

Central Intelligence Agency



Washington, D.C. 20505

3 August 1988
OCA 2598-88

The Honorable Mark Greenburg
Special Assistant to the President
Office of Legislative Affairs
The White House
Washington, D.C. 20500

Dear Mr. Greenburg:

Following up on our recent conversation, I've enclosed some material on the "drug czar" issue.

Current law (21 U.S.C. §1203 (d) - copy enclosed) provides that the Drug Policy Board shall take no action inconsistent with the powers and duties of the Director of Central Intelligence under statute or Executive Order. Throughout the "czar v. board" debate, this caveat has been retained: S. 789, an early Biden bill, and H.R. 4916, the House Judiciary Committee's contribution to the House Democratic leadership's omnibus bill, both have it (copies enclosed).

The provision, however, appears to be missing from the latest drafts of the "Byrd" and "Dole" Senate omnibus bills. We hope that in its discussions with the Senate on the "drug czar" portion of the bill, the Administration will support retention of this important provision.

I look forward to discussing the issue with you after you have had a chance to review the latest Congressional proposal.




Office of Congressional Affairs

Enclosures

OCA/LEG,  (3 August 1988)

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FOOD AND DRUGS 38

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EXECUTIVE ORDER NO. 12590
Mar. 26, 1987, 52 F.R. 10021

NATIONAL DRUG POLICY BOARD

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and international trafficking of illegal drugs and to reduce drug abuse;

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement and to the reduction of drug abuse; and

(4) provide policy guidance to the agencies and facilitate resolution of differences in this area concerning interagency activities and other matters affecting two or more agencies.

(c) In order to help coordinate the activities of Executive departments and agencies with responsibility for drug law enforcement and drug abuse reduction, and to supervise implementation of the determinations of the Board, the Chairman shall:

(1) advise the Board in matters concerning its responsibilities;

(2) make recommendations to the Board for the coordination of drug enforcement and drug abuse reduction activities;

(3) correlate and evaluate intelligence and other information to support the activities of the Board;

(4) act as primary advisor to the President and the Congress on national and international programs and policies and the implementation of those policies; and

(5) perform such other duties as the President may direct.

(d) The Board shall carry out all duties and responsibilities of the National Drug Enforcement Policy Board, as set forth in Chapter XIII (The National Narcotics Act) of Title II of Public Law 98-473 [this chapter].

(e) Nothing in this Order shall be deemed to affect the authorities or responsibilities of the Office of Management and Budget, or any Office or official thereof.

Sec. 3. Coordinating Groups. The Board shall establish a Drug Enforcement Coordinating Group and a Drug Abuse Prevention and Health Coordinating Group. The membership and chairman of each Coordinating Group shall be designated by the Chairman of the Board.

Sec. 4. Conforming Amendments. (a) Section 1 of Executive Order No. 12368 [set out as a note under section 1112 of this title] is amended to provide as follows:

"The Office of Policy Development has been assigned to assist the President and the National Drug Policy Board in the performance of the drug policy functions contained in Section 201 of Title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1111). Within the Office of Policy Development, the Director of the Drug Abuse Policy Office shall be primarily responsible for assisting the President and the Board in the performance of those functions."

(b) Section 2 of Executive Order No. 12368 is amended by deleting "Director of the Drug Abuse Policy Office" and inserting in lieu thereof "Na-

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ional Drug Policy Board" and by deleting "he" and inserting in lieu thereof "the National Drug Policy Board."

§ 1203. Responsibilities and functions of National Drug Enforcement Policy Board

(a) Coordination of operations and policy

The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(b) Duties of Chairman

For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary advisor to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(c) Authority of Chairman

In carrying out responsibilities under this section, the Chairman, on behalf of the Board, is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of Government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy, and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of Title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all Government agencies; and

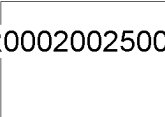
(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Non-interference with operations of other agencies

Notwithstanding the authority granted in this section, the Board and the Chairman shall not interfere with routine law enforcement or intelligence decisions of any agency and shall undertake no activity inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.

21 § 1203

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100TH CONGRESS
1ST SESSION

S. 789

To provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 17), 1987

Mr. BIDEN (for himself, Mr. DECONCINI, Mr. CHILES, Mr. BYRD, Mr. NUNN, Mr. LEAHY, Mr. KERRY, Mr. HEFLIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. DODD, Mr. PRYOR, Mr. FORD, Ms. MIKULSKI, Mr. MELCHER, Mr. MATSUNAGA, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. SASSE, Mr. KENNEDY, Mr. LEVIN, Mr. PELL, Mr. SIMON, Mr. HOLLINGS, Mr. MITCHELL, Mr. GRAHAM, Mr. CRANSTON, Mr. INOUE, Mr. FOWLER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Narcotics Lead-
5 ership Act of 1987".

