond required from a claimant who contests such forfeiture and who seeks a judicial hearing and determination. [With the exception of the amount of bond required in contested cases, the provisions are essentially the same as those of Part D of Chapter III of P.L. 98-473, the Comprehensive Crime Control Act of 1984.]

P.L. 98-596: Criminal Fine Enforcement Act of 1984

Amends the Federal criminal code to improve the collection of fines and to increase the maximum fine level for certain offenses.

P.L. 99-83: International Security and Development Cooperation Act of 1985

For the International Narcotics Control program, authorizes appropriations of $57.5 million for each of fiscal years 1986 and 1987. Makes economic and military assistance to Bolivia contingent on the licensing of coca growers and the limitation of production to preestablished needs, allowing 50 percent of the scheduled payments for FY86 to be made after compliance—with the remaining 50 percent to be provided when the President certifies to Congress that Bolivia has met the eradication targets for 1985 that were specified in a 1983 agreement. For continuation of aid in FY87, Bolivia must have developed a plan to eradicate illicit production. Conditions approximately $90 million of the total amount of FY86 assistance scheduled for Peru on a showing of "substantial progress" by Peru in developing a plan to eliminate unlicensed coca production. To receive full assistance in FY87, Peru must have put the plan into operation. Terminates the ban on participation by U.S. officers or employees in police arrest actions or interrogations in foreign countries where such participation has been agreed on by the Secretary of State and the government of the country in question. Requires countries receiving assistance for narcotic control to provide at least 25 percent of the cost of any program or project funded with such assistance. Authorizes provision of defense armaments for foreign aircraft being used to combat drugs. Requires a study to determine the feasibility of establishing a Latin American regional narcotics control organization. Requires a number of additional reports to Congress on matters pertaining to drug control.

P.L. 99-88: Supplemental Appropriations for FY 1985

Contains a provision directing the Secretary of Defense to submit a report to Congress on the role of the Department in the drug interdiction and law enforcement activities of the Federal government and also directs the President to make a similar report covering *all* Federal drug enforcement efforts, setting forth "the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission."

P.L. 99-93: State Department authorizations, FY 1986 and FY 1987

Contains a provision establishing the International Narcotics Control Commission, to monitor drug control treaties.

P.L. 99-145: Department of Defense authorizations, FY 1986

Clarifies authorization of military support for civilian drug interdiction, specifying that it includes authority to establish and operate one or more reserve forces airborne surveillance and detection units. Requires the Attorney General to conduct regular programs on military cooperation with civilian law enforcement officials. Provides for a study on use of the E-2 aircraft for drug interdiction. Provides for the mandatory assignment of Coast Guard personnel to each naval vessel at sea in a drug interdiction area and authorizes 500 additional Coast Guard personnel for this purpose.

P.L. 99-190: Further Continuing Appropriations, FY 1986

Contains provisions to (1) earmark $300 million for the enhancement of drug interdiction efforts by the Defense Department, of which $35 million is further earmarked for the commencement of the configuration of an AC-13OH-30 pressurized drug surveillance aircraft and the establishment of an "appropriate" command and control element for the drug interdiction mission within the Air Force, and (2) require that 50 percent of the funds (excluding International Narcotics Control funds) for Jamaica and Peru be withheld from obligation unless the President determines and reports to Congress that these governments are "sufficiently responsive to the U.S. Government's concerns on drug control and that the added expenditures of the funds for that country are in the national interests of the United States."

P.L. 99-570: Anti-Drug Abuse Act of 1986

A far-ranging omnibus enactment with 15 titles, relates to virtually every aspect of Federal efforts to prevent and control the abuse of drugs.

Generally: authorizes expanded enforcement measures in drug-producing countries, calls for increased interdiction efforts, strengthens anti-smuggling provisions, proscribes certain procedures designed to "launder" money derived from illicit drug sales, increases criminal sanctions against drug offenders, establishes a program of grants for State and local drug law enforcement, extends and expands Federal drug abuse education and other prevention efforts, authorizes large increases in funding for treatment and rehabilitation. Altogether, increases appropriation authorizations for FY 1987 by approximately $1.7 billion, $671 million to be grants to States and localities.

