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THE WHITE HOUSE

WASHINGTON

April 7, 1988

MEMORANDUM FOR SENATOR BAKER

THROUGH: JOHN TUCK
FROM: ALAN M. KRANOWITZ *AMK*
SUBJECT: Drug Legislation

There is a growing concern among Republicans on the Hill about the drug issue, both from a political and policy standpoint. The Democrats have introduced omnibus bills in both chambers in recent weeks, and Speaker Wright has indicated that he would like to have something marked up and to the Floor in May. Republicans like Trent Lott believe that Jesse Jackson and, to a lesser degree, other Presidential candidates have effectively framed the drug issue as one of the major themes of the Presidential campaign. If Republicans do not get out in front of this issue, Lott believes, the Democrats will certainly use it to their advantage.

The drug bills in both the House [H.R. 4320 by Glenn English, (D-OK)], and the Senate (S. 2205 by DeConcini and D'Amato), authorize multi-billion dollar programs concentrating on beefed-up interdiction and grants to the states (highlights attached).

Republicans in the House are organizing a drug task force to determine their strategy and/or draft their alternative, although some members have already introduced legislation echoing familiar themes such as "drug czars," increased involvement of the military and the death penalty for certain drug traffickers. Staff is working on an alternative three-tiered approach comprised of:

- 1.) Legislation centering on tougher enforcement and prosecution of drug abusers.
- 2.) A public relations effort at the family and the community levels much like the Mothers Against Drunk Driving campaign, perhaps launched by the President.
- 3.) Focusing on drugs as a campaign issue.

Ideas being floated include: a mandatory graduated federal fine for drug possession; incentives for state and local enforcement and prosecution of drug related cases; and reinstatement of exclusionary rule and the death penalty.

Although the Democrats' bill is vulnerable to charges of throwing money at the problem through ineffective means and hardware, Republicans will be reluctant to oppose it unless a very attractive alternative can be crafted in conjunction with Administration officials. Time is of the essence given the Speaker's timetable and upcoming public hearings on the Democrats' bill.

I personally believe we should try to resolve differences within the Administration on this issue expeditiously, and move, perhaps through the DPC, to reach closure on an Administration approach.

cc: Ken Duberstein
Tom Griscom
Dan Crippen✓

Attachment

HIGHLIGHTS OF THE DEMOCRATS' BILL INCLUDE:

- \$1.5 million over three years to state and local governments for education, law enforcement and demand reduction with priority given to urban areas.
- Increase in authorizations for personnel for the Coast Guard (\$45 million above our FY 89 request), Border Patrol (\$20 million), INS (\$3 million), Alcohol Tobacco and Firearms (\$8 million), DEA (\$60 million), FBI (\$38 million), Marshals Service (\$73.8 million).
- Provides increased equipment and assets for Coast Guard (\$186 million above FY 89 request), Customs (\$125 million), DOD (\$100 million), DEA (\$88 million), INS (\$10 million).
- \$150 million for new federal prison construction.
- Establishes an "eradication squadron" within the State Department to use in source countries and authorizes \$12 million for aircraft, equipment and personnel.
- Three year, \$600 million grant program for source countries which meet specific production targets (40% eradication by 3rd year).
- \$138 million for International Narcotics Matters (INM) for equipment, training and eradication. Earmarks funds for Bolivia, limits funds for Mexico.
- Creates a Latin American Anti-Drug Strike Force, involving an ambassador level appointment at State and the Joint Chiefs of Staff.
- Establishes a corridor task force on Mexican border (\$15 million) and in Bahamas (\$13 million).
- \$20 million for community rehabilitation/treatment grants.
- \$1.75 billion over three years for alcohol, drug abuse and mental health block grants and \$1.87 billion over three years for substance abuse emergency drug treatment programs.
- \$1 billion over three years for the "Drug Free Schools and Communities Act" with specific reporting and accountability requirements (?)

- Places Customs and Coast Guard under Treasury Department, as well as establishing other new governmental entities and transfers.
- \$50 million expansion of Federal Law Enforcement Training Center in Oklahoma City over three years.
- \$20 million for Department of Justice facilities.
- Establishes a \$10 million National Training Center in Oklahoma for training of federal, state and local officials in drug rehabilitation.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 7, 1988

MEMORANDUM FOR HOWARD BAKER

THROUGH: JIM MILLER
FROM: JOE WRIGHT *JWR*
SUBJECT: Further Information on the Anti-Drug Abuse Act of 1988

You asked for more information on a major new drug bill introduced in both the Senate and the House (Senators DeConcini and D'Amato -- and Congressman English) last March 23rd. That information is attached.

