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CRS Report for Congress

National Drug Control Strategy, 1990: Discussion of Selected Priority Highlights

Companion To
CRS Report 89-567 GOV *(National Drug Control Strategy, 1989)*

Coordinated by

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NATIONAL DRUG CONTROL STRATEGY, 1990: DISCUSSION OF SELECTED PRIORITY HIGHLIGHTS

SUMMARY

On January 25, 1990, the White House released the second report on drug control strategy to be prepared by the Office of National Drug Control Policy; the first was issued in September 1989. Required by a provision of the Anti-Drug Abuse Act of 1988, the report is supposed to outline a comprehensive plan for the reduction of drug abuse and trafficking in the United States.

The 1990 White House report is intended to be used as a companion volume to the first one. Basic policies are unchanged, but the second document is more detailed and new developments (such as the announcement of the designation of "high intensity drug trafficking areas") are noted. Accompanied by the first consolidated National Drug Control Program budget proposal, the 1990 strategy calls for a total of $10.6 billion in budget authority for all Federal drug control functions. This is a level 12 percent higher than the estimated enacted total for FY 1990 and 69 percent higher than that for FY 1989.

This CRS report is a companion to CRS Report 89-567 GOV (*National Drug Control Strategy, 1989: Background and Policy Questions*), written and issued in September 1989. It is limited generally to a discussion of the 1990 Strategy priority "highlights" about which significant policy questions might be raised and the implications of which were not explored in the earlier CRS report. With respect to some priorities, however, even though no new questions are suggested, relevant new or additional background may be covered.

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CONTENTS

NATIONAL DRUG CONTROL STRATEGY, 1990: DISCUSSION OF SELECTED PRIORITY HIGHLIGHTS

INTRODUCTION

The second strategy document prepared by the Office of National Drug Control Policy was issued by the White House on January 25, 1990. In a message to Congress, President Bush pointed out that the report should be viewed as a companion volume to the National Drug Control Strategy unveiled in September 1989. This CRS report should likewise be used as a companion and supplement to CRS report 9-567 GOV (National Drug Control Strategy, 1989: Background and Policy Questions).

As might be expected, the fundamentals of the strategy have not changed during the four to five months between the preparation of the two reports. The second, however, provides considerably greater detail on objectives and is accompanied by a separate budget document with pertinent information on each of the principal drug control programs.[1]

The new Strategy proposes FY 1991 funding increases in all of the principal categories of Federal drug control efforts. Percentage gains over FY1990 would be as follows:

• Criminal justice	2 percent
• Treatment (principal programs)	12 percent
• Prevention	11 percent
• International activities	65 percent
• Interdiction efforts	17 percent
• Research	20 percent
• Intelligence	142 percent
TOTAL	12 percent [2]

Specific Federal law enforcement agencies to receive significant increases in drug funding would be the Justice Department's Criminal Division (59 percent), U.S. Attorneys (33 percent), U.S. Marshalls (30 percent), the Organized Crime Drug Enforcement Task Force Program (54 percent), the Drug Enforcement Administration (28 percent), and the FBI (22 percent). Overall, Federal drug spending in FY 1990 would be raised to an estimated $10.6 billion, a level 12 percent higher than the estimated enacted total for FY 1990 and 69 percent higher than that for FY 1989.

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[1] U.S. Executive Office of the President. Office of National Drug Control Policy. National Drug Control Strategy. Budget Summary. January 1990. 159 p.

[2] Ibid., p. 2.

Conceptually, the Strategy continues to be characterized by a commitment to the principle of attacking both the supply of and demand for drugs: "to make drugs undesirable and hard to get through a mix of supply and demand policies."[3] It should be noted that in the Administration's view "demand reduction" is not solely a matter of treatment and education/prevention programs but also embraces legal and other sanctions aimed at the user.

The following analysis is limited to a discussion of Strategy '90 "highlight" priorities[4] about which significant policy questions might be raised and the implications of which were not explored in the CRS report on the September 1989 Strategy. In some instances, however, even though no new questions are suggested, relevant new background is covered.

The discussions assume that in the case of any priority that involves money expenditure, three questions can be asked:

1. Can the expenditure be justified?
2. Could the money be better spent elsewhere?
3. Is the proposed spending level too high, too low, or on target?[5]

Similarly, the discussions also assume that whenever the priority involves Federal funding of State and local functions, a question may be raised as to the wisdom or appropriateness of such enhancements of central government power in a republic such as the United States. Finally, they assume that with

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[3] U.S. Executive Office of the President. Office of National Drug Control Policy. National Drug Control Strategy. Washington, U. S. Govt. Print. Off., January 1990. P. 6.

