

13 March 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Comments for Senator Ervin

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has copies of the bill and Sam Ervin's letter. He will consult with and others, send comments to OLC, and info a copy to O/DDI.

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Chief
Executive Staff
O/DDI

93D CONGRESS
1ST SESSION

S. 942

IN THE SENATE OF THE UNITED STATES

FEBRUARY 21, 1973

Mr. RUBINOFF introduced the following bill; which was read twice and referred to the Committee on Government Operations.

A BILL

To transfer and reorganize all existing law enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation.

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

3 That this Act may be cited as the "Federal Narcotics and
4 Drug Abuse Law Enforcement Reorganization Act of 1973".

DEFINITIONS

6 SEC. 2. (a) As used in this Act:

7 (1) The term "narcotics and dangerous drugs" means
8 controlled substances as defined in sections 101, 201, and
9 202 of the Controlled Substances Act.

1 (2) The term "function" means power and duty; trans-
2 fer of a function, under any provision of law, of an agency or
3 the head of a department shall also be a transfer of all func-
4 tions under such law which are exercised by any office or
5 officer of such agency or department.

6 FINDINGS AND DECLARATION OF POLICY

7 SEC. 3. (a) The Congress hereby finds and declares—

8 (1) that the proliferation of narcotics and dan-
9 gerous drugs is the Nation's number one law enforce-
10 ment problem;

11 (2) that the enforcement of laws related to nar-
12 cotics and drug abuse is scattered widely throughout
13 several Federal departments and agencies;

14 (3) that overlapping jurisdictions, failure to share
15 intelligence and other information, general lack of com-
16 munication and cooperation, and counterproductive
17 rivalries and competitiveness among law enforcement
18 agencies have resulted from this diffusion of efforts with-
19 in the Federal Government against trafficking in nar-
20 cotics and dangerous drugs;

21 (4) that many Americans are needlessly subjected
22 to narcotics addiction, drug abuse and to drug-related
23 crimes because of the breakdown in coordination among
24 Federal law enforcement agencies;

25 (5) that the Federal Bureau of Investigation is the

1 preeminent Federal law enforcement agency as a result
2 of its extensive manpower, laboratory, intelligence, and
3 investigative resources, and because of the high esteem
4 in which it is held by many Americans for its efforts
5 against organized crime, internal subversion, and other
6 criminal assaults against the Nation;

7 (6) that the Federal Bureau of Investigation has
8 never exercised jurisdiction in the area of narcotics and
9 drug abuse law enforcement;

10 (7) that effective narcotics and drug abuse law en-
11 forcement requires establishment of a new division of the
12 Federal Bureau of Investigation with jurisdiction to inte-
13 grate enforcement of all Federal narcotics and drug abuse
14 laws which is now exercised by other agencies, and to
15 issue policy directives governing the continued law en-
16 forcement functions of certain agencies as provided in
17 this Reorganization Act, related to narcotics and dan-
18 gerous drugs;

19 (8) that the Federal Bureau of Investigation,
20 through the new division established in this Reorganiza-
21 tion Act, integrate the best of the manpower and exper-
22 tise that has been developed by other Federal agencies
23 in building its own capability to deal effectively with all
24 aspects of the narcotics and drug enforcement problem,
25 including combating international and domestic traf-

1 trafficking, improving the quality of State and local enforce-
2 ment of narcotics and dangerous drug laws, and eradi-
3 cating narcotics and drug-related corruption at all
4 enforcement levels.

5 TRANSFER OF FUNCTIONS FROM TREASURY DEPARTMENT

6 SEC. 4. (a) There are hereby transferred to the Attor-
7 ney General

8 (1) All functions of the Secretary of the Treasury
9 which are administered through or with respect to the
10 Bureau of Customs (also hereinafter referred to as the
11 Customs Service) and which involve investigations
12 by its Office of Investigation (Reorganization Plan
13 Numbered 1 of 1965, 30 Fed. Reg. 7035) leading to
14 seizures and arrests for violations of any Federal law of
15 the United States relating to trafficking in narcotics and
16 dangerous drugs.