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) **FINDINGS.**—The Congress hereby makes the follow-
3 ing findings:

4 (1) The flow of narcotics into the United States is
5 a major and growing problem.

6 (2) The problem of illegal drug activity and drug
7 abuse falls across the entire spectrum of Federal activi-
8 ties, both nationally and internationally.

9 (3) Illegal drug trafficking is estimated to be a
10 \$100,000,000,000 a year industry in the United
11 States.

12 (4) The annual consumption of heroin in the
13 United States remains in the range of four metric tons,
14 sustaining one-half a million addicts, while cocaine con-
15 sumption has increased sharply, with approximately
16 five million to six million Americans using cocaine
17 regularly.

18 (5) Drug abuse poses a threat to our most pre-
19 cious resource, our young people; with almost two-
20 thirds of the graduating high school class of 1985
21 having used an illicit drug and 17 percent having used
22 cocaine, the highest rate ever recorded since the
23 survey has been taken.

24 (6) Such significant indicators of the drug problem
25 as drug-related deaths, emergency room visits, hospital

1 admissions due to drug-related incidents, and addiction
2 rates are soaring.

3 (7) Increased drug trafficking is strongly linked to
4 violent, addiction-related crime and studies have shown
5 that over 90 per centum of heroin users rely upon
6 criminal activity as a means of income.

7 (8) Much of the drug trafficking is handled by syn-
8 dicates which results in increased violence and criminal
9 activity because of the competitive struggle for control
10 of the domestic drug market.

11 (9) Any effective solution to the Nation's drug
12 problem must involve a comprehensive approach from
13 all levels of government, combining rigorous law en-
14 forcement and supply reduction initiatives with efforts
15 to reduce the demand for drugs through education, re-
16 search, and treatment.

17 (10) The magnitude and scope of the problem re-
18 quires a Director of National Drug Control Policy with
19 the responsibility for the coordination and direction of
20 all Federal efforts by the numerous agencies.

21 (11) Such a director must have broad authority
22 and responsibility for making management, policy, and
23 budgetary decisions with respect to all Federal agen-
24 cies involved in attacking this problem so that a unified

1 and efficient effort can be made to eliminate the illegal
2 drug problem.

3 (b) PURPOSE.—It is the purpose of this Act to ensure—

4 (1) the development of a national policy with re-
5 spect to drug abuse and control;

6 (2) proper direction and coordination of all Feder-
7 al agencies involved in the effort to implement such a
8 policy; and

9 (3) that a single, competent, and responsible high-
10 level official of the United States Government, who is
11 appointed by the President, by and with the advice and
12 consent of the Senate, and who is accountable to the
13 Congress and the American people, will be charged
14 with the responsibility of coordinating the overall direc-
15 tion of United States policy, resources, and operations
16 with respect to drug control and abuse.

17 **SEC. 3. ESTABLISHMENT OF OFFICE.**

18 (a) ESTABLISHMENT OF OFFICE.—There is established
19 in the executive branch of the Government an office to be
20 known as the “Office of the Director of National Drug Con-
21 trol Policy” (hereafter in this Act referred to as the “Office of
22 the Director”).

23 (b) DIRECTOR AND DEPUTY DIRECTORS.—(1) There
24 shall be at the head of the Office of the Director, a Director

1 of National Drug Control Policy (hereafter in this Act re-
2 ferred to as the "Director").

3 (2) There shall be two deputy directors of the Office of
4 Director (hereafter in this Act referred to as the "Deputy
5 Directors") as follows:

6 (A) A Deputy Director for Demand Reduction to
7 be responsible for prevention, treatment, research, and
8 private sector initiatives; and

9 (B) A Deputy Director for Drug Law Enforce-
10 ment to be responsible for domestic drug law enforce-
11 ment, border interdiction, and international narcotics
12 control programs.

13 The Deputy Directors shall assist the Director in carrying
14 out the Director's functions under this Act.

15 **SEC. 4. APPOINTMENT AND DUTIES OF THE DIRECTOR AND**
16 **DEPUTY DIRECTORS.**

17 (a) **APPOINTMENT.**—(1) The Director and the Deputy
18 Directors shall be appointed by the President, by and with
19 the advice and consent of the Senate.