[4] "Highlight" priorities are set forth both in the *Executive Summary* distributed with the document and at appropriate places within the document itself. Some highlights listed in the document are not included in the *Executive Summary*.

[5] In recent years, the question most often raised with respect to drug control efforts, at least publicly, is whether the amounts proposed to be spent are enough? In reaction to the 1990 strategy, Senator Joseph R. Biden, Jr., has proposed his own version of a national drug control strategy, raising the total budget authority by $4 billion over the Administration requests. For details of the Biden plan, see the report prepared by the majority staffs of the Senate Judiciary Committee and the Senate International Narcotics Caucus (*Fighting Drug Abuse: A National Strategy*, 236 p.). For a summary comparison of the of the two plans, see: Bush's $10.6 Billion Strategy Targets Enforcement Again. Congressional Quarterly, Jan. 27, 1990. Pp. 242-244.

respect to any effort that reflects a policy of emphasis on curbing the importation of illicit drugs, it may be asked whether full account has been taken of the potential of a domestic industry in synthetic drugs to replace any shortfall in the supply of non-indigenous plant-derived substances.

I. CRIMINAL JUSTICE

Federal Criminal Justice System Manpower

- *Expanded Organized Crime Drug Enforcement Task Forces.*

- *An additional $115 million sought to provide more investigators and agents, additional financial crime specialists, intelligence analysts, and criminal attorneys.*

- *Additional DEA and FBI agents.*

- *$151 million more sought for additional DEA agents and support personnel.*

- *Expansion of DEA technical, communications, and information capabilities.*

- *More FBI agents, analysts, and foreign language specialists.*

Established in 1982, the Organized Crime Drug Enforcement Task Forces (OCDETF) present a multifaceted approach to combatting major drug trafficking organizations. The OCDETFs are located in 13 regions across the United States. They combine the expertise of 11 Federal agencies, in cooperation with State and local law enforcement and prosecutorial personnel, to identify and destroy major narcotic dealing and money laundering enterprises. In the early years, fiscal years 1983 and 1984, the OCDETF was funded as a single appropriation, but beginning in 1985 the participating agencies received direct appropriations for their participation. The Anti-Drug Abuse Act of 1988 (P.L. 100-690) restored the single appropriation to the OCDETF Program for FY1990. The FY1991 funding request for the OCDETF is $330 million, an increase of $115.1 over that for FY1990.

The Drug Enforcement Administration (DEA) is the lead Federal agency for enforcing narcotics and controlled substances laws. DEA's major responsibilities include the following: investigating major narcotics violators operating both domestically and internationally; enforcement of controlled substances regulations; management of the El Paso Intelligence System (EPIC); coordination of special operations and participation in OCDETF, as well as in 44 permanent and 12 provisional State and Local Task Forces; and training, research, and information exchange with a view to preventing and controlling drug trafficking. The fiscal year 1991 funding request for the DEA is $700 million, an increase of $151.3 million over that for FY1990.

The Federal Bureau of Investigation (FBI) is responsible for investigating all violations of Federal law except those identified by legislation as belonging to other agencies. The FBI's expertise in investigating all forms of organized crime is particularly relevant to the investigation and prosecution of criminal drug organizations and street gangs involved in drug trafficking and related drug violence. The Bureau is also a major participant in the OCDETF Program. The fiscal year 1991 funding request for the FBI is $172.1 million, an increase of $31.5 over that for fiscal year 1990.

-Suzanne Cavanagh, Analyst in American National Government

Expanded Precursor Chemical Program

- *Expanded efforts to reduce the illegal manufacture and shipment of chemicals essential to illicit drug production.*

One part of the omnibus drug control bill enacted in 1988 is the Chemical Diversion and Trafficking Act, designed to suppress the diversion of, and trafficking in precursor chemicals and essential chemicals used in the illicit manufacture of controlled substances.

The statute, which amends the Controlled Substances Act, sets forth detailed recordkeeping and reporting requirements for transactions in such chemicals by a "regulated person", i.e., a manufacturer, distributor, importer or exporter of a chemical listed in the statute, a tableting machine, or an encapsulating machine. It requires the transferee in a regulated transaction to furnish a certificate of lawful use, which is to be transmitted to the Drug Enforcement Administration (DEA); and it requires that DEA be notified of all imports and exports of a listed chemical not later than 15 days beforehand. The Attorney General may order the suspension of importation or exportation, or may disqualify any regular customer, on the ground that the chemical may be diverted to a clandestine manufacturer of a controlled substance.