17 (2) All other functions of the Customs Service and
18 the Commissioner of Customs determined by the Direc-
19 tor of the Office of Management and Budget to be di-
20 rectly related to functions transferred by paragraph (1)
21 of this section. Nothing in this section shall be construed
22 (A) to preclude the Customs Service from conducting
23 investigations, making seizures and arrests related to
24 smuggling of contraband other than narcotics and dan-
25 gerous drugs, (B) to make seizures and arrests based on

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1 chance discovery of narcotics and dangerous drugs dur-
2 ing actual passage as undeclared merchandise, or contrab-
3 and, through custom lines, or (C) to make seizures
4 and arrests related to narcotics and dangerous drugs at
5 the direction of the Attorney General as provided in sec-
6 tion 5 (b) of this Reorganization Act.

7 TRANSFER OF FUNCTIONS FROM STATE DEPARTMENT

8 SEC. 5. (a) There is hereby transferred to the Attorney
9 General all functions of the Secretary of State which are
10 administered through or with respect to the Cabinet Com-
11 mittee on International Narcotics Control.

12 (b) There are hereby transferred to the Department
13 of Justice all of the positions, personnel, property, records,
14 and other funds, available or to be made available, of the
15 Cabinet Committee on International Narcotics Control.

16 (c) The Attorney General shall make such provisions
17 as he may deem necessary with respect to terminating the
18 affairs of the Cabinet Committee on International Narcotics
19 Control not otherwise provided for in this Reorganization
20 Act.

21 (d) The Cabinet Committee on International Narcotics
22 Control is hereby abolished and replaced by the Policy
23 Committee on Narcotics and Dangerous Drugs, as provided
24 in section 13 of this Reorganization Act.

1 DIVISION OF NARCOTICS AND DANGEROUS DRUGS

2 SEC. 6. (a) There is established in the Department of
3 Justice a new division of the Federal Bureau of Investigation
4 which shall be known as the Division of Narcotics and Dan-
5 gerous Drugs (hereinafter referred to as the "Division").

6 (b) All functions transferred to the Attorney General
7 pursuant to the Act shall be delegated to the Director of
8 the Federal Bureau of Investigation. All functions delegated
9 to the Director of the Federal Bureau of Investigation by
10 the Attorney General pursuant to the Act shall be adminis-
11 tered through the Division.

12 (c) The Division shall be headed by an Associate
13 Director for Narcotics and Dangerous Drugs of the Federal
14 Bureau of Investigation who shall be appointed by the
15 Attorney General. In addition to the functions authorized
16 in this Reorganization Act the Associate Director for Narcot-
17 ics and Dangerous Drugs shall perform such other duties as
18 the Attorney General shall delegate.

19 (d) There are hereby established in the Division, in
20 addition to the position established in subsection (c) of this
21 section, two new positions of Assistant Director for Narcotics
22 and Assistant Director for Dangerous Drugs of the Federal
23 Bureau of Investigation, appointments to which shall be
24 made by the Attorney General. Each Assistant Director

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1 shall perform such functions as the Attorney General shall
2 delegate.

3 DELEGATION OF AUTHORITY WITHIN THE
4 JUSTICE DEPARTMENT

5 SEC. 7. (a) The Attorney General shall delegate au-
6 thority over functions performed by the Bureau of Narcotics
7 and Dangerous Drugs under Reorganization Plan Numbered
8 1 of 1968 to the Director of the Federal Bureau of
9 Investigation.

10 (b) The Attorney General shall delegate authority over
11 functions performed by the Office of Drug Abuse Law En-
12 forcement under Executive Order 11641 of 1972 (F.R. Doc.
13 72-1525) to the Director of the Federal Bureau of Investi-
14 gation.

15 (c) The Attorney General shall delegate authority over
16 functions performed by the Office of National Narcotics
17 Intelligence under Executive Order 11676 of 1972 (F.R.:
18 Doc. 72-11930) to the Director of the Federal Bureau of
19 Investigation.