Specifically, major provisions can be further summarized as follows:

I. PENALTIES AND OTHER REGULATORY, ENFORCEMENT, AND CRIMINAL JUSTICE PROVISIONS

Provides for mandatory minimum prison sentences—and increases current maximums—for offenses involving larger amounts of the more dangerous drugs (establishes a three-category system of violations, with corresponding penalty ranges, based on amount of the drug involved). Raises maximum penalties for all Schedule I or II offenses and substantially increases maximum fines for all offenses.

Where death or bodily injury results from use of the drug sold (any Schedule I or II drug except marihuana), provides for imprisonment of from 20 years to life.

Makes it a crime, subject to enhanced penalties, for an adult to act in concert with a person under 21 in violating the Controlled Substances Act. No probation or suspended sentence.

Expands existing offense of selling drugs within 1,000 feet of a school to include "manufacturing" and to cover institutions of higher learning.

Amends the Continuing Criminal Enterprise statute to increase fines and provide for mandatory life imprisonment, under certain circumstances, for conviction under the statute.

Amends the Gun Control Act to include drug trafficking among offenses that if committed while armed, after a history of three prior drug trafficking offenses, are punishable by a mandatory 15 years in prison.

Provides for mandatory penalties for the unauthorized simple possession of any controlled substance—a $1,000 fine for a first offense, 15 days in prison and $2,500 for a second, and 90 days and $5,000 for a third. Convicted offender is required to pay investigation and prosecution costs.

Extends authority to employ the Armed Forces in assisting in civilian law enforcement to include assistance under emergency circumstances when the size and scope of the activity poses a serious threat to the interest of the United States and when the assistance would significantly enhance the enforcement of certain specified Federal statutes, including major anti-drug laws.

Grants the Customs Service numerous new enforcement authorities designed to enhance anti-smuggling efforts, and increases penalties for various smuggling offenses.

Authorizes forfeiture of substitute assets when a convicted drug trafficker has hidden his drug profits from prosecutors. Provides for civil forfeiture of assets derived from drug trafficking in other countries and found in the United States, to be shared with foreign governments to the extent that there was joint action in a particular investigation or as required by international agreement.

Makes it a Federal crime to knowingly "launder," in any of various specified ways (including the structuring of banking transactions to evade reporting requirements) the proceeds of drug trafficking, racketeer crimes, arms exporting and other profit-motivated offenses. Requires further banking regulations designed to reveal the presence of laundering. Provides for forfeiture of launderer's profit and the monetary instruments laundered (or property in which they have been invested) as well as of profits from drug trafficking offenses committed in other countries.

Makes it unlawful to manufacture with the intent to distribute, to possess with such intent, or to distribute a "designer drug," i. e., a controlled substance analogue (defined as a substance "(i) the chemical structure of which is substantially similar to that of a controlled substance in schedule I or II [under the Controlled Substances Act] *or* (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II" or one which is represented or intended as such).

Exempts from the Freedom of Information Act's disclosure requirements any records compiled for law enforcement purposes that would reasonably be expected to interfere with enforcement proceedings or to disclose a confidential informant or investigative information. Also exempts from disclosure any law enforcement guidelines if such disclosure would reasonably be expected to risk circumvention of the law.

Provides criminal penalties for willfully operating air craft at night without lights in conjunction with drug trafficking, for the willful use or installation of unlawful fuel systems in aircraft, and for various other actions or omissions on the part of operators.

Makes it a Federal violation to use a registered or fraudulently registered aircraft in conjunction with transporting controlled substances. Allows States to impose criminal penalties for the use of forged or altered aircraft registrations.

Makes it unlawful to open or maintain (or manage or control) any place for the purpose of manufacturing, distributing or using a controlled substance.

Amends existing law provisions covering maritime offenses involving controlled substances to extend the definition of certain elements of such offenses (changes designed to eliminate certain problems that have arisen in the prosecution of these cases).

Makes it clear that aliens convicted of controlled substance offenses by Federal, State, or foreign governments are ineligible for admission to the United States and are deportable if in the United States. Also authorizes expedited procedures for deportation hearings for aliens arrested for controlled substances offenses committed in the United States.

Prohibits the sale or transport of drug paraphernalia in interstate or foreign commerce, the use of the mails to promote such sale, or (specifically) the import or export of such items.