Final regulations were effective as of August 1, 1989.[6] Thus, the statute has been enforced for less than seven months.

The concern for effective control of chemicals used in illicit drug processing was a point emphasized at the "anti-drug summit" meeting of President Bush and three Andean country presidents on February 15, 1990. One provision of the bilateral agreement signed with Bolivia and apparently soon to be signed with Peru is that the signatories will enact legislation allowing the seizure of illicit shipments of precursor and essential chemicals.

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[6] Federal Register, v. 54, no. 1488; August 1, 1989, pp. 31657-31670.

As far as can now be determined, no new U.S. laws would be required; and other actions covered are already being undertaken by the United States.

Some analysts have questioned whether the U.S. program can effect a substantial reduction in the availability of precursor and essential chemicals to illicit processors of cocaine and other dangerous drugs abroad. Unless chemical manufacturers and distributors based in other countries follow suit, it is argued, processors will simply turn to those sources. In February 6 (1990) testimony before a subcommittee of the Senate Committee on Commerce, Science, and Transportation, DEA Deputy Assistant Administrator Gene R. Haislip pointed out that because of the new U.S. restrictions, Latin American drug producers appear to be increasing their purchases from Europe. Other reports have held that there has been an increasing trade in the chemicals in northern Argentina and that the processors' demand has provided a major impetus for the growth of the petrochemical industry in Brazil.[7]

- Harry Hogan, Specialist in American National Government

Strengthened Prosecutorial Resources

- *700 additional U.S. Attorneys and staff (mandated by the President's Violent Crime Initiative) for drug-related cases to be in place by Fiscal Year 1991.*

U.S. Attorneys (USAs) are the principal prosecutors for the Federal Government. Operating in 94 district offices the USAs received 15,071 drug-related cases in 1989. They project receiving 21,366 such cases in 1991. The Administrative Office of the U.S. Courts reports that prosecution backlogs in drug-law violations cases increased by 11% from 1988 to 1989. The total budget request for the USAs for FY1991 is $182.2 million, a 33% increase over that for FY1990.

A recent organizational development may have some impact on the work of the U.S. Attorneys. On June 20, 1989, Attorney General Richard Thornburgh announced his intention to dismantle the 14 organized crime strike forces located in cities throughout the United States and to reassign more than 100 strike force lawyers to special organized crime units to be set up in 23 U.S. Attorneys' Offices by October 1, 1990.[8] The issue of whether

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[7] See, e.g.: Andes Too Hot; Barons Relocate. Washington Times, February 15, 1990. P. A1.

[8] The Justice Department established strike forces in 1966 and 1967. They were to bring together the skills and expertise of investigative agencies and prosecutors in teams in order to combat organized crime in particular

or not the strike forces should be separate from or part of the U.S. Attorneys' Offices has been controversial since their creation in 1966. The strike forces' resources will be transferred to the U.S. Attorneys' Office by FY1991.

- Suzanne Cavanagh, Analyst in American National Government

More U. S. Court Capacity

- *Call for Congress to create 75 new Federal judgeships.*
- *Additional court clerks, administrators, court officers, and legal services for indigent defendants.*

The Administration's National Drug Control Strategy notes that the Judiciary has requested 75 new judgeships which would include both trial and appellate judgeships and that the Administration intends to move quickly to nominate judges for the 56 federal judgeships now vacant. It also calls for increases in judicial support personnel.

The Chief Justice has recently noted that increases in the number of prosecutors and in prison capacity had not been accompanied by an increase in the number of judges and other court personnel. He observed that in some respects the federal criminal justice system was beginning to resemble an hour glass with the courts pinched in the between expansions in prosecution and corrections resources.

The Strategy observes that the increasing number of drug cases in Federal courts threatens to cause increasing delays in civil and other litigation. It also calls for an increase in the number of judges and related personnel in the State court systems.

Opposition may come from either direction. Those, who feel that judicial resources should be increased to more effectively deal with what they perceive to be the crisis in drug offenses, may argue that its does not go far enough. The plan calls for substantially fewer than the 94 district judgeships which

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areas of the country. Attorneys currently staffing the strike forces are from the Department's criminal division. They are to coordinate with the U.S. Attorneys who also prosecute organized crime cases. Some Members of Congress have criticized the Attorney General's decision, asserting that the strike forces have been successful in combatting organized crime. The General Accounting Office reported in 1977 and again in 1981 that strike forces were failing to attain a planned and coordinated multi-agency assault on organized crime. More recently the GAO found that the Justice Department lacked measures to assess the effectiveness of these units.

would be required to increase each of the U.S.judicial districts by a single judge. This is to handle what the Strategy concedes is "the flood of drug cases that can be found in virtually every jurisdiction." Moreover selection, nomination, confirmation and appointment of federal judges can be a time consuming process and by the time it is completed the increased capacity of the federal judiciary may have been absorbed by an influx of cases from other sources.