20 (d) The Attorney General shall assign to the Director
21 of the Federal Bureau of Investigation the positions, person-
22 nel, property, records, and unexpended balances of appro-
23 priations, allocations, and other funds, available or to be
24 made available, under terms and conditions that the Attorney

1 General shall designate, (1) of the Bureau of Narcotics and
2 Dangerous Drugs, (2) of the Office of Drug Abuse Law
3 Enforcement, and (3) of the Office for National Narcotics
4 Intelligence.

5 (e) The Bureau of Narcotics and Dangerous Drugs, the
6 Office of Drug Abuse Law Enforcement, and the Office of
7 National Narcotics Intelligence, including the Offices of
8 Director of each of these agencies, are hereby abolished. The
9 Attorney General shall make such provision as he may deem
10 necessary with respect to terminating the affairs of these
11 agencies not otherwise provided for in the Act.

12 (f) The Attorney General shall delegate to the Director
13 of the Federal Bureau of Investigation authority over func-
14 tions performed by the Immigration and Naturalization Serv-
15 ice, including functions performed by the Border Patrol,
16 related to trafficking in narcotics and dangerous drugs across
17 the borders of the United States at places other than ports of
18 entry. The Immigration and Naturalization Service, including
19 the Border Patrol, shall perform functions related to enforce-
20 ment of any law of the United States pertaining to narcotics
21 and dangerous drugs consistent with policy directives that
22 shall be issued from time to time by the Director of the Fed-
23 eral Bureau of Investigation.

24 (g) The Attorney General shall delegate to the Director
25 of the Federal Bureau of Investigation

1 tions performed by the Law Enforcement Assistance Admin-
2 istration related to the awarding of block grants for the
3 planning, establishment, and operation of narcotics and dan-
4 gerous drug enforcement units at the State and local levels,
5 pursuant to parts B and C of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (Public Law 92-351;
7 82 Stat. 197). The Law Enforcement Assistance Adminis-
8 tration shall perform such functions consistent with policy di-
9 rectives that shall be issued from time to time by the At-
10 torney General after consultation with the Director of the
11 Federal Bureau of Investigation.

12 (h) The Attorney General shall promulgate regulations
13 for the purpose of delegating authority not otherwise pro-
14 vided in this section but necessary for achieving the ob-
15 jectives of this Reorganization Act.

16 POLICY DIRECTIVES TO THE TRANSPORTATION

17 DEPARTMENT

18 SEC. 8. The President, after consultation with the At-
19 torney General, shall direct the Secretary of Transportation
20 with respect to the following functions related to trafficking
21 in narcotics and dangerous drugs:

22 (1) Operations of the Coast Guard in the enforce-
23 ment of any law of the United States relating to traf-
24 ficking in narcotics and dangerous drugs.

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1 respect to all of the Secretary's functions related to traf-
2 ficking in narcotics and dangerous drugs.

3 POLICY DIRECTIVES TO THE TREASURY DEPARTMENT

4 SEC. 12. The President, after consultation with the
5 Attorney General, shall direct the Secretary of the Treasury
6 with respect to functions administered through or with
7 respect to the Internal Revenue Service that relate to traf-
8 ficking in narcotics and dangerous drugs.

9 POLICY COMMITTEE ON NARCOTICS AND DANGEROUS DRUGS

10 SEC. 13. (a) There is established a policy Committee on
11 Narcotics and Dangerous Drugs.

12 (b) The Attorney General shall be Chairman of the
13 Committee. The Director of the Federal Bureau of In-
14 vestigation shall be Vice Chairman of the Committee. The
15 Associate Director for Narcotics and Drug Abuse of the
16 Federal Bureau of Investigation shall be Executive Director
17 of the Committee.

18 (c) Members of the Committee shall be appointed by
19 the President from all departments and agencies and their
20 subdivisions, which, under the provisions of this Reorgani-
21 zation Act, have functions related to trafficking in narcotics
22 and dangerous drugs and of such other departments and
23 agencies, and their subdivisions, as the President, after
24 consultation with the Attorney General, may subsequently
25 designate.

1 (d) The Committee shall meet from time to time to
2 expedite and coordinate the policy directives issued by the
3 President after consultation with the Attorney General.