Contains various provisions regarding testing, licensing and qualification of operators of commercial motor vehicles, including provisions designed to encourage State efforts to curb the use of alcohol or controlled substances by such operators and to disqualify persons who commit certain offenses—including driving a commercial vehicle under the influence of alcohol or drugs—from holding a "classified driver's license" under a new national system instituted by the bill.

Authorizes the Federal Communications Commission to revoke any license that has been used for drug-related activities and to seize the communications equipment.

Makes it a Federal felony, subject to up to 5 years in prison or a fine of up to $10,000 or both, to operate or direct a common carrier while under the influence of drugs or alcohol.

II. International Narcotics Control[4]

Mandates a 50 percent suspension of U.S. assistance—for each current fiscal year (and a 100 percent suspension for subsequent years)—to major illicit drug-producer and -transit countries (including those in which monetary instruments are "laundered" with government knowledge or complicity) *unless* the President certifies to the Congress that (1) such a country is cooperating with the U.S. or is taking adequate remedial steps on its own, or (2) vital national interests require continued assistance. (Previous provision required aid restrictions [a 100 percent cutoff] only if the President made a positive determination that such countries had failed to take adequate remedial action.)

Provides that Presidential certification for exemption from sanctions may be overridden within 30 days by enactment of a joint resolution disapproving the determination contained in the certification.

Mandates a 100 percent suspension (and denial of favorable U.S. votes in multilateral development banks) of assistance to certain categories of major illicit producer or transit countries unless the President certifies that (1) assistance is an overriding national interest, (2) assistance improves prospects for anti-drug cooperation, or (3) the government of the country is making good-faith efforts to investigate and prosecute crimes against U.S. drug agents.

Restores 50 percent of assistance allocated to Bolivia if President certifies that she has cooperated with the United States in narcotics interdiction operations in FY 1987, resulting in a significant disruption of that industry.

Conditions restoration of full assistance to Bolivia upon Presidential certification that in 1986 she has either: (1) met her eradication targets planned for 1985; or (2) entered into an agreement with the United States for meeting planned 1985 targets in 1987 and is making substantial progress towards meeting the 1985 targets.

Withholds $1 million of international narcotics control assistance to Mexico until the President reports to the Congress that the Mexican Government

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[4] Adapted from a summary prepared by Raphael Perl, CRS Specialist in International Affairs.

has fully investigated and brought to trial those responsible for: (1) the murder of DEA agent Enrique Camarena Salazar; and (2) the arrest and torture of DEA agent Victor Cortez.

Requires that U.S. Executive Directors of the various multilateral development banks in which the United States holds membership be instructed to vote against loans or other funds for any major illicit drug-producing country or major drug-transit country unless the President certifies that the country is cooperating with the United States, or has taken adequate steps on its own, in preventing illicit drug production and the traffic of illicit drugs into the United States.

Requires the President to make an annual determination (subject to override by joint congressional resolution) as to whether drug-source countries are cooperating with the United States in controlling drug production and illicit trafficking, prohibits favorable tariff treatment of these countries' exports to the United States, and requires duty increases of up to 50 percent on such exports. Also, prohibits the allocation of a sugar quota to an uncooperative country.

Expresses the sense of the Congress that unless substantial progress is demonstrated in resolving issues related to: (1) the murder of DEA agent Camarena; (2) the torture of agent Cortez; (3) effective use by Mexican authorities of U.S. supplied aircraft for eradication and interdiction; and (4) cross-border trafficking and drug-related violence, the President should consider taking one or more of the following measures against Mexico: (1) imposition of a mandatory travel advisory; (2) restrictions on foreign assistance; (3) denial of favorable tariff treatment to Mexican products; and (4) denial of favorable votes in multilateral development banks.

Eliminates the Foreign Assistance Act's restrictions on aid by U.S. officials or employees to foreign police in making an arrest overseas [Sec. 481(c), the "Mansfield Amendment"]. (Retains prohibitions against: (1) presence of such officials at interrogation of a U.S. citizen absent the consent of that citizen, and (2) the making of a direct arrest in a foreign country by such U.S. officials.) Permits U.S. employees to make or participate in arrests in foreign countries to protect life, or for safety in exigent circumstances.