On the other hand, some opponents may contend that an increase in judicial personnel will lead to more extensive Federal involvement in matters that can only effectively be handled by the States. They may claim that the appropriate Federal role is limited to the international aspects and coordination of domestic aspects of drug enforcement.

Still others may suggest that Federal resources should be directed primarily at education, rehabilitation and treatment rather than punishment.

Finally, there may be differences not with the approach but with the specifics of how it is accomplished. For example, the Federal Crime Control Act of 1989 (S.1972), introduced by Senator Biden calls for the creation of 20 additional district court judgeships to be allocated based upon a report of the Judicial Conference identifying those districts suffering most from the impact of drug-related criminal activity.

- Charles Doyle, Senior Specialist in American Public Law

Expanded Federal Prison Capacity

- *Funding for over 6,000 new beds for the Federal prison system in Fiscal Year 1991.*

For the current fiscal year $1.5 billion has been appropriated for construction and renovation projects to expand the Federal prison system by 24,000 bed-spaces. For fiscal year 1991, $374.3 million is requested for similar projects that will add approximately 6,175 bed-spaces (4,925 for sentenced inmates and 1,250 for pre-trial or pre-sentence detainees). While the ongoing and the requested construction activities would, to some extent, ease the overcrowded situation in the Federal Prison System, conditions are not expected to change dramatically. The present Federal inmate population of 54,000 is projected to increase to 95,100 by 1995, and analysts project that drug offenders will continue to comprise the largest segment of the influx of inmates.[9] (As of January 11, 1990, the System was 66 percent over capacity.) The fiscal year 1991 request is part of the Bureau's long-range plan to reduce system-wide prison overcrowding to 30 percent over capacity. According to the Bureau, this is a manageable level of overcrowding in facilities.

The prison construction budget for the current fiscal year (1990) is at a record level, yet will not meet the demand for bed-space largely due to the high number of drug offenders arrested and sentenced. The Administration and the Congress have agreed that prison sentences are the most appropriate sanction for drug offenders, particularly for violent drug offenders. While there is a need to reduce the Federal deficit, some may claim that the prison element of the war on drugs is critical enough to require expenditures beyond those requested for fiscal year 1991.

Effective prison management has been cited as one method of ameliorating the consequences of overcrowded prisons.[10] The Administration has requested $91.6 million for 4,000 positions in fiscal year 1991 to expand staff at overcrowded facilities. What other management improvements can be accomplished to ease the effects of overcrowding in the Federal system?

- Keith Bea, Analyst in American National Government

Proposed Legislation on the Federal Death Penalty

- *Proposed legislation to make the death penalty available in various drug cases involving three additional categories of drug offenders: major drug kingpins; drug kingpins who attempt to kill in order to obstruct justice; and Federal drug felons whose offense results in death.*

The Strategy calls for establishing the death penalty as a sentencing option for any of three Federal drug offenses whose maximum sanctions now are less severe. Subject to the approval of the Attorney General, capital punishment would be available as a sentencing alternative in cases involving indifference to human life, incorrigibility or dangerousness and involving one

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[9] U.S. General Accounting Office. Federal Prisons: Trends in Offender Characteristics; Fact Sheet for the Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives. GAO/PEMD-90-4FS, Oct. 1989. Washington, 1989. p. 1.

[10] DiIulio, John. Governing Prisons: A Comparative Study of Correctional Management. New York, Collier Macmillan Pub., 1987, 349 p.

of three types of current Federal drug crimes: (1) major drug kingpins, i.e., those who violate the continuing criminal enterprise provisions of 21 U.S.C. 848(b) now punishable by mandatory life imprisonment, (2) other drug kingpins who attempt to kill in order to obstruct justice, and (3) Federal drug felons whose offenses result in a death.

The Strategy's approach seems to raise constitutional questions. The Supreme Court has suggested that the cruel and unusual punishment clause of the Eighth Amendment to the Constitution precludes imposition of capital punishment for any crime that does not involve the defendant's intentionally taking another human life, *Coker* v. *Georgia*, 433 U.S. 584 (1977) (rape case in which the court held imposition of the death penalty would have been unconstitutional); *Enmund* v. *Florida*, 458 U.S. 782 (1982) (same in a felony murder case).

