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# CRS Report for Congress

## ANTI-DRUG ABUSE ACT OF 1988 (H.R. 5210, 100TH CONGRESS): HIGHLIGHTS OF ENACTED BILL

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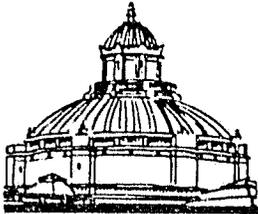
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November 16, 1988

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**ANTI-DRUG ABUSE ACT OF 1988  
(H.R. 5210, 100TH CONGRESS):  
HIGHLIGHTS OF THE ENACTED BILL**

**SUMMARY**

The omnibus drug control bill passed by Congress on October 21, 1988, contains provisions relating to virtually every aspect of the Federal effort to curb abuse of narcotics and other dangerous drugs. Of 10 titles, the principal are concerned with (1) new and increased penalties for offenses related to drug trafficking, the creation of new Federal offenses and regulatory requirements, changes in criminal procedures, and general increases in funding authorizations for drug law enforcement, (2) the organization and coordination of Federal anti-drug efforts, (3) the reduction of drug demand through increased treatment and prevention efforts, (4) the reduction of drug production abroad and of international trafficking in illicit drugs, and (5) sanctions designed to put added pressure on drug users ("user accountability"). In a preliminary calculation, the Congressional Budget Office estimates that the bill raises current appropriation authorization ceilings for FY 1989 by \$2.7 billion. Assuming the increases were fully funded, the total Federal anti-drug budget for FY89 would be in the neighborhood of \$6.5 billion. Several of the Act's provisions are not directly related to the problem of drug control. This report contains a digest of highlight provisions of the bill; a more detailed summary will be prepared by CRS in the near future.

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**ANTI-DRUG ABUSE ACT OF 1988**  
**(H.R. 5210, 100TH CONGRESS):**  
**HIGHLIGHTS OF THE ENACTED BILL**

**General**

- Raises appropriation authorization ceilings for various Federal anti-drug efforts by \$2.7 billion in fiscal year 1989, which, if fully funded, would bring total drug control budget authority for that year to approximately \$6.5 billion. (Because of constraints imposed by the Gramm-Rudman-Hollings Act for deficit control, actual budget authority increases for FY89--over and above appropriations already approved--were held by the Act to \$989 million, or approximately \$500 million in outlays.)
- 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 subject to Senate confirmation (so-called drug "czar"), to be compensated at the level of department heads (Executive Schedule Level I).

**User Accountability**

- Effective September 1989, allows for the possibility of denial of certain Federal benefits (grants, contracts, loans, mortgage guarantees, and permits) for specified periods to certain convicted drug offenders; requires denial to others.
- Prohibits the award of grants or contracts to any person or entity that fails to take certain steps designed to maintain a drug-free workplace.
- Authorizes funding for a one-year, four-State, pilot program for random testing, for illegal drug use, of first-time applicants for a driver's license; anyone testing positive would be denied driving privileges for one year. (See also "Drunk Driving Prevention.")

**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.
- 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 and calls for 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 IRS cash transaction reporting requirements; establishes certain tax violations as predicate offenses for the Federal money laundering prohibitions and money laundering as a Racketeer Influenced and Corrupt Organizations (RICO) statute predicate offense; and modifies the money laundering forfeiture provisions to permit seizure of substitute assets but exempting banks under some circumstances.

### **Criminal Procedure**

- Revises Federal drug 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, deportation, and to add more stringent provisions on illegal entry and reentry into the United States.

### **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.

### **Treatment Prevention, and Education**

- Reauthorizes, expands, and revises various grant and related programs for treatment of substance dependency and for the prevention of substance abuse, including substance abuse education efforts--principally the Alcohol, Drug Abuse and Mental Health Services (ADMS) block grant and the Drug-Free Schools and Communities Act.

- Authorizes funding for a number of additional specific purposes, including (1) community youth activity programs designed to prevent drug abuse (2) prevention and treatment of drug and alcohol abuse among pregnant and post-partum women and their children, (3) outreach activities to intravenous drug abusers to prevent exposure to and transmission of the AIDS virus, and (4) drug abuse education and prevention efforts aimed at youth gangs and runaway and homeless youth.
- Requires various studies, reports, or research programs--relating to such subjects as (1) the incidence of mental illness and substance abuse nationally and in selected metropolitan areas, (2) the relationship between mental illness and substance abuse, (3) evaluations of drug abuse education programs, (4) evaluations of various programs for treatment of alcohol or drug abuse, and (5) a general evaluation of all approaches now utilized to reduce drug abuse.

