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THE WHITE HOUSE  
WASHINGTON

Date: 4/15/88

**TO:** Dan Crippen

**FROM:** Alan M. Kranowitz  
Office of Legislative Affairs

F.Y.I.

THE WHITE HOUSE

WASHINGTON

April 14, 1988

NOTE FOR ALAN M. KRANOWITZ

FROM:

NANCY DORN *N.Dorn*

SUBJECT:

Drug Legislation Update

Several noteworthy events occurred today on the drug front.

- Michel has appointed Jerry Lewis and Mickey Edwards co-chairmen of the Republican drug task force. Additionally, Bill McCollum has been chosen to lead in this effort.
- The Democrats are expected to drop their omnibus drug bill in next Tuesday with Speaker Wright at the helm. Wright, Rangel, Obey, English and Larry Smith requested and received a drug briefing from the State Department today. Two major points emerged:
  - 1.) The Democrats would like to find a way to transfer DOD assets to Columbia to fight the drug war.
  - 2.) The Speaker would like to funnel more money into foreign aid for eradication/prevention.
- Clay Shaw has been in close touch with the Vice President's staff and has crafted legislation (summary attached) which he will introduce Tuesday.

## SUMMARY OF POTENTIAL REPUBLICAN DRUG BILL ITEMS

(This list is a staff compilation of ideas and proposals. The list is not complete, and some of the ideas contained in this list are subject to criticism)

### I. RESPONSES TO DRUG SUPPLY

#### A. Stopping drugs at their source (eradication)

Authorize security measures for law enforcement and government officials of drug producing countries whose lives are threatened by drug traffickers.

Source: staff

Amend the certification process in which the U.S. determines whether to cut off U.S. aid to any drug producing or transit nation as a result of noncompliance to include as a factor: the financial and political threat such decertification imposes upon democracy in that nation.

Source: staff

Funding:

#### B. Interdiction and investigation

Exclusionary rule reform allowing for the good faith exception in searches without search warrants.

Source: Justice Dept.

History: This proposal has been a law enforcement priority for this Administration.

Establish federal crime for corruption of and by public officials and fix super-penalties for drug-related bribery and other corruption.

Source: bill would have to be developed in response to recent Supreme Court case severely limiting federal prosecution of state and local corruption.

Expand the role of the military in drug interdiction by reducing the posse comitatus limitations.

Source: H.R. (Shaw)

Require the registration of precursor chemicals (used in the manufacture of controlled substances).

Source: DEA: H.R. 2585 (Hughes)

History: This appeared for the first time in the Administration's 1986 drug bill. An improved version is currently being drafted by the Subcomm. on Crime. The Chemical mfr. industry is opposed this bill.

Provide Foreign DEA agents with the same benefits (housing, etc.) allotted to other U.S. overseas officials under the foreign service rules.

Source: Staff

Provide explicit extraterritorial application of federal simple possession statute.

Source: Staff

History: This provision would give investigators a tool to use when traces of drugs are located on ships, etc. after an off-loading of drugs during shipment has taken place.

Provide criminal and civil penalties for the non-forcible impeding or obstructing of a member of the Coast Guard in performance of lawful duties.

Source: Staff

Provide criminal/civil sanctions against masters/operators of U.S. documented and state numbered vessels who fail to truthfully respond to inquiries regarding vessel's destination, origin, ownership, registration, nationality, cargo and crew; permit a boarding by USCG, and obey reasonable directions of the USCG boarding party.

Source: Staff

Provide for US payment of any personal liability of a USCG enforcement personnel arising from allegations of violations of constitutional rights by law enforcement personnel in performance of official duties. If this concept is acceptable, it may need to be expanded to include interdiction personnel from other agencies.

Source: Staff

Remove the words "drug Interdiction area" from the statute codifying the use of USCG personnel conducting law enforcement from Navy vessels as a Posse Comitatus exception.

Source: Staff

Provide statutory criteria defining nature, inception and termination of U.S. vessel's nationality.

Source: Staff

Clarify the Coast Guard's air interdiction mission.

Source: Staff

#### Funding:

- Freeze expenditures on Customs South Boarder CCCI centers, if necessary, until they are fully coordinated with DoD CCCI centers, and all barriers to cooperation and coordination with all other agencies with interdiction responsibility have been removed.

Source: Staff

- Require the National Drug Abuse Policy Board to review the need for the Customs South Boarder interdiction CCCI in Oklahoma as a prerequisite to any further expenditure of that CCCI. Require the NDPB to report to Congress on alternative interdiction improvements that could be funded

by the money saved by eliminating the Oklahoma CCCI.

Source: staff

- Authorize DEA's proposed supplemental needs for its Latin American mission.

Source: Staff

- Reauthorize the Drug assistance grant program or fold it into the existing Justice Assistance grant program for state and locals.

Source: Dear Colleague (T. Lewis)

History: Authorization for this two-year, \$235 per year, funding expires in FY 1988. The administration has been subject to criticism for budget submissions below the authorized amount.

### C. Enhanced penalties

Death penalty for high level drug trafficking resulting in death as a result of use of drugs or victim of drug trafficking related murder.

Source: H.R. 1095 (Gekas), 1986 Administration drug bill, H.R. 4230 (English) and S. 2206 (DiConcini)

History: Mr. Gekas successfully added this amendment to the 1986 drug bill 3 times. Each time the Republican Senate removed it in the face of threats of a filibuster and a drug czar amendment.

Death penalty for killing law enforcement officials.

Source: H.R. 4302 (Gallegly)

Require the deportation and exclusion of aliens believed to have possessed or used drugs.

Source: S. 1543 (Roth)

History: This issue focused several years ago as a prison overcrowding issue. States are spending huge sums of money housing illegal immigrants. It is uncertain how many alien drug users are in state and local prisons. Deportation of drug traffickers was included in the 1986 law.

Expand current super-penalty provision for trafficking within 1000 feet of a school to include trafficking within 1000 feet of any school bus or school bus stop.

Source: New Jersey statute

Lower the amount of cocaine needed to trigger the five year mandatory sentences for the second and third convictions.

Source: H.R. 3508 (DioGuardi)

Prohibit the re-issuance of an airman certificate to any pilot whose certificate has been previously revoked for an aviation related drug offense (currently, a five year prohibition exists).

Source: H.R. 4115 (Daub)

Permit the use of all available state sanctions for drunk and drugged driving in a federal prosecution for drunk or

drugged driving on federal land (including the revocation of a driver's license).

Source: H.R. 1349 (DeWine)

Authorize the Secretary of State to revoke the passport of any individual convicted of a felony narcotics violation.

Source: H.R. 4230 (English)

History: Customs officials are now seizing passports at the border when drugs are found. There are constitutional questions regarding whether this proposal interferes with the constitutional right to travel.