The bill has over 30 bipartisan co-sponsors and is expected to move sometime in the next month. The bill adds \$2.4 billion for Anti-Drug Abuse spending on top of the \$3.9 billion already contained in the President's FY 1989 budget. It is allegedly offset by an estimated \$3.2 billion in a mandated debt collection -- thereby resulting in budget savings of \$800 million. We question these numbers.

We have not had time to fully review the bill for its substantive merit -- but we know some parts cause problems, such as moving the Coast Guard and Border Patrol to the Treasury Department. Title IX allows the bipartisan budget agreement to be amended to accommodate any additional funding authorizations.

OMB is continuing to review the bill and will work with the agencies to develop an Administration position next week. We may need an LSG on this. If you need anything else while you are in California, don't hesitate to let us know.

cc: Carol Crawford
Jay Plager
Gordon Wheeler

TITLE I: DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT

Subtitle A: Asset Forfeiture Fund Amendments Act of 1988.

- o Takes both the Department of Justice and the Customs Service Asset Forfeiture funds "off-budget" (i.e., excludes them from budget totals and exempts them from any statutes that seek to limit expenditures, such as Gramm/Rudman or appropriations acts).
- o Requires that any monies remaining in the DOJ Asset Forfeiture Fund at the end of each fiscal year after all program related expenses have been made, are to be used for Federal prison construction and for costs associated with constructing, renovating or acquiring additional bedspaces for Federal detainees in State and local jails.
- o Exempts DOJ and Customs funds from contract and procurement statutes when necessary to maintain security and confidentiality.
- o Requires the Attorney General to ensure the equitable sharing of forfeited property with State and local law enforcement agencies, according to the extent of their participation in the seizure or forfeiture.

Subtitle B: State and Local Narcotics Control Assistance Act of 1988.

- o Establishes the Bureau of Justice Assistance as a separate bureau within the Justice Department with a Director appointed by the President with the advice and consent of the Senate.
- o Authorizes a State and local formula grant program and a discretionary grant program (80 percent and 20 percent of the appropriation, respectively). Authorized level: fiscal year 1989 -- \$250 million; fiscal year 1990 -- \$500 million; and fiscal year 1991 -- \$750 million. Funds could be used for personnel, equipment, facilities, training and supplies.
- o Authorizes \$5 million and 96 positions for the Bureau of Justice Assistance to carry out the provisions of this subtitle.

Subtitle C: Chemical Diversion and Trafficking Act of 1988.

- o Tightens reporting requirements and export/import restrictions on specified precursor chemicals (chemicals used to manufacture illicit drugs).
- o Restricts the sale of tableting or encapsulating machines, as these machines are used in the manufacture of illicit drugs.
- o Makes it unlawful to possess or manufacture any precursor

chemical if the individual knows it will be used to produce illicit drugs.

Subtitle D: Comprehensive Federal Law Enforcement Officer Improvements Act of 1988.

- o Modifies (eases) retirement qualifications for Federal law enforcement officers by requiring only 3 years of street-level service, rather than the 10 years required by current law.
- o Increases death benefits for all Federal, State and local public safety officers from \$50,000 to \$100,000.
- o Establishes a temporary National Commission on Law Enforcement, the mandate of which would be to study and make recommendations for improving compensation and other benefits of Federal law enforcement personnel.

Subtitle E: Deportation of Convicted Foreign Drug Inmates.

- o Provides for the deportation of "violent criminal aliens" who have been convicted of an aggravated violent felony by any court in the United States.

Subtitle F: Customs Enforcement Amendments Act of 1988.

- o Provides for the inspection of vessels by Customs officers under certain conditions on the high seas.
- o Clarifies current law regarding transfer of assets seized by Customs to State and local law enforcement agencies and foreign governments assisting in the seizure. Requires cooperation with the Customs Service rather than direct participation in the seizure and forfeiture of the property.
- o Authorizes the Secretary of State to revoke the passport of any individual convicted of a felony narcotics violation. Such persons shall not be eligible for a passport for 10 years from the date of the conviction. Lesser offenses can lead to revocation for 5 years or an indication on the passport of the violation of the Controlled Substances Act.

Subtitle G: Authorization of Additional Appropriations, Fiscal Year 1989.

- o Authorizes appropriations in the following amounts (authorizations are expressed in amounts (deltas) above the President's Budget for FY 1989):

Coast Guard	\$45 million and 800 FTE
Customs Service	\$30 million and 600 FTE
INS	\$39 million and 725 FTE
BATF	\$ 8 million and 140 FTE
DEA	\$60 million and 224 FTE
FBI	\$38 million and 400 FTE
U.S. Marshals	\$74 million and 741 FTE
U.S. Prisons	\$200 million and 0 FTE
U.S. Attorneys	\$10 million and 200 FTE

Subtitle H: Miscellaneous Law Enforcement Provisions.