- Charles Doyle, Senior Specialist in American Publci Law

II. TREATMENT

- *A total of $1.5 billion for drug treatment grants and Federal treatment programs.*

- *Creation of the Office of Treatment Improvement within the Department of Health and Human Services to provide national leadership in drug treatment and focus on the quality and effectiveness of treatment methods.*

- *Approximately $200 million for treatment programs directed at adolescents, pregnant women and infants, in addition to treatment "campuses" and treatment evaluation and referral programs.*

- *$6 million to improve outreach and treatment services for drug-affected babies.*

- *Increased vocational counseling, training services, and aftercare for recovering drug addicts.*

The President's January 1990 National Drug Control Strategy emphasizes, in the area of drug treatment, substantially the same issues that were featured in the first Strategy issued in September 1989. These include increased availability and improved quality of treatment services, coordination between treatment and other social services crucial for successful treatment, and outreach and treatment services for such special populations as pregnant women and their children. The 1990 Strategy also restates the need for support of treatment research, including expanded data collection, development of medications, and the continuing evaluation of treatment methods.

Among the new priority recommendations called for in the 1990 Strategy are expanded availability of treatment services in correctional institutions, the development of drug treatment campuses to demonstrate innovative approaches to treatment, and expanded fellowship and grant programs for the training of professional staff for treatment facilities and programs. The Secretary of HHS has already implemented one of the new priority recommendations of the Strategy by establishing within Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) a new Office for Treatment Improvement (OTI) to administer the Alcohol, Drug Abuse, and Mental Health Services (ADMS) block grant program and treatment demonstration projects, provide technical assistance, and work with relevant agencies, organizations, and providers to upgrade the quality and efficacy of drug treatment.

The 1990 Strategy reiterates the need for treatment accountability in calling for the enactment by the Congress of an amendment to the authority for the ADMS block grant to require States, as a condition for receiving block grant funds, to develop and implement Statewide Substance Abuse Treatment Plans. A bill containing such a provision, as well as other provisions to amend the block grant authority, H.R. 3630, stalled in conference at the end of the first session of the 101st Congress because of disagreement, according to published reports, over a Senate-passed drug testing provision and a House provision to shift some block grant funds to categorical grants for such activities as rural drug abuse treatment and treatment of pregnant addicts. Legislation to increase appropriations for a variety of treatment programs was enacted by the Congress as part of the FY 1990 appropriation for the Department of Transportation and signed into law by the President as P.L. 101-164.

- Edward Klebe, Specialist in Social Legislation

III. EDUCATION, COMMUNITY ACTION, AND THE WORKPLACE

Education and Other Prevention

- *Efforts aimed at high-risk and minority youth.*
- *Expanded school drug prevention programs and evaluations.*
- *$102 million in incentive grants for communities that create broad-based, comprehensive, local prevention programs.*

In the area of drug abuse education, the 1990 Strategy, like the 1989 Strategy, calls for increased and improved education and prevention programs and activities in both the schools and communities. Specifically, the new Strategy recommends improved and expanded school-based drug prevention programs, development of community-based comprehensive prevention programs, and expanded drug prevention programs targeted on at-risk children.

Some of the priority recommendations in the 1989 Strategy, including a requirement for the implementation of firm drug programs and policies in schools, colleges, and universities as a condition of eligibility for receipt of Federal funds, and assistance for the development of model alternative schools for youths with drug problems, were enacted into law at the end of the first session of the 101st Congress as part of P.L. 101-226, the Drug-Free Schools and Communities Act Amendments of 1989. In addition, the supplemental drug abuse appropriations enacted as part of the FY 1990 Department of Transportation appropriations included even more additional funds for the Drug-Free Schools Act administered by the Department of Education than were requested in the 1989 Strategy.

- Edward Klebe, Specialist in Social Legislation

Drug-Free Workplace

- *Cooperation with the private sector to develop drug-free workplace programs.*

The Administration's new drug control strategy details some of the actions that will be taken to further its goal of promoting drug-free workplace policies in the private sector. In an effort to encourage States to promote consistent and comprehensive drug-free workplace policies, the Administration is moving forward with its model State drug-free workplace legislation. This would provide States who choose to adopt the model legislation with a comprehensive drug-free workplace policy. Proponents note that if the model legislation is adopted by a large number of States, it would diminish the conflicts between the laws of various States that interstate businesses currently must contend with in trying to set-up drug-free workplaces and/or conduct workplace drug testing.