Increases the FY 1987 authorization for the International Narcotics Control program under the Foreign Assistance Act—from $57.5 million to $75.4 million—and authorizes an additional $45 million provided a formal budget is submitted.

Earmarks $10 million of the additional $45 million assistance for helicopters and other aircraft, for use primarily in Latin American narcotics control.

Earmarks $1 million for development of herbicides for coca eradication.

Authorizes an additional $3 million for AID drug education programs and $2 million for USIA drug education programs.

Expresses support for the 1987 U.N. International Conference on Drug Abuse and Trafficking and calls upon the President to direct the Secretary of State to enter into negotiations to establish a Mexico-U.S. Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control.

Requires the Secretary of the Treasury to instruct the U.S. Executive Directors of the multilateral development banks to propose that (1) all possible support be given to drug eradication programs, and (2) the banks increase lending for crop substitution programs.

III. Additional Funding for Drug Law Enforcement

Increases appropriation authorizations for Federal agencies and programs for FY 1987:[6]

> *Department of Defense*: Total of $337.5 million for enhanced intelligence collection activities and for drug interdiction aircraft and aerostat radar to be used by the Customs Service and the Coast Guard. Includes $45 million for purchase of radar systems for Coast Guard surveillance aircraft and $15 million for the Coast Guard Tactical Law Enforcement Team.
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> *Coast Guard*: $89 million for acquisition, construction, and improvement and $39 million for operating expenses.
>
> *Customs Service*: $81 million for salaries and expenses and $94 million for the Air Interdiction Program.
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> *C-3I Centers*: $25 million for establishment and operation of command, control, communications, and intelligence (C-3I) centers, under the direction of the Commissioner of Customs, the Commandant of the Coast Guard, the Attorney General, and the National Narcotics Border Interdiction System (NNBIS).
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> *U.S.-Bahamas Interdiction Task Force*: $10 million for aircraft and communications in aid of a joint U.S.-Bahamas task force established by the act and $5 million (in the Coast Guard budget) for the design engineering and other activities for construction of a drug interdiction docking facility in the Bahamas.
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> *Drug Enforcement Administration*: $60 million.

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[6] Authorizations are in addition to those amounts agreed to in the conference agreement reached on Title I of H.J. Res. 738 (99th Congress) (P.L. 99-500). For counterpart appropriations, see Title II of P.L. 99-500.

Federal Prison System: $124.5 million—$96.5 million for construction and $28 million for operation.

Office of Justice Assistance: $5 million for a pilot prison capacity program. (A related provision requires the Defense Department to conduct a study on the use, as prisons, of existing facilities under the jurisdiction of the Department.)

Other correctional matters: $5 million for support of Federal prisoners in non-Federal institutions.

Judiciary: Defender services—$18 million; Jurors and commissioners—$7.5 million for fees and expenses.

F.B.I.: $2 million to procure secure voice radios.

Secret Service: $5 million to procure secure voice radios.

U.S. Attorneys: $31 million.

U.S. Marshals: $17 million.

Authorizes following grants for State and local drug law enforcement:

Bureau of Justice Assistance: For a new program of matching formula grants to the States (75/25) for State and local enforcement of drug control laws—$230 million for FY 1987, $230 million for FY 1988, and $230 million for FY 1989. Twenty percent of the total amount appropriated in any fiscal year is to be set aside for discretionary grants to be awarded by the Bureau. Of the remaining 80 percent, each qualifying State is to receive a minimum grant of $500,000; the balance is to be distributed on the basis of the ratio of the population which a State bears to the ratio of the population of all the participating States.

IV. Demand Reduction[6]

V. General

Requires the President to submit recommendations to Congress, within 6 months, for legislation to reorganize the Executive branch "to more effectively combat drug traffic and drug abuse."

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[6] For a summary of the act's demand reduction provisions, see CRS Report 86-968 GOV.

Requires the President to convene a "White House Conference for a Drug Free America", bringing together individuals concerned with all aspects of the drug problem and efforts to control it. Conference to prepare a report with findings and recommendations as well as proposals for any legislative action necessary to implement such recommendations.

P.L. 99-640: Maritime Drug Law Enforcement Act (provisions of the Coast Guard Authorization Act of 1986)

Among other things, amends P.L. 96-350, relating to Coast Guard enforcement of laws on importation of controlled substances, to further define the term "customs waters" for purposes of certain drug offenses.