- o Authorizes a \$10,000 reward to any individual assisting in the capture of a Federal fugitive.
- o Makes it unlawful to possess any dangerous weapon or explosive in a Federal courthouse.
- o Authorizes \$1 million a year for fiscal years 1989 through 1991 for the President's Media Commission on Alcohol and Drug Abuse Prevention.

Title II: INTERNATIONAL NARCOTICS CONTROL AND ASSISTANCE TO
FOREIGN COUNTRIES

- o Establishes an International Special Operations Drug Eradication Squadron within the State Department to be deployed in source countries and authorizes an additional \$12 million for the procurement of aircraft, equipment, operation and maintenance, and salaries and expenses for the Squadron.
- o Establishes a three-year economic assistance grant program under AID for source countries which meet specific eradication goals (15 percent verifiable in the 1st year, 40 percent by the 3rd year, to be verified by DEA) and authorizes \$200 million for the program for each of the three years.
- o Authorizes appropriations of \$138 million in fiscal year 1989 and \$150 million in fiscal year 1990 for State's International Narcotics Matters (INM) account, including:
 - \$500,000 to be used for coca eradication research;
 - \$900,000 to provide protective equipment for aircraft used in narcotics eradication and interdiction efforts in source countries or in countries through which drugs are shipped;
 - \$2 million to be used for training in foreign countries relating to narcotics control;
 - allows funds withheld from non-cooperating countries to be used for narcotics control in cooperating countries; and
 - provides certain assistance for Bolivia; limits and conditions amount of funds which can be made available to Mexico by, for example, requiring a thorough investigation by Mexico of the murder of DEA agent Enrique Camarena Salazar.
- o Creates within the State Department an Ambassador at Large and Coordinator for Western Hemisphere Anti-Drug Efforts.
- o Directs the Joint Chiefs of Staff to develop a plan for a Latin American strike force involving Latin American personnel using U.S.-provided resources to eradicate and interdict narcotics in the Western Hemisphere (outside the U.S. and its territories); and requires the President to submit a fiscal year 1989 supplemental to Congress covering the operation and maintenance costs of this strike force.

Title III: DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

- o Authorizes, in addition to the President's request for fiscal year 1989, \$533 million for the acquisition and operation of interdiction and intelligence gathering equipment.
- o Of this amount, \$507 million would be appropriated to Federal agencies, \$14 million to States and territories, and \$12 million to foreign governments.
- o The \$507 million for Federal agencies provides:
 - \$186 million to Coast Guard for surveillance aircraft and marine assets;
 - \$125 million to Customs for helicopters, interceptor aircraft, marine vessels, and intelligence center upgrades;
 - \$100 million to Defense for four radar aerostats and other surveillance aircraft;
 - \$48 million to the DEA for a Helicopter Task Force to be used in foreign operations, and for enhancements to the El Paso Intelligence Center;
 - \$20 million to the INS for helicopters, and land vehicles and electronic sensors;
 - \$15 million to establish a joint Treasury-Justice Mobile Southwest Border Task Force, staffed by INS, DEA, and Customs, that would augment current interdiction efforts along the U.S. Mexican border; and
 - \$13 million to a U.S.-Bahamas task force for vessels, intelligence equipment, and training for Bahamian officials.
- o The \$14 million for States and territories would be granted to Puerto Rico (\$7 million) and Hawaii (\$7 million) for the purchase of aircraft and marine vessels, including radar.
- o The \$12 million to foreign governments would be granted to Jamaica (\$7 million) and the Dominican Republic (\$5 million) for air and marine vessels and radar.

Title IV: DEMAND REDUCTION

Subtitle A: Treatment and Rehabilitation.

- o Authorizes \$20 million annually for fiscal years 1989-1991 for new drug abuse treatment demonstrations emphasizing community-based residential treatment services such as halfway houses; includes the purchase of land and the construction of facilities.

Subtitle B: Alcohol and Drug Abuse Treatment and Rehabilitation.

- o Reauthorizes funding for the Alcohol, Drug Abuse and Mental Health Block Grant for fiscal year 1989 (\$558.9 million), fiscal year 1990 (\$583 million) and fiscal 1991 (\$608 million). Provides that no less than 49 percent of these funds shall be made available for alcohol and drug abuse treatment and rehabilitation programs.
- o Authorizes funding for a new Substance Abuse Emergency Treatment program for fiscal year 1989 (\$600 million), fiscal year 1990 (\$625 million) and fiscal year 1991 (\$650 million). These funds will be targetted to States and communities within States, with the most acute substance abuse problems based on the best available HHS data for the most recent calendar year.
- o Authorizes States to spend up to 1.5 percent of these funds to develop required statewide substance abuse treatment facilities plans and allows up to 40 percent of the funds to be used for construction or renovation of substance abuse treatment facilities.