4 TRANSFER MATTERS

5 SEC. 14. (a) The Attorney General, in consultation
6 with the Director of the Federal Bureau of Investigation,
7 shall establish standards and procedures for the selection of
8 personnel of the Bureau of Customs in the Treasury De-
9 partment and of the Bureau of Narcotics and Dangerous
10 Drugs in the Justice Department to be transferred to the
11 Federal Bureau of Investigation in accordance with the
12 provisions of this section. Criteria for such standards and
13 procedures shall reflect consideration of each employee's
14 record in meeting the responsibilities of, and possessing the
15 skills for, effective investigation related to trafficking of
16 narcotics and dangerous drugs. All personnel selected for
17 transfer shall be without reduction in classification or com-
18 pensation for one year after such transfer, except that the
19 Attorney General shall have full authority to assign person-
20 nel during such one year period in order to efficiently carry
21 out functions transferred under this Reorganization Act.
22 After such one-year period the Attorney General, in con-
23 sultation with the Director, shall establish appropriate status
24 for all transferred personnel within the Federal Bureau of

1 (b) All orders, determinations, rules, regulations, per-
2 mits, contracts, certificates, licenses, and privileges (1)
3 which have been issued, made, granted, or allowed to be-
4 come effective in the exercise of functions which are trans-
5 ferred under this Act by the Treasury Department and the
6 State Department any functions of which are transferred
7 by this Act, and (2) which are in effect at the time this Act
8 takes effect, shall continue in effect according to their terms
9 until modified, terminated, superseded, set aside, or re-
10 pealed by the Justice Department, by any court of com-
11 petent jurisdiction, or by operation of law.

12 (c) The provisions of this Act shall not affect any
13 proceedings pending at the time this Act takes effect before
14 any department or agency, functions of which are trans-
15 ferred by this Act; except that such proceedings, to the ex-
16 tent that they relate to functions so transferred, shall be
17 continued before the Justice Department. Orders shall be
18 issued in such proceedings, appeals shall be taken therefrom,
19 and payments shall be made pursuant to such orders, as if
20 this Act had not been enacted; and orders issued in any such
21 proceedings shall continue in effect until modified, termi-
22 nated, superseded, or repealed by the Justice Department
23 by a court of competent jurisdiction, or by operation of law.

24 (d) The provisions of this Act shall not affect suits

1 all such suits proceedings shall be had, appeals taken, and
2 judgment rendered, in the same manner and effect as if
3 this Act had not been enacted; except that if before the date
4 on which this Act takes effect, any department or agency
5 (or officer thereof in his official capacity) is a party to a
6 suit involving functions transferred to the Justice Depart-
7 ment, then such suit shall be continued by the Justice De-
8 partment. No cause of action, and no suit, action, or other
9 proceeding, by or against the Treasury Department and the
10 State Department (or officer thereof in his official capacity)
11 functions of which are transferred by this Act shall abate
12 by reason of the enactment of this Act. Causes of actions,
13 suits, actions, or other proceedings may be asserted by or
14 against the United States or the Justice Department as may
15 be appropriate and, in any litigation pending when this Act
16 takes effect, the court may at any time, on its own motion
17 or that of any party, enter an order which will give effect
18 to the provisions of this paragraph.

19 (e) Such further measures and dispositions as the Di-
20 rector of the Office of Management and Budget shall deem
21 to be necessary in order to effectuate the transfers provided
22 in this section shall be carried out in such manner as he may
23 direct and by such agencies as he shall designate.

100-10-0193

SAM J. ERVIN, JR., CHAIRMAN	CHARLES H. PERCY, ILL.
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United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C. 20510

ROBERT BLAND SMITH, JR.
CHIEF COUNSEL AND STAFF DIRECTOR

March 5, 1973

Director
Central Intelligence Agency
Washington, D. C. 20505

Re: S. 942

Dear Mr. Schlesinger:

Attached is a copy of a bill which has been referred to this committee for consideration.

It will be helpful if you will give the committee the benefit of your views regarding the provisions of this bill, and your recommendations as to committee action.

Please transmit your reply in quadruplicate.

Thanking you for your cooperation, I am

Sincerely yours,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.
Chairman

Enclosure