P.L. 99-661: National Defense Authorization Act of FY 1987

Contains provisions requiring the President, within 180 days of enactment, to submit to Congress a comprehensive program designed to interdict aircraft, vessels, and vehicles carrying illegal drugs into the United States. Sets forth various elements for inclusion in the program, including a plan for maximizing Defense Department assistance to other agencies in the drug enforcement and interdiction effort. Requires a second report, also within 180 days, making recommendations for statutory changes that allow more efficient use of the Armed Forces in anti-drug efforts, and discussing various matters pertaining to such involvement and to the possibility of sealing the borders of the United States against penetration by illegal drugs—including costs, effects on military preparedness, and personnel requirements.

P.L. 99-646

Amends title 18 of the U.S. Code and other statutes to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984.

P.L. 100-180: National Defense Authorization Act of 1988

Contains provisions requiring: (1) the General Accounting Office to conduct a comprehensive study of drug smuggling and Federal capacities to deter it, paying special attention to the role of the Department of Defense, (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.

P.L. 100-690: Anti-Drug Abuse Act of 1988[7]

An omnibus 10-title (364 pages) enactment, like its predecessor statute of 1986 (see above. P.L. 99-570) pertaining to all aspects of the Federal drug control strategy. The principal provisions related to drug supply control can be summarized as follows:

General

Raises appropriation authorization ceilings for various Federal anti-drug efforts by $2.7 billion in fiscal year 1989.

Expresses the sense of Congress that legalization proposals should be rejected and that consideration should be given only to proposals to attack directly the supply of, and demand for, illicit drugs.

Coordination of Federal Anti-Drug Efforts

Creates a new agency for the coordination of Federal anti-drug efforts, headed by a cabinet-level director (so-called drug czar) subject to Senate confirmation.

Crimes and Penalties

Permits the imposition of the death penalty for killings committed by drug "kingpins", by those acting in their interests, by other major drug traffickers and smugglers, and for the drug-related killing of a law enforcement officer.

Permits the Justice Department to assess civil penalties of up to $10,000 for illegal possession of small amounts of certain controlled substances where the offender has no prior criminal conviction for a drug offense or only one prior civil conviction, provided that if judicial review is sought the accused has rights similar to those of a criminal defendant.

Increases penalties for possession of cocaine base ("crack").

Increases penalties for operating common carriers while under the influence of drugs or alcohol.

Makes it a Federal crime to corrupt a Federal, State, or local official (including a juror) in furtherance of a drug trafficking violation.

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[7] For complete summary, see CRS Report 89-288 GOV.

Adds violent felonies committed by juveniles to the category of offenses that would give rise to enhanced punishments under the Armed Career Criminal statute.

Provides for mandatory life imprisonment of certain three-time drug offenders.

Increases or establishes a number of other penalties relating to—among other matters—violent crimes and drug offenses involving firearms, drug importation, drug offenses involving minors or committed near schoolyards or other youth facilities, and drug distribution in prisons.

Increases penalties for distribution of anabolic steroids and calls for the application of criminal forfeiture provisions in felony steroid or human growth hormone distribution cases.

Regulatory Law Changes and Additions

Establishes new recordkeeping and reporting requirements and controls on certain chemicals frequently used in the production of illegal drugs.

Contains provisions designed to improve systems of registering aircraft, certifying pilots, and processing major aircraft repair and alteration forms and to increase enforcement of requirements associated with such systems.

Adjusts the mechanisms for identifying and preventing efforts to launder drug profits including agreements with other countries to ensure the existence and availability of records concerning transactions in substantial amounts of United States currency; requires identification of those involved in transactions to purchase cashier's checks or money orders involving more than $3,000 in coin or currency and more extensive recordkeeping of such transactions under certain circumstances; creates criminal penalties for failure to comply with the IRS cash transaction reporting requirements; establishes certain tax violations as predicate offenses for the federal money laundering prohibitions and money laundering as a RICO predicate offense; and modifies the money laundering forfeiture provisions to permit seizure of substitute assets but exempting defense attorneys and banks under some circumstances.