Subtitle C: Amendments to the Drug-Free Schools and Communities Act of 1986.

- o Amends portions of the Drug-Free Schools and Communities Act of 1986 which authorizes a variety of Education Department programs to assist elementary, secondary, and postsecondary schools in efforts to prevent drug use among students.
- o Increases the current authorization for fiscal year 1989, the final year of the program, from \$250 million to \$300 million and extends the authorization into 1990 and 1991 at \$350 million annually.
- o Makes several amendments intended to improve program administration and increase State and local accountability, such as:
 - increases State and local reporting on program activities and results;

- authorizes States to withhold third-year grant funds from local school districts that fail to demonstrate progress in meeting program objectives; and
- places a 2.5 percent cap on the amount of State funds available for administrative activities.

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TITLE V: NATIONAL BORDER COORDINATION AND REORGANIZATION ACT OF 1988

- o Establishes within the Treasury Department an Office of Enforcement and Border Affairs, combining the responsibilities of the Assistant Secretary for Enforcement and the Coast Guard.
- o Transfers the entire Coast Guard from the Department of Transportation to the Office of Enforcement and Border Affairs within the Department of the Treasury.
- o Within the new Office of Enforcement and Border Affairs, establishes the Office of Border Management Affairs, and the Office of Narcotics Interdiction. The Office of Narcotics Interdiction is responsible for oversight of all drug interdiction efforts. The Office of Border Affairs is responsible for all other oversight functions.
- o The Coast Guard will be included in Function 750 (Administration of Justice) beginning in fiscal year 1990 for the President's Budget and fiscal year 1989 for any concurrent resolution on the budget.
- o Establishes within the Office of the Assistant Secretary of Defense for International Security Affairs a Deputy Assistant Secretary of Defense for International Drug Interdiction and Enforcement. This office, headed by a Presidential appointee, will be responsible for supervision of all DOD drug enforcement activities.
- o Establishes a Senate Select Committee on Narcotics Abuse and Control to study and investigate issues related to drug trafficking, drug abuse prevention and related issues. Appropriations of \$400,000 for fiscal year 1989, \$500,000 for fiscal year 1990 and \$600,000 for fiscal year 1991 are provided for use by the Committee.

TITLE VI: RESEARCH AND DEVELOPMENT FOR LAW ENFORCEMENT AGENCIES

- o Establishes a permanent Research and Technology Group to review the various Federal research and development (R&D) programs to assess their applicability to Federal law enforcement agencies.
- o Establishes eight National Technology Development Centers from existing U.S. Government R&D facilities (mostly DOD) which would be given the added mission of developing technologies for application to Federal law enforcement.
- o Directs that no less than 0.2 percent of the DOD research and development budget be made available to support the research conducted at the above Centers for law enforcement agencies.
- o Authorizes \$5 million for the Customs Service to develop X-ray and other technologies to aid in the detection of illegal drugs in cargo containers entering the United States.

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TITLE VII: DRUG ENFORCEMENT TRAINING IMPROVEMENT

- o Authorizes \$10 million above the President's fiscal year 1989 request for the Federal Law Enforcement Training Center (FLETC) to increase the level of drug enforcement training for Federal, State and local offices.
- o Authorizes FLETC to expand its advanced training programs at its Arizona satellite facility.
- o Authorizes \$10 million above the President's fiscal year 1989 request for existing Justice Department law enforcement training facilities and \$10 million for the further expansion and acquisition of new facilities.
- o Authorizes \$5 million each for Customs and DEA and \$1 million for INS to send agents to the Defense Language Institute or the State Department's Foreign Service Institute for foreign language training.
- o Authorizes \$8 million for the Bureau of Justice Assistance for the establishment of a national training center in Oklahoma for the training of Federal, State, and local prison officials in drug rehabilitation programs, and authorizes \$2 million for a community based residential drug-free program to be affiliated with the national training center.

TITLE VIII: DRUG TESTING IN THE PRIVATE SECTOR

- o Requires that laboratories performing drug testing for the private sector meet certain minimum standards, and that no action be taken against an employee or applicant for employment based on a test performed by a laboratory which does not:
 - meet the mandatory guidelines established by HHS;
 - require a confirmatory test when an initial screening is positive; and
 - provide guidance to employers on the procedures for the collection of specimens to be tested.
- o An employer who takes an adverse action against an employee or applicant on the basis of the results of a drug test conducted by a laboratory which does not meet these minimum standards shall be subject to a civil penalty of \$10,000.