Funding:

#### D. Improving prosecution

Review and improve existing federal victims restitution law to ensure that drug users and victimized neighborhoods can receive restitution from drug traffickers.

Source: NYT article on NYC judge who ordered drug trafficker to pay \$2 million in fines for treatment based on formula: amount of heroin seized from dealer, the estimated number of addicts who would use the heroin and the minimum cost of drug rehabilitation per addict per year.

Eliminate the Doctor-Patient evidentiary privilege in any situation in which the patient is attempting to unlawfully obtain a controlled substance by giving the doctor false information.

Source: New Jersey statute

Make technical corrections to existing drug laws including:

- Clarify that mandatory sentences and other penalties apply to conspiracies and attempts to commit drug trafficking offenses;
- Improve forfeiture of drug assets in foreign nations;
- Clarify the coverage of the controlled substance analogue provisions (designer drugs);
- Clarify the relationship between parole and mandatory drug terms;
- Make technical drafting corrections;
- Create mandatory penalties for trafficking in methamphetamine and related chemicals;
- Include tax evasion crimes in money laundering statutes;
- Clarify that federal civil forfeiture proceedings can be stayed when related state, local, or federal criminal charges are also pending;
- Clarify that mandatory penalties apply for possession of a firearm in connection with possession with intent to distribute and drug conspiracies and attempts; and
- Establish forfeiture for non-cash items used to commit drug crimes (i.e. leather jackets and gold chains used to pay teenage mules who distribute drugs).

Source: DoJ, DEA

Require the EPA to work with DEA to determine and report back to Congress regarding: (1) ways to improve upon the efficiency and effectiveness of DEA's ability to obtain environmental impact standards prior to spraying paraquat on cannabis crops and (2) ways in which local, state and federal officials can dispose of seized controlled substances (toxic wastes) more efficiently.

Source: staff

Require, if necessary, the more prompt elimination of seized controlled substances.

Source: staff

Provide some or all of the U.S. Marshall's Service Act.

Source: DOJ

History: Included in the Administration's 1986 drug bill.

Funding:

#### E. Improving prison construction availability

Authorize the Federal Bureau of Prisons to enter lease-purchase agreements in addition to traditional up-front prison construction appropriations (\$50 million each). Under a lease purchase agreement, a private group funds and constructs the prison, which would then be leased to the Bureau of Prisons for a 20 year period (\$7-10 million per year) at the end of which the Bureau would purchase the prison for \$1.

Source: State examples

Require drug traffickers to pay for costs of prison confinement

Require all federal arrestees to pay fine used to fund construction of state prisons.

Source: H.R. 4186 (D. Smith)

History: Federal arrestees now pay a fine

Funding:

- As many federal prisons as possible (\$50 million each)

Source: staff

History: The new (1986) 5 and 10 year mandatory sentences for drug traffickers are causing a dramatic increase in the federal prison population. 35% of the federal prison population was convicted of drug crimes. Federal prisons are already 60% overcrowded. Continued and increased expenditures on interdiction will result in higher prison populations. Without prison construction, a prison crisis will become the next major criminal justice issue, especially at the federal level.

#### F. Enhancing enforcement cooperation

Authorize DOJ to appropriate funds to host INTERPOL activities and permit private donations for such activities.

Source: DoJ

History: Included in DoJ authorization request, Senate passed authorization bill, recently submitted to the Speaker as a separate proposal.

Rename the federal narcotics assistance grant program to states after Edward Byrne, the NYC police officer recently slain by drug traffickers

Source: H.R. 4214 (Rangel)

Provide increased death and retirement benefits for law enforcement officers.

Source: H.R. 4230 (English)

This proposal, strongly supported by police groups has been around for several years. The administration opposes the increases in cost.

Funding:

**RESPONSES TO THE DRUG DEMAND (Administration Themes: Intervention and user accountability)**

A. Deterring demand

Mandate DEA to develop a model state statute to revoke drivers licenses upon a drug possession conviction.

Source: New Jersey is one of four states with this type of legislation. In N.J., the license is suspended for six months. If the drug possessor is not yet of driving age, he must wait an additional 6 months beyond his eligibility.

Alternative: condition federal highway funds on the establishment of this type of prohibition.

Establish, or require DEA to develop a model state statute to establish, drug possession fines equal to 5% of the drug possessor's adjusted gross income from the previous year. Collected fines (probably a small amount at the federal level) could be applied to prison construction, drug rehabilitation, victim's rights, or local law enforcement, etc.

Source: staff

Upgrade the existing general possession offenses to equal the stronger possession offenses for federal land.

Source: staff

History: The 1986 Administration bill included tougher possession penalties across the board. These were reduced to coverage of federal land by the House Judiciary Committee.

Establish federal standards or require the President to establish standards for drug testing labs to be used in federal drug testing.

Source: H.R. 4230 (English) has stronger requirements

Require drug testing of all persons arrested, subject to parole and during parole and probation.

Source: H.R. 3506 (DioGuardi)(parole only)

History: DoJ already has authority to provide this type of drug testing and has done so on a test basis in NYC and Washington, D.C. The results were alarming.

Subject all federal contractors to the drug testing requirements of Executive Order 12564 on drug testing

Source: Committee on Mainstream Adults, National Drug Enforcement Policy Board (NDPB)

Establish a heavy tax on the manufacture or purchase of drug paraphernalia.

Source: staff

Establish greater federal criminal penalties for the possession of drugs and drug paraphernalia in places that endanger the public, i.e. cocaine freebasing in airplane restrooms and manufacturing PCP with ether in apt. buildings.

Source: staff

Prohibit any person convicted for any controlled substance offense from receiving any non-essential federal aid (student loans, agricultural programs, Small Business Administration grants, etc.) for a period of three years.

Source: staff

History: The Rules Committee refused to make in order an amendment to the 1986 drug bill an amendment to prohibit federally subsidized student loans for three years after a drug conviction.

Repeal or amend the existing Hoyer/Mikulski requirement that all federal agencies must have drug testing procedures established before any can be implemented.

Source: Staff

Funding:

#### B. Improving Drug Abuse Prevention Education

Require schools receiving federal education grants to file accountability reports to the states and require states to summarize these reports and forward the information to the Dept. of Education. The Secretary would then have authority to review the reports.

Source: Dept. of Ed.: Included in S.J.Res. 26 & adopted by Senate

Make technical corrections to the education grant sections of the 1986 drug bill.

Source: Dept. of Education, included in S. 2205 (DeConcini)

Prohibit the award of education grants to states that prohibit

drug testing in educational institutions..

Source: Senate Republican 1986 drug proposal.

Funding:

C. Making our neighborhoods drug free

Provide Republican economic, job training, etc. reform to urban areas to provide hope, and jobs, etc. in effort to eliminate despair and the "no escape" mentality that promotes the escape of drug use.