Criminal Procedure

Revises Federal forfeiture laws for more efficient and equitable use—providing for expedited administrative proceedings, protection of innocent owners of conveyances, equitable distribution to State and foreign law enforcement authorities, and adjustments concerning the Department of Justice and Customs forfeiture funds which permit disposal for purposes of Federal prison construction and use by the Coast Guard.

Requires the revocation of parole, probation, and other supervised release for anyone found to be in possession of an illegal drug.

Expands immigration law to permit, in drug-related cases, expedited bail restrictions and deportation, and to add more stringent provisions on illegal entry and reentry into the United States.

Provides for certain protections for innocent owners of vessels subject to seizure because of involvement in illicit drug trafficking or use.

Increased Funding for Law Enforcement

Substantially increases appropriation authorizations for most Federal agencies with responsibilities for enforcement of drug laws.

Extends and expands the program of grants for State and local drug law enforcement, established by the Anti-Drug Abuse Act of 1986. Allows direct distribution to localities under certain circumstances.

Extends and expands various Federal programs for the prevention of juvenile delinquency and the administration of juvenile justice.

International Control

Calls for various U.S. Government moves to strengthen international drug control efforts, including those to encourage creation of (1) a Latin American regional anti-narcotics force, (2) a U.N.-affiliated international drug force, (3) an international criminal court, and (4) an international currency control agency.

Contains a number of provisions targeted at specific drug-producing and drug-transiting countries, such as those conditioning U.S. assistance on specified measures to be taken by the recipient or earmarking assistance for specified anti-drug purposes.

Makes various changes in the annual reporting and certification process under the International Narcotics Control provisions of the Foreign Assistance Act of 1961—including addition of requirements (1) that the President establish numerical standards and guidelines for determining which countries are major illicit drug transit nations and (2) that Congress have 45 days (instead of 30) to disapprove Presidential certification of a country as exempt from trade and aviation sanctions.

For FY 1989, authorizes \$101 million for international narcotics control programs (\$ 2.5 million over FY 1988).

P.L. 101-164: Department of Transportation and Related Agencies Appropriations Act, 1990

Contains provisions appropriating $3.2 billion for increases, over and above the Administration's February request, in drug and crime control efforts ($900 million more for drug control than the total Administration requests and $600 million for general crime control purposes, principally Federal prison construction). Also increases authorization ceilings for certain treatment and prevention programs.

P.L. 101-189: National Defense Authorization Act, FY 1990-91

Contains provisions authorizing an additional $450 million in FY 1990 for DOD drug interdiction and law enforcement support activities, including $70 million to expand National Guard drug interdiction activities. Restates the drug control missions given to DOD by the FY 1989 Defense authorization bill.

P.L. 101-231: International Narcotics Control Act of 1989

Authorizes $125 million for FY 1990 in new military and law enforcement assistance to Bolivia, Colombia, and Peru.

P.L. 101-510: National Defense Authorization Act for FY 1991

Under *Title X—Drug Interdiction and Counter-Drug Activities*—includes provisions which: authorize funds for DOD drug interdiction efforts in general, with the National Guard named specifically; allow military support including the transfer of military equipment to State and local drug enforcement agencies; mandate the Comptroller General to submit a report within 6 months of enactment examining the counter-drug budget and expenditures of DOD; require a study of the OH-58D helicopter for the detection of cross-border drug smuggling; require a study of Andean anti-drug efforts; and urge international negotiations toward the establishment of an international strike force against major international drug traffickers. Also establishes a "Counter-Narcotics Technology Center" within the Office of National Drug Control Policy.

P.L. 101-516: Appropriations for Department of Transportation and related agencies for FY 1991

Contains a provision that, as of FY 1993, withholds 5 percent for the first and second years, then 10 percent for the following years, of Federal highway funds to States which do not revoke drivers' licenses for drug offenses, with a State exemption provision.

P.L. 101-623: International Narcotics Control Act of 1990

Authorizes international narcotics control activities for FY 1991, including authorizations of $300 million for economic assistance and $8 million for military and law enforcement assistance to the Andean nations (provided that aggregate military and law enforcement assistance to these nations for FY 1991 may not exceed $250 million, with a subceiling of $175 million each for military and law enforcement aid.). Provides a permanent waiver of the previous legal prohibition of the use of U.S. foreign aid for crop substitution programs and a one-year waiver of the legal requirement to suspend aid to those countries more than one year behind in their debts to the United States. Urges the President to use his authority to provide relief of debt by Bolivia, Colombia, and Peru, given their continuing efforts to stop cocaine trafficking into the United States.