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TITLE IX: CONGRESSIONAL POLICY REGARDING ADDITIONAL FUNDING FOR FISCAL YEAR 1989 FOR ANTI-DRUG ABUSE PROGRAMS.

- o States Congressional willingness to amend, if necessary, the Bipartisan Budget Agreement to accommodate the new budget authority and outlays needed to fund fully the bill.
- o Prohibits paying for the bill through transfers from, or reductions in, any amounts appropriated for other purposes.
- o Requires the President to direct OMB to include sufficient funding in fiscal years 1990 and 1991 to "fully annualize the entire cost of the programs, projects, activities, initiatives, and personnel levels authorized" in the bill.
- o Directs that the necessary budget authority and outlays to fund the bill be accommodated in the concurrent resolution for fiscal year 1989.

TITLE X: FUNDING; ACCOUNTS

- o Provides for offsetting revenues to cover the cost of the bill as follows:
 - o IRS Revenue Initiatives
 - Authorizes \$287 million and 6,842 FTE above the President's request for fiscal year 1989 for the IRS for revenue initiatives that would yield \$1.12 billion in fiscal year 1989 and \$2.22 billion in fiscal year 1990.
 - o BATF Tax Collections
 - Authorizes \$4 million and 40 FTE above the President's 1989 request for the Bureau of Alcohol, Tobacco, and Firearms for additional special occupational tax enforcement and collection activities that would yield \$130 million in fiscal year 1989 and \$140 million in fiscal year 1990.
 - o Additional Debt Collection
 - Requires intensified efforts to collect Federal debts, yielding an additional \$2 billion per year in fiscal years 1989 and 1990. Debt is defined as money owed to executive agencies (other than debts arising under the Internal Revenue Code of 1986).

(Dollars in Millions)

<u>Revenue Measures</u>	1989	
	<u>Cost</u>	<u>Yield</u>
IRS revenue initiatives	\$287	\$1,120
BATF tax collections	4	130
Additional debt collection	<u>0</u>	<u>2,000</u>
Total	\$291	\$3,250

SUMMARY OF COSTS: DRUG BILL

TITLE I	\$769,900,000	
TITLE II	253,000,000	
TITLE III	533,000,000	
TITLE IV	555,000,000	
TITLE V	500,000	
TITLE VI	5,000,000	
TITLE VII	51,000,000	
TITLE VIII	000	
TITLE IX	000	
TITLE X	<u>290,613,000</u>	
TOTAL	\$2,458,013,000	
	-3,250,000,000	Additional revenues projected to be available to offset the cost of the bill
NET COST	-\$791,987,000	

*NOTE: The figures are Congressional estimates and are largely expressed in terms of deltas over the President's 1989 Budget.

Purpose: To accomodate sufficient budget authority and outlays
for a new anti-drug initiative introduced in the Senate (S.2205)
for fiscal year 1989.

IN THE SENATE OF THE UNITED STATES— ----- Cong., ----- Sess.

S. CON. RES. 113 -----

H.R. ----- (or Treaty -----) -----

SHORT TITLE

(title) Establishing the congressional budget for the U.S. Government
for the fiscal year 1989 and setting forth the appropriate
budgetary levels for the fiscal years 1989, 1990, and 1991.

() Referred to the Committee on -----
and ordered to be printed

() Ordered to lie on the table and to be printed

INTENDED to be proposed by MR. DECONCINI (for himself and Mr. D'Amato)

Viz: on page 33 of the Resolution, after line 17, insert the
1 following:

2

"ANTI-DRUG RESERVE FUND

3

4

Sec. 8. (a) Budget authority and outlays in amounts not
to exceed the amounts specified in subsection (b) shall be
5 allocated to the appropriate committees of the House of
Representatives and the Senate to provide for an anti-drug
6 initiative, and the aggregates for fiscal year 1989 in
this resolution shall be adjusted accordingly, when--

7

(1) the appropriate committees of the House of
Representatives or the Senate have reported legislation
8 that will, if enacted, make funds available for such
initiative;

9

(2) the legislation referred to in subsection (a)(1)
10 includes provisions to ensure that any such additional
funding will not increase the deficit for fiscal year
11 1989 above the levels set forth in this resolution; and

12

(3) the additional funding and funds made available,
referred to in subsection (b), shall not cause the
13 aggregate spending and revenue levels agreed to in the
bipartisan budget summit agreement for fiscal year 1989
14 to be exceeded; Provided, That if the net effect of the
legislation referred to in subsection (a)(1) would not
15 increase the deficit for fiscal year 1989, the funding
made available by such legislation shall not be
16 considered as exceeding the spending and revenue levels
agreed to in the bipartisan budget summit agreement.