Source: staff

Make being "drug free" a lease requirement on all federal housing programs.

Source: staff

Make job training and literacy opportunities a part of anti-drug use and trafficking efforts.

Source: staff

Funding:

D. Treatment

Make urinalysis part of drug treatment programs and expel institutionalized treatment patients who make clear that they are not serious about stopping their drug use to make room for treatment of others.

Source: staff

Enact strict penalties for drug users in treatment who divert methadone.

Source: staff

Improve capabilities within the criminal justice and treatment systems to provide early detection of individuals with severe behavioral disorders and to require appropriate treatment.

Source: staff

Funding:

**III. SOURCE OF FUNDING**

Fund Republican initiatives by repealing some or all of the \$4 billion "pork" the President highlighted in his State of the Union address.

Source: Staff

Establish an excise tax on Chloroflourocarbons (CFC) that harm the ozone and apply the estimated \$1.5 billion over three years to the drug effort.

Source: H.R. 2854 (Stark) (excise tax only)

## Findings

To date, a blueprint has not been drawn for a drug free America through a total elimination of the importation, distribution and manufacture of illegal drugs.

The use of illegal drugs is one of the nation's most serious problems threatening both the economy and national security.

The control and elimination of drugs is an international problem requiring the involvement and cooperation of all nations.

Drug use is not a victimless crime.

The present policy of containment must be replaced with plan to ensure victory in the war on drugs.

Illegal drugs affect the quality of life of all Americans.

## Purpose

To provide for a drug free America:

By eliminating the supply illegal drugs entering in the United States.

By stiffening civil and criminal sanctions for the possession and use of illegal drugs to stem demand.

By stimulating international cooperation for effective narcotic control.

By providing assistance to foreign nations in eradicating the cultivation of illegal drug crops and their distribution through the sharing of intelligence information and joint civilian and military law enforcement operations with host nations.

By send a signal to America's youth that those who use illegal drugs are accountable for their behavior by restricting Federal education and other assistance to youth's convicted of illegal drug use or possession.

By continuing the federal role as a catalyst for encouraging further development of comprehensive state and local responses to illegal drug use.

By enhancing and expanding the use of the U.S. military in controlling the cultivation and trafficking of illegal drugs in areas outside the continental United States.

By providing for the construction and operation of additional Federal and state detention facilities.

By eliminating the potential for profit through the seizure and forfeiture of assets.

### Asset Forfeiture

#### 1. Administrative funds for U.S. Marshall Service

This provision would streamline procedures used by the U.S. Marshall's Service in the administration and disposal of assets seized and forfeited in accordance with the Comprehensive Drug Abuse and Control Act.

#### 2. Concealment of assets

This provision would make it a criminal offense to knowingly assist an individual conceal assets, which may be subject to seizure or forfeiture, from law enforcement agency investigating possible drug law violations.

#### 3. Postal Service forfeiture authority

This provision would permit the Attorney General to enter into an agreement with the Postmaster General to assist in the enforcement of the Comprehensive Drug Abuse and Control Act and to conduct forfeitures under that Act in postal related drug cases.

#### 4. Federal forfeiture judges

This provision would authorize the establishment of new federal judges to be responsible for the consideration and disposition of assets seized and forfeited pursuant to the Comprehensive Drug Abuse and Control Act.

### Coast Guard

#### 1. Authorization of funds

This provision authorizes \$45 million to the Coast Guard for fiscal year 1988 to make up a their budget shortfall and ensure adequate funding is provided for drug interdiction activities.

#### 2. Drug testing of boat operators

This provision would amend P.L. 98-557 by requiring intoxication standards be established for drugs for operators of vessels in waters under the jurisdiction of the Coast Guard.

### Commerce

#### 1. Ports of entry

This provision would restrict commercial vessels with cargo originating or transhipping from countries certified by the State Department to be a drug producing country to specific ports of

entry and quarantined for such periods as are necessary to provide sufficient time for a thorough search of all goods and products by the U.S. Customs Service. The Customs Service is authorized to assess special fees or charges to cover any additional costs to the Custom's Service for such inspection. *Customs?*

### Customs Service

#### 1. Use of deadly force

This provision would provide authority to the U.S. Customs Service to use deadly force during drug interdiction efforts in the interception of planes entering or leaving the United States. Further, the Customs Service would be indemnified from liability for damages or injuries resulting from such interdiction efforts.

### Department of Defense

#### 1. Posse Commitatus

This provision, which is essentially the same as language which has passed the House several times in past years, would amend Title 10 of the U.S. code to allow U.S. military forces to actively participate in drug interdiction outside the borders of the United States and/or its territories or dependencies.

Two changes in the provision from past years would be the inclusion of language which would allow military forces to continue "hot pursuit" of smugglers from international air space or waters into U.S. territory and language which would require the Secretary of Defense to prepare, within one year, a plan detailing how military forces will be utilized in drug interdiction activities. Legislative language would require that such a report be prepared assuming that the full range of conventional resources of the defense department be made available for drug interdiction. Finally, the provision would authorize the use of deadly force to apprehend or prevent the escape of smugglers attempting to flee from international airspace or waters to the airspace or waters of a foreign nation subject to previous agreement with the foreign nation.

#### 2. Suppression of international narcotics is a major U.S. national security objective

This sense of the Congress provision states that suppression of international narcotics trafficking is a major national security objective of the United States and our number one national security objective within the Western Hemisphere.

### Department of Education

#### 1. Grant and loan prohibition

This provision would prohibit the Secretary of the Department

of Education from making federal student aid (guaranteed student loans, National Direct Student Loans, Pell Grants, work-study grants) available to anyone convicted of a drug-related offense. If an individual is receiving financial assistance at the time of the conviction, such assistance is to be terminated. No funds would be granted to (or used to guarantee a loan for) anyone who has been convicted of the possession, use, manufacture, or distribution of a controlled substance as defined under 21 U.S.C. 802. The Secretary of Education shall be required to confirm that all applicants comply with this section.

### Drug Testing

#### 1. Research

Authorize the National Institute of Justice necessary funds to set up a block grant for 5 years to perform research on Drug Use Forecasting (similar to research performed in 1986 by Narcotic and Drug Research, Inc of NIJ). The purpose of the research is to interview and obtain voluntary urine specimens from persons who had recently been arrested. The results will provide statistics regarding the linkage between drug-use and criminal offenses.

#### 2. Eligibility for parole

This provision would amend title 18 of the United States Code to require mandatory drug testing of individuals requesting release on parole. The individual would be required to test negative to be eligible for parole.

#### 3. Random testing of individuals on probation.

This provision would require random drug tests of individuals on probation. If an individual tests positive for drugs at any time during the probation period probation would be suspended.