The Administration is also planning to issue a 'How-To-Booklet' on drug-free workplaces aimed specifically at small businesses. The costs of implementing a drug-free workplace policy can be particularly burdensome on small businesses, and this proposed booklet intends to provide basic guidelines and advice for these businesses. And finally, the National Institute on Drug Abuse held a "consensus conference" to try to assess whether uniform laboratory standards could be developed that would be effective for both the private and Federal sectors.

A bill (S. 1903) was introduced in the 101st Congress which would establish Federal standards for private sector drug testing programs that would preempt any conflicting State laws; and it would require private sector employers who conduct drug tests to use certified laboratories. Proponents of this bill argue it is necessary to eliminate problems that arise from conflicting State drug testing laws; opponents argue it would lead to an invasion of individual privacy rights without requiring probable cause to suspect drug use. Some opponents of S. 1903 argue that another bill, H.R. 33, is a better solution to the problem. H.R. 33 would extend NIDA standards to private sector laboratories and would require firms to have all positive test results confirmed, but it would not establish Federal standards for private sector drug testing.

- Gail McCallion, Analyst in Labor Economics

IV. RESEARCH

- *Better estimates of production and consumption; the economic impact of drugs; criminal justice simulation models.*
- *Expanded survey research on drug use.*
- *Development of an annual "status report" on State drug use indicators and drug control efforts.*
- *Expanded research on drug addiction and pregnancy, AIDS and drugs, and medications development.*

The research agenda in the 1990 Strategy continues the focus first enumerated in the 1989 Strategy on improving the collection of data on drug use and expanding research into drug use and treatment. The 1990 Strategy specifically recommends an expanded and broadened national data collection on drugs and drug use, including larger and more frequent household surveys, surveys targeted on hard-to-reach populations, broader high school surveys, enlarged information collection on drug treatment, and market-oriented drug consumption research. In the area of research, the 1990 Strategy calls for expanded treatment research focused on addiction, AIDS and drug use, medications development, treatment for pregnant addicts, and basic issues related to neurobiological and behavioral studies on drug use.

The recommendation for increased attention to research and development of medications for use in drug treatment raises questions about the approval of such medications by the Food and Drug Administration (FDA). The FDA new drug approval procedure is a long and involved process, often taking many years of tests and investigations before a drug is approved for market distribution. Will the President recommend shortening or bypassing this process in order to get drug abuse treatment medications on the market faster? This has been done to a certain extent in the development of medications for the treatment of AIDS.

- Edward Klebe, Specialist in Social Legislation

V. INTELLIGENCE

The intelligence portions of the two strategy documents are generally similar, but the 1990 strategy document is more concise in its discussion of the issue and contains fewer subheadings. In particular, the 1990 version lacks a specific section dealing with analytical requirements, although it does cover the need for coordination of all aspects of intelligence production. Furthermore, the two documents differ somewhat in their treatment of priorities. The 1990 document highlights two principal priorities, in contrast to the four principal priorities contained in the 1989 document. The 1990 priorities are cited and discussed below.

- *Creation and support of a National Drug Intelligence Center to consolidate and coordinate all relevant law enforcement information related to drug trafficking, and provide a strategic picture of drug smuggling and distribution organizations.*

The related priority from the 1989 strategy said: "Establishment of an interagency working group chaired by the Office of National Drug Control Policy to develop plans for an intelligence center to unite U.S. drug-related analytical capabilities, and to improve intelligence capabilities. Results will be presented to the appropriate Cabinet Council."

The revised wording signifies that the working group has developed plans for the interagency intelligence center envisioned in the 1989 strategy. The new priority spells out the proposed center by name. Federal action required to implement the proposal would presumably take the form of an executive directive establishing a National Drug Intelligence Center.

Establishment of the proposed drug intelligence center would probably take place after further consultation with Congress. This sequence of events would be consistent with a recent requirement for the President to report to Congress on integration of counternarcotics intelligence activity. Section 703 of the Intelligence Authorization Act for Fiscal Year 1990 (PL 101-193, Nov. 30, 1989) stipulates the following:

> Not later than April 1, 1990, the President shall submit to Congress a report describing how intelligence activities relating to narcotics trafficking can be integrated, including coordinating the collection and analysis of intelligence information, ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies of the United States Government responsible for interdiction, eradication, law

enforcement, and other counternarcotics activities, and coordinating and controlling all counternarcotics intelligence activities.