17

(b) The amounts available for allocation under sub-
section (a) for funding the anti-drug initiative for fiscal
18 year 1989 shall not exceed \$2,600,000,000 of new budget
authority and \$1,400,000,000 of outlays.

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(c) Upon the reporting of legislation pursuant to
subsection (a), revised allocations under section 302(a) of the
Congressional Budget and Impoundment Control Act of 1974, altered
by amounts not to exceed those in such legislation, and revised
functional levels and aggregates to carry out this section, shall
be deemed to have been reported. Such revised allocations,
functional levels, and aggregates shall be considered for the
purposes of such Act as allocations, functional levels, and
aggregates contained in this resolution, and the appropriate
committees of the House of Representatives and the Senate shall
report revised allocations, pursuant to section 302(b) of such
Act to carry out this section.

4/12/88

Comparison of the 1988 Drug Bill
to the
FY 1988 and FY 1989 President's Budgets

<u>Item</u>	<u>FY 88 Pres. Bud.</u>	<u>FY 88 Approp.</u>	<u>FY 89 Pres. Bud.</u>	<u>S. 2005 Add-ons and Title</u>	<u>Comments</u>
<u>Dept. of Justice</u>					
<u>DEA</u>					
International	94	89	102	44 (III)	Funds helicopter task force for foreign operations. Not wanted by DEA and couldn't be spent.
Intelligence	30	29	36	4 (III)	Funds El Paso Intelligence Center above level requested by DEA.
Other	393	371	395	60 (I)	Adds 224 FTE for unspecified purpose.
Training	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u> (VII)	Provides more foreign language training for agents.
DEA Total	522	494	538	113	In sum adds 21% on top of 9% increase proposed in FY 89 President's Budget.
<u>FBI</u>	112	102	111	38 (I)	Adds 400 FTE for unspecified purpose.
<u>Attorneys</u>	103	81	96	10 (I)	Adds 200 FTE for unspecified purpose.

<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons and Title	<u>Comments</u>
<u>Marshals</u>	84	73	83	74 (I)	Adds 741 FTE for unspecified purpose. Includes \$20M for the Cooperative Agreement Program which would double the \$20M requested in the President's FY 89 Budget. This program guarantees Federal space in State and local jails. Due to the extreme scarcity of local space, the additional funds probably could not buy any additional beds.
<u>Prisons</u>	982	931	1,400	200 (I)	Would add about 2,800 beds to the 7,800 already requested by the President in 1989 and the 4,900 requested in 1988. Since the Federal Prison System is currently overburdened with the extremely rapid expansion already underway, any additional funds could not be spent effectively during 1989.
<u>Grants</u>	6	86	7	255 (I)	Authorizes a State and local grant program that essentially combines the two grant programs discussed below. State and local law enforcement has received over \$160M in Federal assistance since 1984 from the DOJ State and local Assistance Grant program and \$295M since

<u>Item</u>	<u>FY 88 Pres. Bud.</u>	<u>FY 88 Approp.</u>	<u>FY 89 Pres. Bud.</u>	<u>S. 2005 Add-ons and Title</u>	<u>Comments</u>
					1986 from the DOJ Anti-drug Abuse Grants. These programs were not intended to establish long term dependence on Federal monies.
<u>INS</u> Interdiction	18	18	17	20 (III)	Provides funding for equipment for Operation Alliance-type activities (an Administrative initiative). INS is the only agency that didn't receive funds for this in the 1986 drug bill, but it would not need this extra funding as it could use equipment it received through the Immigration bill.
Training	N/A	N/A	N/A	1 (VII)	Provides foreign language training for INS personnel. All Border Patrol agents currently receive intensive training in Spanish.
Other	<u>55</u>	<u>52</u>	<u>77</u>	<u>39</u> (I)	Adds 725 FTE for unspecified purpose.
INS Total	73	70	94	60	

<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons and Title	<u>Comments</u>
DOJ Training Facilities	N/A	N/A	N/A	20 (VII)	Increase for expansion and creation of new DOJ training facilities is objectionable because it will give added impetus to DOJ efforts to provide its own training rather than using FLETC (see below).
Justice Assistance	N/A	N/A	N/A	10 (VII)	Would establish a national training center in Oklahoma for prison officials. However, FLETC (see below) and the National Institute of Corrections already provide training for Federal, State, and local prison officials. Drug rehabilitation programs at these existing facilities could be expanded rather than establishing a new center.
<u>Dept. of Treasury</u>					
<u>Customs</u> Interdiction	265	357	364	125 (III)	Funds additional helicopters, interceptor aircraft, vessels, intelligence center upgrades. The FY 1989 President's Budget already provides such capital enhancements in line with Customs request and priorities. Its current staffing level enables it to fully utilize its existing assets. We should evaluate Customs use of these assets before acquiring more.