### Drug Treatment

#### 1. Center of Pregnant Women

This provision would amend the Anti-Drug Abuse Act of 1986 by authorizing a demonstration project for the establishment of residential drug treatment centers for pregnant women. Further, the provision prohibits discrimination by any individual or organization receiving funds under the Act against any woman who is pregnant and requests assistance.

### Federal Lands

#### 1. Investigative authority for National Forest Service law enforcement personnel

This provision would amend the National Forest Drug Control

Act of 1986 by removing the constraint on National Forest Service law enforcement officers from investigating drug related offenses occurring on Forest Service lands beyond the boundaries of such land. The current restriction has created a major obstacle to the accomplishment of an effective National Forest System drug control program. This provides consistency with Forest Service jurisdiction for other violations related to the administration of the National Forest System.

## 2. Illegal use of poisons and chemical on Federal lands

This provision amends the National Forest Drug Control Act of 1986 to provide that any person who willfully endangers the environment, or human or animal life may be sentenced to a term of imprisonment and fined and held liable for the costs of removal, decontamination, and appropriate disposal of such chemicals. The use of poisons on and around marijuana plots in National forests to deter wildlife from feeding on the plants is a serious problem. Currently, there are no penalties for the use of such poisons or chemicals on Forest Service property.

## 3. Increased penalty for use of boobytraps on Federal property

This provision amends the National Forest Drug Control Act of 1986 to increase the monetary penalties to \$50,000 for the first offense and \$100,000 for one or more prior convictions for the use and placement of a boobytrap on Federal property where a controlled substance is being manufactured, distributed or dispensed.

## Foreign Country Initiatives

### 1. Reporting of foreign financial transactions

This provision would provide the Secretary of the Treasury with authority to require any financial institution which transmits or receives a wire transaction with a foreign country to report to the source, amount, destination and route of funds transferred.

The Secretary of The Treasury is to designate an agency to receive the report and insure that its contents are available to interested law enforcement agencies. The information contained in this report is to be considered classified unless used in a criminal prosecution and would not be available under the Freedom of Information Act. Unauthorized disclosure of information in the report is punishable as a felony.

The agency designated to receive the report is to issue regulations regarding the frequency of reporting, the format of the report and the medium on which the report is transmitted including magnetic medium capable of being loaded directly into government computers. The designated agency is to issue regulations governing access to and use of information contained in the report and consult with interested law enforcement agencies

before issuing such regulations.

## 2. Assistance to foreign countries for drug interdiction

This provision would allow the Secretary of Defense to provide military personnel and equipment to assist foreign nations in drug interdiction efforts. Assistance would be provided upon request of the head of State of a foreign nation and upon the recommendation of the Drug Enforcement Agency. Further, assistance would be in accordance with a plan prepared by the foreign government, the DEA and the Department of Defense. Law enforcement personnel of the country requesting assistance are to be used to the greatest extent feasible and U.S. military equipment and/or forces would be used where needed. Once the plan was approved by the President of the United States and the head of state of the foreign nation, the plan would be implemented. The President and the head of the foreign nation are to determine the sharing of costs associated with such assistance.

## Penalties

### 1. Mandatory Federal death penalty for drug kingpins

This provision amends the Controlled Substances Act by requiring a mandatory Federal death penalty sentence if an individual knowingly or willfully contributes to the death of another individual in a drug related crime.

### 2. Crack

This provision would increase the penalty for the possession of crack and lower the amount (in grams) for which possession is considered a criminal offense. A mandatory prison term would be required for conviction of the possession of a minimum of 5 grams, for the possession of 3 grams if a second offense, and the possession of 1 gram if a third offense.

### 3. Precursor drugs/chemicals

This provision would require manufacturers, distributors, importers and exporters to keep records and report certain precursor chemicals and drugs to the Attorney General. Violators would be prohibited from manufacturing, distributing, importing and exporting of such drugs for up to ten years and forfeiture of substances and subject to criminal penalties.

### 4. Increased monetary penalties and sanctions

This provision would increase the monetary penalty for drug related offenses to \$100,000 for a first offense and \$500,000 for a second offense. Also, any individual convicted of a drug related offense would be ineligible for any license or permit issued by a federal agency.

## Postal Service

This provision permits Postal Service Inspectors to investigate individuals and organizations for the purposes of enforcing the Drug Abuse Act in cases where they use the postal service mail system to distribute controlled substances as defined by 21 U.S.C. 802.

## Prisons

### 1. Prison construction

This provision would authorize an additional \$200 million in each of the next three fiscal years to the Bureau of Prisons for prison construction.

## State and Local Law Enforcement Activities

### 1. Grants

This provision would amend Subtitle K of Title I of the Anti-Drug Abuse Act to require state/local governments to provide matching funds (50-50 share) for programs supported with funds from the State and Local Law Enforcement Assistance Act.

## Miscellaneous

### 1. Clarification of handicapped status

This provision would amend Section 504 of the Rehabilitation Act to clarify that an individual using a controlled substance as defined by 21 U.S.C. 802 is not considered a handicapped individual and therefore, is not a protected class in civil rights cases.b

4/18/88

BUDGET CATEGORIZATION

This listing summarizes all the funding provisions of S. 2205, the "Omnibus Anti-Drug Abuse Act of 1988", and compares them to the original President's Budget for FY 1988, the enacted FY 1988 levels, and the President's Budget for FY 1989.

The items included in the attachment are categorized in the following manner:

- "1" - Exceeds the President's Budget and in and of itself is highly objectionable, involves truly wasteful or duplicative spending, or is in conflict with stated Administration priorities, e.g., federalism.
- "2" - Exceeds the President's Budget but that's its only major flaw. In most cases these items are already funded in the President's Budget but at lower levels than those proposed in the bill.
- "3" - Exceeds the President's Budget but the item has merit. These are the items we would most strongly support if a decision is made to support funding initiatives not contained in the President's Budget.

These categorizations were developed by OMB staff with input from only some of the agencies. More agency input is expected in the next several days.

Note: This document does not address the many non-funding provisions contained in the bill. These are addressed in a separate document.