This priority has essentially the same policy implications as the related priority in the 1989 strategy. The new center would have to fit into the existing structure. Furthermore, policy makers would have to assure that the coordination of efforts among the various agencies does not contravene legal restrictions on domestic activity by agencies of the Defense Department or the foreign intelligence community.

- *Expansion and improvement of automated data processing technology used by drug enforcement intelligence agencies.*

The related priority from the 1989 strategy document called for "improved drug automation and information systems to allow swifter, better, and more cost-effective drug law enforcement, prosecutions, and interdictions."

This priority as stated in the 1990 strategy is more narrow in scope than the related one in the 1989 strategy. The 1990 priority deals more exclusively with technical aspects of automation and integration of information systems. The purpose of these improvements as defined in the 1989 document ("swifter, better, and more cost-effective drug law enforcement, prosecutions, and interdictions") is implied but not specifically stated in the 1990 version.

Policy questions raised by the 1989 and 1990 versions are essentially the same. These include the need to fund expensive automation systems in a constrained budgetary environment, and possible legal questions raised by the proliferation of information systems which could lead to invasions of personal privacy.

Appendix B of the 1990 strategy elaborates on the principal intelligence priorities discussed above. It also includes an additional priority not directly stated in the basic chapter on intelligence. This additional priority is as follows:

- *Increase drug control intelligence sharing programs with Central American Countries.*

This priority represents an expansion of activities already under way. For some years the United States has had intelligence liaison and exchange agreements with friendly foreign governments, and current guidelines specifically address the counter-narcotics aspect of intelligence sharing. Part 1.5(e) of Executive Order 12333, which governs intelligence activity, tasks the Director of Central Intelligence (DCI) to do the following:

> Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments,

> coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities.

Thus, the DCI can draw upon existing authority and use mechanisms already in place in fulfilling this priority. Intelligence cooperation on narcotics, however, will always pose an element of risk. Our recent experiences suggest a range of perils that can arise in intelligence sharing and cooperation.

- Alfred B. Prados, Analyst in National Security and Intelligence Oversight

VI. HIGH INTENSITY DRUG TRAFFICKING AREAS

- *Five areas designated as High Intensity Drug Trafficking Areas.*

Pursuant to statute, the Director of the Office of National Drug Control Policy (ONDCP) has designated the cities of New York, Los Angeles, Miami and Houston, and the Southwest border strip as the first high intensity drug trafficking areas. In addition to authorized funding ($1.3 billion) for the five areas, $50 million is requested for additional Federal law enforcement personnel and the construction of additional detention space.

On April 10, 1989, the Director of the ONDCP established a "Drug Crime Emergency Assistance Program for the Washington Metropolitan Area." While this was not a high intensity area designation, the Program, like the efforts planned in the five areas, called for a system-wide approach through the enhancement of criminal justice, education, treatment, and neighborhood support resources. What were the lessons learned from the Washington program? Are these lessons applicable to the five areas recently designated?

The Strategy anticipates that a major emphasis of the High Intensity Areas will be the enhancement of interdiction and enforcement efforts through existing task forces. To date, how successful have these task forces been in these areas? Is there sufficient evidence indicating that enhancement of these task forces will augment current successes, or would a direct allocation to State and local law enforcement agencies be a more appropriate use of the funds?

The statute requires that the effectiveness of and need for the high intensity areas are to be evaluated and reported to Congress by March 1, 1991 (Anti-Drug Abuse Act of 1988, Section 1005(c)(3)). At this time, what are the most appropriate data to be collected to derive the findings required for this report?

The statute (Anti-Drug Abuse Act of 1988, Section 1005(c)(2)) requires that the Director of ONDCP designate high intensity areas in consideration of several types of information, including the extent to which State and local governments have committed resources in those areas. The Strategy, however, contains no information on the State and local resources in the five areas. Is such information available? Is it appropriate to compare the resources committed in these areas with commitments made in other areas? Should the commitment of State and local resources be a critical factor in the designation of the areas?

The drug trafficking industry has illustrated its flexibility and ability to move from one area to another in response to immediate law enforcement pressures. As a result, enhanced law enforcement efforts in one area generally have little impact on the nationwide distribution of controlled substances. Would there be any measurable or significant benefit in expanding the number of high intensity areas and providing commensurate increases in funding for those areas?