<u>Item</u>	<u>FY 88 Pres. Bud.</u>	<u>FY 88 Approp.</u>	<u>FY 89 Pres. Bud.</u>	<u>S. 2005 Add-ons and Title</u>	<u>Comments</u>
Other	<u>61</u>	<u>81</u>	<u>78</u>	<u>30</u> (I)	Adds 600 FTE for unspecified purpose. Total FTE grew 25% from an estimated 3,976 FTE in the Drug Program in 1986 to an estimated 5,096 FTE in 1989. The additional 600 FTE are not necessary as Customs is able to fully utilize its existing equipment and other assets with its existing level of staffing.
R&D	1	2	1	5 (VI)	Provides for X-ray and "other" technologies to enable more efficient screening of cargo, resulting in more detection of illegal drugs. This would increase Custom's productivity. Probably a good idea.
Training	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>5</u> (VII)	Provides foreign language training for Customs personnel. Concept is good in that passenger inspections of foreigners would be more efficient and less time consuming. This would increase productivity.
Customs Total	327	440	443	165	

<u>Item</u>	<u>FY 88 Pres. Bud.</u>	<u>FY 88 Approp.</u>	<u>FY 89 Pres. Bud.</u>	<u>S. 2005 Add-ons and Title</u>	<u>Comments</u>
<u>IRS</u> Revenue Initiatives	3,100	3,100	3,200	287 (X)	Adds 6,842 FTE for a revenue initiative that the bill estimates would generate \$1.12 billion in FY 1989 and \$2.22 billion in FY 1990. The bill estimates are based on Treasury-generated estimates. Tracking will be impossible since base revenue receipts are not known. This initiative violates Bipartisan Budget Agreement as revenue initiatives are to be used only to reduce the deficit, not to expand Government programs.
<u>BATF</u> Other	9	8	9	8 (I)	Adds 140 FTE for an unspecified purpose to the Bureau of Alcohol, Tobacco and Firearms.
Collection BATF Total	<u>N/A</u> 9	<u>N/A</u> 8	<u>N/A</u> 9	<u>4</u> 12 (X)	Adds 40 FTE that the bill estimates would increase collections by \$130M in FY 1989 and \$140M in FY 1990. These estimates are in error; this initiative could at most generate \$50M in FY 1989.

<u>Item</u>	<u>FY 88 Pres. Bud.</u>	<u>FY 88 Approp.</u>	<u>FY 89 Pres. Bud.</u>	<u>S. 2005 Add-ons and Title</u>	<u>Comments</u>
FLETC	23	29	27	10 (VII)	Increases the level of training for Federal, State and local officials at the Federal Law Enforcement Officers Training Center by 27% over FY 88. To spend the additional funds wisely, much would need to be transferred to a no-year account for facilities expansion and improvement. FLETC could also use the money to increase the current subsidy for State and local trainees or to offset growing Federal training needs.
<u>Dept. of Transportation</u>					
<u>Coast Guard</u>					
Other	4	4	4	45 (I)	Adds 800 FTE for unspecified purpose presumably related to interdiction.
Interdiction	571	510	616	186 (III)	The money is not earmarked, so Coast Guard would probably obligate it as fast as possible by exercising options on existing procurement contracts for items such as patrol boats, helicopters, and sensors for existing aircraft. These items are not now scheduled for purchase and would increase O&M costs and personnel needs in the outyears.
Coast Guard Total	575	514	620	231	

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<u>Dept. of State</u>					
<u>INM</u>					
Eradication Squadron	15	15	18	12 (II)	Current INM Interregional Aviation program which supports eradication and interdiction efforts in source and transit countries is adequate.
Other	<u>84</u>	<u>84</u>	<u>83</u>	<u>37</u> (II)	The FY 89 President's Budget adequately supports the eradication, interdiction and demand reduction efforts in source and transit countries. These programs also receive supplemental funding from current AID and USIA programs.
INM Total	99	99	101	49	
<u>AID</u>	13	21	18	200 (II)	Authorizes three-year program (at \$200M/year) providing economic assistance to source countries which meet specific eradiction goals.

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<u>Dept. of Defense</u>					
Equipment	0	0	0	85 (III)	For the purchase of four radars and refurbishing of surplus DOD equipment for interdiction. If funded, this properly belongs in the Customs or Coast Guard budget, but caution is urged until the utility of present hardware expansion is demonstrated.
Support	<u>75</u>	<u>94</u>	<u>98</u>	<u>15</u> (III)	Funds a portion of the DOD support to law enforcement agencies that it is currently providing from existing resources but which DOD may be forced to reduce due to budget reductions.
DOD Subtotal	75	94	98	100	
DOD R&D	43,719	36,695	38,157	76 (VI)	Directs that no less than 0.2% of DOD's research, development, technology and development budget be used for law enforcement purposes. The bill makes no additional authorization for this, but the impact would be approximately \$76 million in FY 1990. Such a diversion of DOD resources is unwise.