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

<u>Section</u>	<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</u>	<u>Category/Comments</u>
<u>TITLE I - DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT</u>						
Sec. 143- Sec. 144	Grants	6	86	7	255	1 - Authorizes a State and local grant program that recreates LEAA. Authorizes \$250M in FY89 (plus \$5M for administration), \$500M in FY90 and \$750M in FY91. Essentially combines two current DOJ grant programs we oppose: State and Local Assistance which has spent \$160M since 1984 and the Anti-Drug Abuse grants created by the last drug bill which has spent \$295M since 1986. These programs were not intended to establish long term dependence on Federal monies.
Sec. 173	Death Benefits	10	9	10	10	3 - Doubles death benefits payable to Federal, State or local public safety officers from \$50,000 to \$100,000. Impact would double the FY89 Pres. Bud., although the bill does not authorize additional appropriations. The

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						Administration has recently agreed not to oppose this provision, provided funds come from within existing DOJ appropriations.
Sec. 192	Coast Guard Interdiction	4	4	4	45	2 - Adds 800 FTE for drug enforcement purposes.
Sec. 193	Customs Enforcement	61	81	78	30	2 - Adds 600 FTE for drug enforcement purposes. Drug enforcement FTE have grown by 25%, (from about 4,000 in 1986 to about 5,000 in 1989). The additional 600 FTE are not necessary since Customs can fully operate all its existing equipment and assets with its current staffing level. Customs would be able to bring this many new people on board.
Sec. 194	INS Border Patrol				20	3 - Adds 500 FTE for Border Patrol. The Pres. Bud. projects this increase in FY90, but adding them in FY89 is consistent with the Immigration Reform Act. INS could hire this many people in FY89.
Sec. 195	INS Criminal				3	2 - Adds 50 FTE for criminal investigators.

<u>Section</u>	<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</u>	<u>Category/Comments</u>
Sec. 195A	INS Drug Investigations				16.1	1 - Adds 175 Special Agent and support positions to increase INS' involvement in the Organized Crime Drug Enforcement Task Force in New York City. This is too large an increase, considering INS only joined the task force this past year. Current level of effort:
Sec. 196	BATF				8	2 - Adds 130 FTE for BATF's Armed Career Criminal Apprehension program and 10 FTE to establish a BATF Drug Education officers program. Also earmarks \$750K of this to pay overtime salaries and other expenses of State and local law enforcement agencies involved with BATF investigations.
Sec. 197	DEA Enforcement	393	371	395	60	2 - Adds 224 FTE for drug enforcement programs, of which 5 positions are to establish a DEA Drug Education officers program.
Sec. 198	FBI	112	102	111	38	2 - Adds 400 FTE Special Agents for drug investigations, of which 5 positions are to establish a FBI Drug Education officers program. These agent positions were requested in the FBI's FY89 OMB request but denied.

<u>Section</u>	<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<u>Category/Comments</u>
Sec. 198A	Marshals	84	73	83	74	2 - Adds 741 FTE earmarked for the following purposes: asset seizure and forfeiture activities, maintenance of Federal cell block areas with upgraded security equipment, criminal justice support activities such as prisoner production and transportation, court security, increased workload of the Witness Security Program, and more drug-related investigations and arrests of fugitives in the U.S. and foreign countries. These items were all requested by the Marshals in their FY89 OMB request but denied. Also included is \$20M for the Cooperative Agreement Program doubling the \$20M already 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, it may be difficult to buy any additional beds, therefore, this last item is catagorized a 1.

<u>Section</u>	<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<u>Category/Comments</u>
Sec. 198B	Prisons	982	931	1,400	200	3 - Would add about 2,800 beds to the 7,800 already requested by the President in 1989 and the 4,900 requested in 1988. The Pres. Bud. does have additional construction money in FY90, and if the \$200M were appropriated in FY89, the Pres. Bud. in the outyears could be reduced accordingly. However, because the Federal Prison System is currently overburdened with the extremely rapid expansion already underway, these additional funds could not be spent effectively during 1989. Current budget plans would reduce overcrowding to 20% by 1995.
Sec. 198C	Attorneys	103	81	96	10	2 - Adds 200 FTE for Attorneys and support staff.
Sec. 199	Rewards	0	0	0	?	? - Authorizes a \$10,000 reward to individuals assisting in arrest of Federal fugitives, to be paid out of the general fund of the Treasury. No estimate of payments or cap is contained in the bill. An alternative source of funding would be to impose a penalty on the fugitives, although many would not have the resources to pay.

<u>Section</u>	<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<u>Category/Comments</u>
Sec. 199C	President's Commission	0	0	0	1	1 - Authorizes \$1M per year for FY89-91 for a Presidential Media Commission on Alcohol and Drug Abuse Prevention. This Commission was authorized by the 1986 Drug Bill but no funds were appropriated for it. It would be wasteful and unnecessary.

TITLE II - INTERNATIONAL NARCOTICS CONTROL AND ASSISTANCE TO FOREIGN COUNTRIES

Sec. 201	INM Eradication Squadron	15	15	18	12	2 - The current INM Interregional Aviation program which supports eradication and interdiction efforts in source and transit countries is adequate.
Sec. 211	AID Economic Assistance	13	21	18	200	1 - Authorizes three-year program (FY89-91) at \$200M annually to provide economic assistance to source countries which meet specific eradication goals. This exceeds the ceiling set for function 150 in the Bipartisan Budget Agreement. Also, AID believes it is funding income substitution programs at appropriate levels in the few countries where it is useful.

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						Large increases in funding might induce farmers not currently involved in production of illicit crops to begin production in order to qualify for the government payments to stop growing. Five percent of the authorization is to go to DEA for its help with certain provisions of the program.
Sec. 230 & Sec. 238	INM Eradication	84	84	83	38	2 - The FY89 Pres. Bud. 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.

TITLE III - DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

Sec. 310	Coast Guard Interdiction	571	510	616	186	1 - Pure pork. The money is not directed for specific purposes in the bill, 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.
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<u>Section</u>	<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</u>	<u>Category/Comments</u>
Sec. 320	Customs Interdiction	265	357	364	125	1 - Funds 3 more P-3 aircraft, additional helicopters, interceptor aircraft, vessels, intelligence center upgrades, etc. The FY89 Pres. Bud. already provides many such capital enhancements. We should evaluate Customs' use of these assets before acquiring more.
Sec. 330	DOD				100	1 - Earmarks funds as follows: \$75M for 4 radar balloons (aerostats), presumably for the Gulf coast; \$15M for DOD support to law enforcement agencies; and \$10M to refurbish surplus DOD aircraft, helicopters and other equipment for the INM Eradication Squadron proposed in Sec. 201 of this bill. The Administration opposes funding the missions of law enforcement agencies in the DOD budget. If funding for these items were appropriated to the appropriate agencies (Customs, Coast Guard, INM, respectively), this section could be re-categorized a 3.
Sec. 341 part 1	DEA International	94	89	102	44	3 - Establishes an International Drug interdiction helicopter force. Such a force is not

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						wanted by DEA and the agency would have a difficult time spending the money in FY89 if it were forced to spend it on helicopters (DEA doesn't have enough helicopter pilots to fly them). If the earmarking of the funds was deleted, DEA could probably make productive use of these additional funds.
Sec. 341 part 2	DEA Intelligence	30	29	36	4	3 - Funds El Paso Intelligence Center above level requested by DEA in its FY89 OMB request. However, could probably be used productively.
Sec. 351	INS Interdiction	18	18	17	20	3 - Provides equipment funding for Operation Alliance-type activities (an Administration initiative). INS is the only agency that didn't receive funds for Alliance in the 1986 drug bill, but INS can get by with equipment it received through the Immigration Reform Act.
Sec. 361	Treasury/Justice Border Task Force	0	0	0	15	1 - Establishes a mobile Southwest Border task force, staffed by INS, DEA and Customs. This duplicates the Administration's Operation