20 (2) The Director and the Deputy Directors shall each
21 serve at the pleasure of the President. No person may serve
22 as Director or a Deputy Director for a period of more than
23 four years unless such person is reappointed to that same
24 office by the President, by and with the advice and consent of
25 the Senate. No person shall serve as Director or a Deputy

1 Director while serving in any other position in the Federal
2 Government.

3 (3) The Director shall be entitled to the compensation
4 provided for in section 5312 of title 5, United States Code.
5 The Deputy Directors shall be entitled to the compensation
6 provided for in section 5314 of title 5, United States Code.

7 (b) FUNCTION OF DIRECTOR.—The Director shall serve
8 as the principal director and coordinator of United States op-
9 erations and policy on drug control and abuse.

10 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
11 shall have the responsibility, and is authorized to—

12 (1) develop, review, implement, and enforce
13 United States Government policy with respect to drug
14 control and abuse;

15 (2) direct and coordinate all United States Gov-
16 ernment efforts to halt the importation, manufacture,
17 distribution, and use of illicit drugs within the United
18 States;

19 (3) direct and coordinate all United States Gov-
20 ernment efforts and programs to reduce the demand for
21 illicit drugs through education, prevention, research
22 and treatment;

23 (4) develop in concert with other governmental
24 entities budgetary priorities and budgetary allocations

1 of entities of the United States Government with re-
2 spect to drug control and abuse;

3 (5) prepare a National and International Drug
4 Control Strategy as provided in section 5; and

5 (6) coordinate the collection and dissemination of
6 information necessary to implement United States
7 policy with respect to drug control and abuse.

8 (d) POWERS OF DIRECTOR.—In carrying out his re-
9 sponsibilities under subsection (c) the Director is authorized
10 to—

11 (1) direct, with the concurrence of the Secretary
12 or Director of the Cabinet level agency employing such
13 personnel, the temporary reassignment of Government
14 personnel within the United States Government in
15 order to implement United States policy with respect
16 to drug control and abuse;

17 (2) procure temporary and intermittent services
18 under section 3109(b) of title 5 of the United States
19 Code, but at rates for individuals not to exceed the
20 daily equivalent of the maximum annual rate of basic
21 pay payable for the grade of GS-18 of the General
22 Schedule;

23 (3) accept and use donations of property from all
24 Government agencies; and

1 (4) use the mails in the same manner as any other
2 department or agency of the Executive Branch.

3 (e) **AUTHORITY OF DIRECTOR.**—Notwithstanding any
4 other provision of law, the Director shall have the authority
5 to direct each department or agency with responsibility for
6 drug control to carry out the policies established by the Di-
7 rector consistent with the general authority of each agency or
8 department.

9 (f) **INTELLIGENCE AUTHORITY.**—Notwithstanding any
10 other provision of law, the Director shall undertake no activi-
11 ties inconsistent with the authorities and responsibilities of
12 the Director of Central Intelligence under the provisions of
13 the National Security Act of 1947, as amended, or Executive
14 Order 12333.

15 (g) **GENERAL SERVICES ADMINISTRATION SUP-**
16 **PORT.**—The Administrator of General Services shall provide
17 to the Director on a reimbursable basis such administrative
18 support services as the Director may request.

19 **SEC. 5. PREPARATION AND SUBMISSION OF NATIONAL AND**
20 **INTERNATIONAL DRUG CONTROL STRATEGY**

21 (a) **DEVELOPMENT AND SUBMISSION OF THE DRUG**
22 **STRATEGY.**—(1) The Director shall submit to the Congress,
23 within 180 days after the date of enactment of this Act, and
24 on February 1st of each year thereafter, a full and complete
25 National and International Drug Control Strategy (hereafter

HR4916A

JULY 6, 1988

H.R. 4916, AS ORDERED REPORTED BY THE COMMITTEE ON THE
JUDICIARY ON JUNE 30, 1988

AMENDMENT IN THE NATURE OF A SUBSTITUTE, INCORPORATING ALL
AMENDMENTS AGREED TO BY THE COMMITTEE ON THE JUDICIARY

[NOTE: THIS DOCUMENT HAS NOT BEEN TECHNICALLY CORRECTED.]

Strike out all after the enacting clause and insert in
lieu thereof the following:

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1 Section 1956(a) of title 18, United States Code, is
2 amended by adding at the end the following:

3 (3) Whoever knowingly conducts or attempts to conduct a
4 financial transaction that in whole or in part involves the
5 proceeds of specific unlawful activity with intent to violate
6 section 7201 or 7206 of the Internal Revenue Code of 1986
7 shall be sentenced to a fine under this title or in an amount
8 not more than twice the value of the monetary instrument or
9 funds involved in the transaction, whichever is greater, or
10 imprisonment for not more than 20 years, or both."