P.L. 101-647: Crime Control Act of 1990

Contains a number of drug-related provisions, including those which: (1) provide for the further regulation of precursor chemicals used in manufacturing illicit drugs; (2) authorize up to double ($900 million) the amount of Federal aid to State and local law enforcement; (3) authorize additional manpower for DEA and other Justice Department agencies responsible for enforcing drug laws and dealing with drug offenders; (4) further curb money laundering; (5) bring anabolic steroids under the controls of the Controlled Substances Act; (6) authorize $220 million for new correctional options, including boot camps and other innovative programs; (7) expand the possibilities for use of civil action against drug offenders; (8) establish a $20 million "rural drug initiative" for increased efforts by rural area police and prosecutors; (9) require that sentencing guidelines be amended to increase sentences for offenses involving smokable crystal methamphetamine ("ice"), and (10) amend existing statutes relating to forfeiture of drug trafficker assets. (For greater detail, see CRS Report 91-69 GOV, *Crime Control Act of 1990 (P.L. 101-647): Summary*.)

P.L. 102-132

Amends the Anti-Drug Abuse Act of 1988 to extend authorization of drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth, through FY 1994.

P.L. 102-138: Foreign Relations Authorization Act, FYs 1992 and 1993

Contains a provision expressing the sense of the Congress that: (1) all U.S. law enforcement personnel serving in Mexico should be accorded the same status as diplomatic and consular personnel serving at U.S. posts in Mexico; and (2) all Mexican narcotics law enforcement personnel serving in the United states should be accorded the same diplomatic and consular status as Drug Enforcement Administration personnel serving in Mexico.

P.L. 102-140: Justice Department Appropriations Act, FY 1992

Contains a provision to make permanent the current 75 percent/25 percent Federal-State formula used for distribution of funds under the Byrne block grant program.

P.L. 102-190: National Defense Authorization Act, FY 1992 and 1993

In addition to other drug control funding authorizations, provides for increased Department of Defense support ($40 million total) of counter-drug activities of Federal, State, local, and foreign law enforcement agencies. Makes clear that the DOD lead role in detection and monitoring of aerial and maritime importation of illegal drugs into the United States is to be carried out in support of such agencies.

MULTILATERAL TREATIES

Single Convention on Narcotic Drugs, 1961

[Entered into force for the United States June 24, 1967]. Replaces previous multilateral international treaties for the control of narcotic drug traffic with a single new instrument, designed to simplify and strengthen the existing machinery of regulation. General purpose is to limit the production and distribution of opium, coca, cannabis and their derivatives, along with specified synthetic narcotic compounds. Requires signatories to adopt appropriate legislation to limit production and distribution to such amounts as are necessary for medical and scientific purposes, to introduce necessary administrative and enforcement measures, and to cooperate with the international drug control organs as well as with other countries. [TIAS 6298]

1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961

Increases the authority of the International Narcotics Control Board. [26 UST 1439; TIAS 8118]

Convention on Psychotropic Substances

[Entered into force for the United States April 16, 1980]. Provides for the international control of depressant, stimulant, and hallucinogenic substances not subject to the Single Convention on Narcotic Drugs. [TIAS 9725)

U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

[Entered into force for the United States November 11, 1990.] Requires signatories to take specific law enforcement measures—providing appropriately severe sanctions—to improve their ability to identify, arrest, prosecute and convict drug traffickers across international boundaries. Pledges parties to cooperate in the extradition of accused offenders and to provide each other mutual legal assistance in the investigation and prosecution of those offenses. Obliges parties to cooperate in a wide range of anti-narcotics activities, including law enforcement and training, crop eradication and demand reduction programs, suppression of illicit trade in precursor chemicals, imposition of controls on use of the mails for trafficking purposes, implementation of procedures designed to curb the "laundering" of monetary instruments, and the seizure and forfeiture of the proceeds from and instrumentalities used in illicit trafficking activities. Further, requires signatories to ensure that commercial carriers are not used for illicit traffic and to suppress illicit traffic in free trade zones and free ports.

HLH:db