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						Alliance, which has been successfully operating for over a year. If the requirement to establish a new task force were dropped, and the agencies could use the funds for Operation Alliance, this could be re-classified a 3.
Sec. 362	U.S.-Bahamas Task Force	0	0	0	13	3 - 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. Such a task force already exists and is working fairly well. Additional funds could be used to augment it.
Sec. 372- Sec. 375	Grants to Territories and Countries	0	0	0	26	1 - 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 help fund an aerostat partially funded in 1988 (identified by the Administration as "pork" in

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						recent write-ups). This aerostat is a low priority of the Customs Interdiction Strategy. In general, we oppose grants to foreign countries, and see no justification for the grants to Hawaii or Puerto Rico.
<u>TITLE IV - DEMAND REDUCTION</u>						
Sec. 401	Treatment Demonstrations	45	52	48	20	2 - The Public Health Service already performs these types of demonstrations.
Sec. 410 part 1	Block Grant	495	487	509	50	2 - 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.
Sec. 410 part 2	Treatment Grants	0	156	166	434	1 - Reauthorizes 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.

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						Although the President's Budget supports this program, the level (\$434M) by which it exceeds the President's request qualifies it as a 1. 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 not now authorized.
Sec 421	Education Drug Grants	100	230	250	50	2 - Makes substantive amendments to Education's program which are not objectionable. However, the increased authorization is unwarranted at this time. We do not have even one year of experience with the program. The FY89 Pres. Bud. already increases the program from \$230M to the fully authorized level of \$250M. There is no evidence that more is needed.

<u>Section</u>	<u>Item</u>	FY 88 Pres. <u>Bud.</u>	FY 88 <u>Approp.</u>	FY 89 Pres. <u>Bud.</u>	S. 2005 <u>Add-ons</u>	<u>Category/Comments</u>
<u>TITLE V - NATIONAL DRUG ENFORCEMENT AGENCY REORGANIZATION AND COORDINATION</u>						
Sec. 534	Congressional Committee	0	0	0	0.4	No comment. Establishes a Senate Select Committee on Narcotics Abuse and Control to study drug issues.
<u>TITLE VI - RESEARCH AND DEVELOPMENT FOR LAW ENFORCEMENT AGENCIES</u>						
Sec. 602	DOD R & D	43,719	36,695	38,157	76	1 - 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.
Sec. 603	Customs R & D	1	2	1	5	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.

<u>Section</u>	<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<u>Category/Comments</u>
<u>TITLE VII - DRUG ENFORCEMENT TRAINING IMPROVEMENT</u>						
Sec. 701	FLETC	23	29	27	10	1 - Earmarks funds to increase the level of training for Federal, State and local officials at the Federal Law Enforcement Officers Training Center. If the earmarking were dropped, the extra funds could be used for facilities expansion, which would make it possible to provide all the training that DOJ, Treasury and others need. Such a change could re-categorize this section a 3. But to spend the additional funds wisely, much should be transferred to a no-year account for facilities expansion and improvement. Otherwise, FLETC would probably use the money to increase the current subsidy for State and local trainees but not training any additional personnel.
Sec. 702	Justice Training Center	N/A	N/A	N/A	20	1 - Authorizes an additional \$10M, presumably for the FBI's training academy at Quantico, VA., and \$10M for expansion and creation of new DOJ training facilities. This section is

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						objectionable because the Quantico expansion is totally unnecessary and the second \$10M will give added impetus to DOJ efforts to provide its own training rather than using FLETC.
Sec. 703	Foreign Language Training	N/A	N/A	N/A	11	2 - Authorizes additional funding for foreign language training for Customs (\$5M), DEA (\$5M) and INS (\$1M). For Customs, the training would be helpful in that passenger inspections of foreigners would be more efficient and less time consuming. The INS already provides foreign language training for its personnel; all Border Patrol agents currently receive intensive training in Spanish. DEA provides training where needed.
Sec. 704	Prison Officials Training	N/A	N/A	N/A	10	1 - Establishes a national training center in Oklahoma for Federal, State and local prison officials in drug rehabilitation programs . FLETC and the National Institute of Corrections

<u>Section</u>	<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</u>	<u>Category/Comments</u>
						already provide training for these officials. Drug rehabilitation programs at these existing facilities could be expanded rather than establish a new center.

TITLE X - FUNDING; ACCOUNTS

Sec. 1001- Sec. 1003	IRS Revenue Initiative	3,100	3,100	3,200	287	? - 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 which OMB can neither defend nor refute. Identifying funds actually received due to this revenue initiative will be impossible since base revenue receipts are not known. This initiative violates Bipartisan Budget Agreement as OMB interprets it, as revenue initiatives are to be used only to reduce the deficit, not to expand Government programs. IRS staffing is already increased in the FY89 Pres. Bud. by ___ FTE, and IRS would have a very difficult time bringing on board an additional 6,842 FTE in one year.
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<u>Section</u>	<u>Item</u>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<u>Category/Comments</u>
Sec. 1004	BATF Collections	N/A	N/A	N/A	4	? - 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 probably generate no additional revenue not already scored.
Sec. 1005	Debt Collection	N/A	N/A	N/A	0	? - The bill directs that the Government shall increase its debt collection activities, thereby yielding \$2 billion in each of fiscal years 1988 and 1990 above the estimates contained in the FY89 Pres. Bud. Collecting an additional \$2 billion is probably impossible, and it is doubtful whether any collections above the levels estimated in the Pres. Bud. is achievable. The title also directs agencies to keep 15% of any collections above their established targets and requires a 15% reduction in program funds if an agency fails to meet its target. This would infringe upon the budget process and may be illegal.

N/A = Not Available.

SUMMARY OF SUBSTANTIVE/NON-BUDGET ITEMS IN S. 2205 - THE OMNIBUS  
ANTIDRUG ABUSE ACT OF 1988

Office of Management and Budget  
April 18, 1988

## OVERVIEW

This listing summarizes all but the most minor provisions of S. 2205, the "Omnibus Antidrug Abuse Act of 1988."

The items included in the attachment are categorized in the following manner:

- "A" - A particularly objectionable provision; so objectionable that it could, when considered with other items in this category, form the basis for a veto recommendation.
- "B" - An objectionable provision, but not so objectionable as to warrant inclusion in category "A;" a "B" item would likely be mentioned in any formal communication to the Congress that presents the views of the Administration in a comprehensive manner.
- "C" - A somewhat objectionable provision, but one that no one in the Administration is likely to care much about, one way or another.
- "NOB" - No objection; Administration is not aware of any reason to oppose.
- "S" - Support.