- Keith Bea, Analyst in American National Government

APPENDIX: Federal Drug Control Budget Summary, by Agency
(Budget Authority in Millions of Dollars)

	FY1989 actual	FY1990 estimate	FY1991 request	FY1990-1991 % increase*
Office of National Drug Control Policy	3.5	37.0	66.5	80%
Special Forfeiture Fund	0.0	109.0	128.0	17%
Department of Justice				
DEA	542.9	548.7	700.0	28%
FBI	209.9	140.6	172.1	22%
OCDE	0.0	214.9	330.0	54%
Criminal Division	13.3	11.5	18.3	59%
Tax Division	2.2	1.4	1.5	7%
U.S. Attorneys	134.0	137.1	182.2	33%
U.S. Marshals	124.4	154.2	201.0	30%
Prisons	787.5	1,502.8	1,044.8	-30%
Support of Prisoners	72.1	111.0	135.0	22%
INS	126.4	128.0	140.9	10%
OJP	185.6	481.0	525.6	9%
Forfeiture Fund	217.6	356.8	372.0	4%
INTERPOL	0.7	1.1	1.4	27%
Subtotal	2,470.6	3,789.1	3,824.8	1%
Department of the Treasury				
Customs	525.2	625.7	579.0	-7%
IRS	68.3	66.3	77.0	16%
ATF	89.0	94.7	100.9	7%
Secret Service	2.3	2.6	3.1	19%
FLETC	17.7	17.2	18.9	10%
Subtotal	702.5	806.5	778.9	-3%
Department of Transportation				
Coast Guard	633.5	675.0	731.5	8%
FAA	7.5	22.4	31.4	40%
NHTSA	2.0	6.1	9.7	59%
Subtotal	643.0	703.5	772.6	10%

Federal Drug Control Budget Summary, by Agency—Continued
(Budget Authority in Millions of Dollars)

	FY1989 actual	FY1990 estimate	FY1991 request	FY1990-1991 % increase*
Department of State				
INM	101.0	113.0	150.0	33%
AID	16.4	48.1	224.3	366%
USIA	2.8	3.1	3.1	0%
Military Assistance	21.6	131.4	151.0	15%
Subtotal	141.8	295.6	528.4	79%
Department of Agriculture				
Agriculture Research Service	1.3	1.5	6.5	333%
U.S. Forest Service	5.2	5.2	11.1	113%
Subtotal	6.5	6.7	17.6	163%
Department of the Interior				
Bureau of Land Management	1.3	6.9	6.9	0%
National Park Service	1.1	6.1	12.5	105%
Bureau of Indian Affairs	10.6	14.6	16.8	15%
Fish and Wildlife Service	0.0	0.8	1.0	25%
Office of Ter. & Intntl. Affairs	0.4	1.1	1.7	55%
Subtotal	13.4	29.5	38.9	32%
Department of Health & Human Services				
ADAMHA	716.0	1,197.4	1,375.9	15%
HCFA	140.0	170.0	190.0	12%
CDC	20.0	25.2	30.2	20%
IHS	18.7	32.8	33.0	1%
FDA	7.0	7.2	7.4	3%
HDS	30.0	29.6	35.6	20%
FSA	3.0	1.9	0.0	-100%
Subtotal	934.7	1,464.1	1,672.1	14%

Federal Drug Control Budget Summary, by Agency—Continued
(Budget Authority in Millions of Dollars)

	FY1989 actual	FY1990 estimate	FY1991 request	FY1990-1991 % increase*
Department of Defense	501.6	877.6	1,207.9	38%
Department of Housing and Urban Development	8.2	98.4	150.0	52%
Department of Education	376.3	562.5	617.7	10%
Department of Labor	38.6	71.6	87.5	22%
Department of Veterans Affairs	242.0	271.4	300.0	11%
Action	10.1	9.2	9.6	4%
District of Columbia	0.0	27.0	27.0	0%
U.S. Courts	208.8	324.5	403.2	24%
GRAND TOTAL	$6,301.6	$9,483.2	$10,630.7	12%

Federal Drug Control Budget Summary, by Function
(Budget Authority in Millions of Dollars)

	FY 1989 actual	FY1990 estimate	FY1991 request	FY1990-91 % increase*
LAW ENFORCEMENT	4,736.8	7,027.8	7,897.1	12%
PREVENTION	677.1	1,118.1	1,241.8	11%
TREATMENT	887.8	1,337.3	1,491.8	12%
GRAND TOTAL	$6,301.6	$9,483.2	$10,630.7	12%

Source of basic data: Office of National Drug Control Policy

- David Teasley, Analyst in American National Government

*Percentages have been rounded to the nearest full percent.