11 TITLE VI--DRUG CZAR

12 SEC. 601. ESTABLISHMENT OF OFFICE.

13 (a) ESTABLISHMENT OF OFFICE.--There is established in the
14 Executive Office of the President an office to be known as
15 the "Office of Anti-Drug Operations and Policy" (hereafter
16 in this title referred to as the "Office").

17 (b) DIRECTOR AND DEPUTY DIRECTORS.--(1) There shall be at
18 the head of the Office a Director (hereafter in this title
19 referred to as the "Director").

20 (2) There shall be two deputy directors of the Office
21 (hereafter in this title referred to as the "Deputy
22 Directors") as follows:

23 (A) A Deputy Director for Demand Reduction to be
24 responsible for prevention, treatment, research, and
25 private sector initiatives; and

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1 (B) A Deputy Director for Drug Law Enforcement to be
2 responsible for domestic drug law enforcement, border,
3 aerial, and maritime interdiction, and international
4 narcotics control programs.

5 The Deputy Directors shall assist the Director in carrying
6 out the Director's functions under this title.

7 SEC. 602. APPOINTMENT AND DUTIES OF THE DIRECTOR AND OTHER
8 PERSONNEL OF THE OFFICE.

9 (a) APPOINTMENT.--(1) The Director and the Deputy
10 Directors shall be appointed by the President, by and with
11 the advice and consent of the Senate.

12 (2) The Director and the Deputy Directors shall each
13 serve at the pleasure of the President. No person shall serve
14 as Director or a Deputy Director while serving in any other
15 position in the Federal Government.

16 (b) FUNCTION OF DIRECTOR.--The Director shall serve as
17 the principal director and coordinator of United States
18 operations and policy on drug control and abuse.

19 (c) RESPONSIBILITIES OF DIRECTOR.--The Director shall
20 have the responsibility, and is authorized to--

21 (1) develop, review, implement, and enforce United
22 States Government policy with respect to drug control and
23 abuse;

24 (2) direct and coordinate all United States
25 Government efforts to halt the importation, manufacture,

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1 distribution, and use of illicit drugs within the United
2 States;

3 (3) direct and coordinate all United States
4 Government efforts and programs to reduce the demand for
5 illicit drugs through education, prevention, research and
6 treatment;

7 (4) develop in concert with other governmental
8 entities budgetary priorities and budgetary allocations
9 of entities of the United States Government with respect
10 to drug control and abuse;

11 (5) prepare a National and International Drug Control
12 Strategy as provided in section 703; and

13 (6) coordinate the collection and dissemination of
14 information necessary to implement United States policy
15 with respect to drug control and abuse.

16 (d) POWERS OF DIRECTOR.--In carrying out responsibilities
17 under subsection (c) the Director is authorized to--

18 (1) employ and prescribe the functions of such
19 additional officers and employees, including attorneys,
20 as are necessary to perform such responsibilities;

21 (2) direct the temporary reassignment of Government
22 > personnel within the United States Government in order to
23 ' implement United States policy with respect to drug
24 control and abuse;

25 (3) procure temporary and intermittent services under

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1 section 3109(b) of title 5 of the United States Code, but
2 at rates for individuals not to exceed the daily
3 equivalent of the maximum annual rate of basic pay
4 payable for the grade of GS-18 of the General Schedule;

5 (4) accept and use donations of property from all
6 Government agencies; and

7 (5) use the mails in the same manner as any other
8 department or agency of the executive branch.

9 (e) AUTHORITY OF DIRECTOR.--Notwithstanding any other
10 provision of law, the Director shall have the authority to
11 direct each department or agency with responsibility for drug
12 control to carry out the policies established by the Director
13 consistent with the general authority of each agency or
14 department.

15 (f) INTELLIGENCE AUTHORITY.--Notwithstanding any other
16 provision of law, the Director shall undertake no activities
17 inconsistent with the authorities and responsibilities of the
18 Director of Central Intelligence under the National Security
19 Act of 1947 or Executive Order 12333.

20 (g) GENERAL SERVICES ADMINISTRATION SUPPORT.--The
21 Administrator of General Services shall provide to the
22 Director on a reimbursable basis such administrative support
23 services as the Director may request.

24 (h) ACCESS BY CONGRESS.--The location of the Office in
25 the Executive Office of the President does not affect access