Some of the categorizations contained in this summary are of necessity rather subjective and are, of course, subject to change as the bill is reviewed by Administration policy officials and after receipt of formal views from key agencies (viz., the Departments of the Treasury and Justice).

Note: In general, this document does not address funding directly. Budget-related items are covered in a separate attachment.

SUMMARY OF MAJOR PROVISIONS IN THE OMNIBUS ANTIDRUG ABUSE ACT OF 1988

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
<u>TITLE I - DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT</u>			
Sec. 102	Assets/Customs Forfeiture Funds	Takes DOJ Assets and Customs Forfeiture Funds off-budget; exempts them from all budget controls, including GRH; deletes existing requirement that expenditures from funds are subject to limitations in appropriations Acts; requires surpluses in Justice fund to go to prison construction and support of prisoners in non-Federal institutions; and exempts procurements of supplies and services under the Funds from the procurement laws.	A - Budget treatment of this kind is unjustified; funds for prison construction should be discretionary.
Sec. 103	Equitable Sharing	Requires the AG to ensure that forfeited property is shared with State and local law enforcement agencies that participated directly in a seizure or enforcement action.	NOB - Provision should be amended to give AG discretion in deciding whether to share. Could restrict use of of funds for prisons.
Sec. 110 - Sec. 145	State and Local Grant Programs	Establishes new and expensive (\$1.5 billion, FY 89 - FY 91) formula and discretionary grant program for State and local drug control programs; establishes Bureau of Justice Assistance (BJA) by statute; requires BJA to complete an annual "National Strategic Drug Control Plan;" makes permanent the pilot State prison construction grant program -- never funded -- (and increases the Federal match to 80% from 20%); and authorizes additional funds (\$5 million) for BJA.	A - This is how LEAA got started.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
Sec. 154 - Sec. 161	Chemical Diversion and Trafficking	Establishes a new regulatory scheme concerning the sale and distribution of "precursor" and "essential" chemicals (i.e., those used in manufacturing controlled substances); creates criminal penalties for violations.	S - Similar provisions were in President's 1986 drug bill.
Sec. 171 - Sec. 177	Law Officer Compensation and Retirement	Increases PSOB death benefit from \$50,000 to \$100,000; permits payments to be made to parents of deceased officer who are not "dependents;" establishes new Advisory Commission on Law Enforcement (located in the Legislative branch but with members from Executive branch) to make recommendations on law enforcement pay, recruitment, retention, and the like.	NOB - (PSOB increase); B - (new Commission - impinges on President's responsibilities).
Sec. 182 - Sec. 185	Deportation of Foreign Drug Inmates	Establishes procedures for the deportation of "violent criminal aliens."	NOB; could be strengthened by charging fees to aliens.
Sec. 188(b) and (c)	Customs Enforcement	Requires aircraft pilots to report to Customs upon departure from the U.S. and establishes civil penalties for violations.	NOB
Sec. 188(d)	Customs Enforcement	Increases penalties for failure to declare controlled substances.	NOB
Sec. 188(e)	Customs Enforcement	Permits Customs to board vessels on the high seas and, with consent, in the contiguous zone, territorial seas and internal waters of foreign countries.	A - Such a broad expansion of Customs' authority is uncalled for, may raise foreign policy and agency jurisdictional problems.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
Sec. 188(f)	Customs Enforcement	Makes various technical changes with respect to declarations of forfeiture.	NOB
Sec. 188(g)	Customs Enforcement	Permits sharing of seized property with State and local law enforcement agencies if agencies "cooperate" with Customs in joint law enforcement operations (compared to "participated directly" in current law); also permits sharing property with foreign governments; permits retention of forfeited property for use by Customs.	B - No justification for such a relaxation of current law.
Sec. 188(h)	Customs Enforcement	Permits fines to be imposed for the costs of prosecution and investigation of certain offenses (e.g., money laundering).	NOB
Sec. 189	Passport Restrictions	Authorizes State to stamp passports of those convicted of drug offenses; requires revocation of passports of persons convicted of drug offenses; prohibits issuance of passport to a person convicted of a drug offense for 20 years after conviction (in the case of a felony) or 5 years (in the case of a misdemeanor).	? - State has "serious concerns;" no staff consensus; possible civil liberties concerns.
Sec. 190	Treasury Enforcement	Provides Treasury with enhanced enforcement authority (e.g., by permitting Treasury employees to administer oaths, subpoena witnesses, and compel the attendance of witnesses); also permits Treasury to "invoke the aid of any court of the United States" to compel compliance with a subpoena.	B (tentative) - Justice likely to object (as in the past).
Sec. 191	Customs Enforcement	Establishes a civil penalty (\$10,000) for failure to comply with certain Customs reporting requirements.	NOB

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
Sec. 195A	Organized Crime	Permits INS, as part of the Organized Crime Drug Enforcement Task Force in NYC, to hire non-Federal law enforcement officers if "insufficient" Federal officers are available.	C
Sec. 199	Rewards for Fugitive Capture	Authorizes rewards of up to \$10,000 for information leading to the capture of certain fugitives.	C; should try to relate costs to forfeitures.
Sec. 199A	Weapons in Courthouses	Makes it unlawful to possess a firearm or other dangerous weapon in a Federal courthouse.	Support
Sec. 199B	U.S. Prisoners in Non-Federal Institutions	Authorizes Justice to make payments to support U.S. prisoners in non-Federal institutions (in essence codifying current practice).	NOB; provision unnecessary.
<u>TITLE II - INTERNATIONAL NARCOTICS MATTERS</u>			
Sec. 201	Drug Source Eradication	Establishes a "Special Operations Eradication Squadron" in State for deployment in foreign countries that request eradication assistance.	B - Unnecessary and duplicative.
Sec. 211	Economic Assistance	Establishes a 3-year grant program (\$200 million per year), administered by AID and DEA, for countries that meet verified eradication goals.	A - an unneeded budget-buster
Sec. 220	Presidential Certifications	Revises the criteria to be used by the President in certifying that foreign countries are cooperating adequately in the drug war.	NOB - State wants a technical amendment.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
Sec. 230 - Sec. 234	Earmarking/ Reallocation	Earmarks certain appropriations for various specific purposes (e.g., for research on herbicides); reallocates funds withheld from countries whose drug-related cooperation is not adequate.	B
Sec. 235 - Sec. 236	Bolivia/ Mexico	Imposes limitations on aid to Bolivia and Mexico.	B; President needs flexibility.
Sec. 239	Model Treaties	Requires State and Justice to develop a model extradition treaty with respect to narcotics-related offenses.	C
Sec. 240	Reporting Requirement	Requires the President to report annually on transfers of seized property to foreign governments.	NOB
Sec. 241	Statement of Policy	States that suppression of international narcotics trafficking is one of the most important foreign policy objectives of the United States.	NOB
Sec. 242	Narcotics Reports	Extends an existing requirement that State's annual narcotics control report include comments prepared by DEA and Customs.	C
Sec. 243 - Sec. 244	Maximum Achievable Reductions in Drug Production	Requires the President's determination of the maximum achievable reductions in illicit drug production to be stated in numerical terms; also requires a report on any assistance to a foreign country that was denied during the preceding fiscal year.	B; impinges on President's discretion.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
Sec. 250 - Sec. 252	Latin American Antidrug Strike Force	Mandates a multinational strike force, with responsibility for establishment resting with new "Ambassador at Large and Coordinator for Western Hemisphere Antidrug Efforts" in State and JCS in DOD. Strike force would be established by "treaty or executive agreement." For planning purposes, strike force would be equipped United States material. Requires the President to submit a supplemental within 120 days of for funding the strike force.	B - Need highly questionable; raises significant foreign policy concerns; efficacy uncertain; mandatory supp highly objectionable.