### **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, reauthorizes and expands international narcotics control programs under the Foreign Assistance Act.

### **Drunk Driving Prevention**

- Authorizes grants to States for programs to improve effectiveness of the enforcement of laws to discourage drunk driving, contingent upon their adoption of a system for suspension or revocation of the driver's licenses of

individuals who operate motor vehicles under the influence of alcohol and a program under which fines or surcharges collected from persons convicted of drunk driving violations are used for drunk driving prevention programs. Provides for funding of certain other activities related to prevention of drunk or drugged driving.

### **Selected Provisions Not Directly Related to Drug Control**

- Directs the Justice Department to develop and propose to Congress a system accessible to gun dealers that would facilitate the identification of felons who attempt to purchase firearms, and mandates the immediate revocation of probation for possession of a firearm.
- Requires specified health warnings on alcoholic beverage containers.
- Expands prohibition against assaulting Federal law enforcement officers because of the performance of their duties to cover former law enforcement officers.
- Extends the protection afforded citizens, from conspiracies to deprive them of their Federal statutory or constitutional rights, to any inhabitant of any State, territory or district of the United States.
- Strengthens Federal obscenity and child pornography laws by forbidding the sale or purchase of children for purposes of sexual exploitation; by requiring the producers of sexually explicit materials to maintain records of the names and ages of those who appear in the material; by outlawing the sale and transfer of obscene material that has travelled in interstate commerce; by establishing new forfeiture provisions in pornography and obscenity cases; by proscribing obscenity on cable TV; and by creating more stringent restrictions on commercial telephone obscenity.
- Makes clear that the phrase "scheme or artifice to defraud" as used in Federal mail and wire fraud statutes includes a scheme or artifice to deprive another of the intangible right of honest services.
- Provides for increased truck and bus safety and regulatory reform.

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<sup>1</sup>The contents of Title VI were outlined by the Congressional Research Service.

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Elimination of exception to mandatory minimum for second  
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schoolyard  
Playgrounds, youth centers, swimming pools and video arcades  
Application of mandatory minimum penalties to purchase of  
controlled substances from minors

Enhanced penalties for use of certain weapons in connection with a crime of violence or drug trafficking crime  
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Increased penalties for certain firearms offenses  
Money laundering forfeitures  
Forfeiture of substitute assets for money laundering offense  
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Controlled substances and related amendments  
Money laundering amendments  
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Clarification of prohibition of possession with intent to distribute controlled substances on aircraft  
Restarting of Speedy Trial Act time period for defendants who abscond on eve of trial  
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Protection of foreign officials  
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Fines for simple possession  
Continuing criminal enterprise  
Common carrier operation under the influence of alcohol or drugs  
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Witness serving sentence abroad  
Civil penalty for possession of small amounts of certain controlled substances  
Protection of former Federal officials and members of the families of former Federal officials

**TITLE VII. DEATH PENALTY AND OTHER CRIMINAL AND LAW ENFORCEMENT MATTERS**

Subtitle A. Death Penalty.

Subtitle B. Minor and Technical Criminal Law Amendments.

Subtitle C. Sentencing Amendments.

Subtitle D. Victim Compensation and Assistance.

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- Subtitle E. Federal Aviation Administration Drug Enforcement Assistance.**
- Subtitle F. Juvenile Justice and Delinquency Prevention.**
- Subtitle G. Provisions Relating to Prisons, Probation, Parole, and Supervised Release.**
- Subtitle H. Provisions Relating to Courts.**
- Subtitle I. Provisions Relating to the Federal Bureau of Investigation.**
- Subtitle J. Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies.**
- Subtitle K. United States Customs Service.**
- Subtitle L. Coast Guard Drug Law Enforcement.**
- Subtitle M. Interpol Provisions.**
- Subtitle N. Child Pornography and Obscenity.**
- Subtitle O. Miscellaneous.**

**TITLE VIII. FEDERAL ALCOHOL ADMINISTRATION**

**TITLE IX. MISCELLANEOUS**

- Subtitle A. Alcohol and Drug Traffic Safety**
- Subtitle B. Truck and Bus Safety and Regulatory Reform**
- Subtitle C. Comptroller General Study**
- Subtitle D. Insular Areas**

**TITLE X. SUPPLEMENTAL APPROPRIATIONS**