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<u>Dept. of HHS</u>					
Treatment Demonstration	45	52	48	20 (IV)	The Public Health Service already has authority for these demonstrations.
Treatment Grants	0	156	166	434 (IV)	Reauthorizes new funding for a Substance Abuse Emergency Drug Treatment program to target Federal funds at communities or States with the most acute substance abuse problems based on the best available HHS data for the most recent calendar year. Authorizes States to spend up to 1.5 % of these funds to develop required statewide substance abuse treatment facility plans and allows up to 40% of the funds to be used for construction or renovation of substance abuse treatment facilities.
Block Grant	495	487	509	50 (IV)	Reauthorizes funding for the Alcohol, Drug Abuse and Mental Health Block Grant and provides that no less than 49% of these funds shall be made available for alcohol and drug abuse treatment and rehabilitation programs.

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<u>Dept. of Education</u>					
Drug Grants	100	230	250	50(IV)	Makes substantive amendments to Education's program which are not objectionable. However, the increased authorization is unwarranted at this time. We do not yet have even one year of experience with the program. The President's budget would already increase the program from \$230M to the fully authorized level of \$250M. There is no evidence that more is needed.
<u>Other Items</u>					
Death Benefits	10	9	10	10(I)	Doubles death benefits payable to Federal, State or local public safety officers from \$50,000 to \$100,000. Impact would double the FY 89 President's Budget, although the bill does not authorize additional appropriations. The Administration has recently agreed to not oppose this provision, provided funds come from within existing DOJ appropriations.

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Rewards	0	0	0	? (I)	Authorizes a \$10,000 reward to individuals assisting in arrest of Federal fugitives.
Media Commission	N/A	N/A	N/A	1 (I)	Authorizes \$1M a year for FY 89-91 for President's Media Commission on Alcohol and Drug Abuse Prevention.
Treasury-Justice Border Task Force	0	0	0	15 (III)	Establishes a mobile Southwest Border task force, staffed by INS, DEA and Customs. This duplicates the Administration's Operation Alliance, which has been operational for over a year.
U.S.-Bahamas Task Force	0	0	0	13 (III)	Consists of \$11M for marine interdiction vessels for the Bahamas Defense Force, \$1M for communications equipment and \$1M for training of the Bahamas Defense Force.
Grants to Territories and Countries	0	0	0	26 (III)	Provides grants of \$7M each to Puerto Rico, Hawaii and Jamaica, and \$5M to the Dominican Republic for purchase of aircraft, vessels and radar. The grant to Puerto Rico would

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					help fund an aerostat partially funded in 1988. This aerostat is a low priority of the Customs' Interdiction Strategy.
Congressional Committee	0	0	0	0.4 (V)	Establishes a Senate Select Committee on Narcotics Abuse and Control to study drug issues.

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<u>Summary of Offsets Proposal in the Bill</u>					
<u>IRS 1/</u>					
Revenue Initiatives	3,100	3,100	3,200	287 (X)	Adds 6,842 FTE for a revenue initiative that the bill estimates would generate \$1.12 billion in FY 1989 and \$2.22 billion in FY 1990. The bill estimates are based on Treasury-generated estimates. Tracking will be impossible since base revenues receipts are not known. This initiative violates Bipartisan Budget Agreement as revenue initiatives are to be used only to reduce the deficit, not to expand Government programs.
<u>BATF 1/</u>					
Collection	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>4</u> (X)	Adds 40 FTE that the bill estimates would increase collections by \$130M in FY 1989 and \$140M in FY 1990. These estimates are in error; this initiative could at most generate \$50M in FY 1989.

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<u>Debt Collection</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	0 (X)	The bill estimates (Title X) that increased debt collection activities could yield \$2 billion in each of fiscal years 1988 and 1990, an estimate that is probably grossly overstated. Title X would also establish an Under Secretary of the Treasury for Debt Collection and Credit Management. OMB's responsibilities in these areas, and in the areas of Cash Management, Financial Systems, Accounting Systems and Chief Financial Officer functions would be transferred to the Treasury Department. The title would also allow agencies to keep 15% of debt collections over established targets and calls for a 15% penalty to reduce program funds if an agency fails to meet its target. This would supersede the budget process and many cases would be against the law.

1/ These items are also included earlier in this document under the section covering the Department of Treasury.

N/A = Not Available.