TITLE III - DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

This title is concerned only with funding matters.

TITLE IV - DEMAND REDUCTION

Sec. 401	Grant Provisions	Makes minor amendments to the Public Health Act with respect to grants for assistance to drug abusers (e.g., by allowing funds to be used for treatment of certain otherwise ineligible persons).	NOB
Sec. 412 - Sec. 413	Substance Abuse Treatment Facilities	Permits States to use up to 40% of their block grant funds for construction and renovation of facilities.	B - Undesirable precedent. Use for construction not permitted to date.
Sec. 423 - Sec. 430	Drug Free Schools	Makes various changes in grant procedures under the Drug Free Schools Act (e.g., by increasing State reporting requirements).	S - Changes sought by Administration.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
<u>TITLE V - NATIONAL DRUG ENFORCEMENT AGENCY REORGANIZATION</u>			
Sec. 503 - Sec. 514	Treasury/ DOT Reor- ganization	Transfers the Coast Guard to Treasury; establishes a new Undersecretary of the Treasury for Enforcement and Border Affairs and new offices of "Enforcement and Border Affairs" and "Border Management Affairs," each headed by an Assistant Secretary and each reporting to new U/S. USCG to be switched to function 750.	A - USCG operates well in DOT. This is a major issue, requiring high level policy decision.
Sec. 520	DOD Drug Interdiction	Establishes a drug interdiction czar within DOD by mandating appointment of a Deputy Assistant Secretary for Drug Interdiction and Enforcement; the czar must be a civilian.	B - Not needed; restricts President's discretion.
Sec. 530	Select Committee	Establishes a Senate Select Committee on Narcotics Abuse and Control.	Defer to Congress.
<u>TITLE VI - R&amp;D FOR LAW ENFORCEMENT AGENCIES</u>			
Sec. 601	Research and Technology Group	Establishes a "Research and Technology Group" under the NDPB to review research and related programs of DOD and other agencies and to assess their applicability to law enforcement. Requires the AG to establish an Advisory Board (with members from industry, academia, and Federal agencies) to advise the Research and Technology Group.	C
Sec. 602	National Technology Development Centers	Establishes at DOD, Justice, and elsewhere "National Technology Development Centers" to provide R&D support to law enforcement agencies; requires OMB to prepare a supplemental budget request for the Centers; and requires that no less than .002 of DOD's R&D budget be made available to support research at the Centers for law enforcement agencies.	A - Earmarking of DOD funds is not acceptable. Requirement for supp highly objectionable.

<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
<u>TITLE VII - DRUG ENFORCEMENT TRAINING IMPROVEMENT</u>			
Sec. 704	Advisory Panel	Establishes a "National Advisory Panel on Prison Rehabilitation Programs," consisting of 5 members, appointed by BJA and the Congress; gives the Panel "oversight responsibility for the daily operations" of a proposed national training center for prison officials running drug rehabilitation programs.	B - Advisory Panel is unnecessary; raises separation of powers concerns.
<u>TITLE VIII -- DRUG TESTING IN PRIVATE SECTOR</u>			
Sec. 801	Drug Testing	Prohibits a private employer from hiring, firing, or taking adverse action against an employee on the basis of a drug test, unless the test was conducted by a laboratory meeting certain guidelines promulgated by HHS.	B - OIRA says the HHS guidelines are much too burdensome.
<u>TITLE IX - CONGRESSIONAL POLICY REGARDING ADDITIONAL FUNDING FOR FISCAL YEAR 1989 FOR ANTIDRUG ABUSE PROGRAMS</u>			
Sec. 901	Congressional Policy	Expresses sense of the Congress that all programs and initiatives in the bill are critical, and that the President's FY 1989 Budget "does not provide sufficient funding to launch a full scale assault on the drug abuse problem." Also provides that the terms of the Bipartisan Budget Agreement should be amended, if necessary, to accommodate the level of new budget authority contained in the bill. States that it is Congress' "intent," among other things, that the President direct OMB to include "sufficient" funding in the FY 1990 and FY 1991 budgets to "fully annualize" the entire cost of the programs and initiatives contained in the bill.	A - President's budget is sufficient; "intrudes" on Presidential prerogatives.

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<u>Section</u>	<u>Item</u>	<u>Description</u>	<u>Category/Comments</u>
<u>TITLE X - FUNDING</u>			
Sec. 1001 - Sec. 1004	IRS/BATF Receipts	Attempts to offset costs of enactment of the bill by generating additional collections from IRS and BATF activities.	A - As a whole, title X is disingenuous; it cannot possibly generate collections of the magnitude claimed.
Sec. 1005	Debt Collection	Establishes a <u>de facto</u> Chief Financial Officer for the Federal Government (a new Undersecretary of the Treasury for Debt Collection and Credit Management), who would be the principal advisor to the President on credit management and debt collection policy; removes all authority of OMB in these areas; requires that the total amount of delinquent debt owed the U.S. be reduced by the amount targeted for collection in the President's 1989 budget, plus \$2 billion; and permits agencies to retain 15% of the amount by which their debt collections exceed the targeted amounts.	In addition to the above, this provision is highly objectionable in its own right: preempts on-going CFO initiative; removal of OMB's authority most troublesome; \$2 billion in new collections not "doable."
Sec. 1006	Trust Fund	Establishes the "Antidrug Abuse Trust Fund;" appropriates to the Fund amounts equivalent to amounts received from collections resulting from enactment of title X of the bill that are over and above assumptions contained in 1987 OBRA and the 1988 CR; and provides that amounts in the Trust Fund shall be available to carry out the purposes of the bill, as provided in appropriations Acts.	See above. Establishment of new Trust Fund is objectionable.