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4/26/88

FEDERAL DRUG PROGRAM
Budget Authority in Millions

	1988 Enacted -----	1989 President's Budget -----	S. 2205 Add-ons -----
Interdiction	978.8	1,094.6	580.0
Investigations	611.9	646.6	125.1
International	207.2	219.6	294.0
Prosecution	156.4	183.5	84.0
Corrections	400.7	601.6	200.0
Intelligence	39.8	47.0	4.0
State and Local Assistance	91.6	21.2	265.0
Research and Development	15.0	21.0	5.0
Regulatory and Compliance	22.8	23.5	0.0
Prevention	562.1	612.6	61.0
Treatment	378.2	431.5	494.0
Other	0.0	0.0	51.4
Revenue generation	0.0	0.0	291.0
	-----	-----	-----
Total	3,464.4	3,902.6	2,454.5

	A	B	C	D	E	F	G	H
5				1981	1982	1983	1984	1985
6								
7								
8	Interdiction			349.8	454.4	467.3	655.2	759.6
9	Investigations			181.7	237.5	365.8	377.5	425.6
10	International			59.9	75.9	81.1	83.2	105.1
11	Prosecution			43.2	46.8	60.4	72.7	97
12	Corrections			85.7	92.2	111.8	131.8	177.5
13	Intelligence			23	22	29.7	30.6	33.4
14	State & Local Assistance			37.8	25.8	32.6	32.5	39
15	Research and Development			6.2	6.4	9.6	9.3	9.7
16	Regulatory and Compliance			18.7	20.5	26.1	23.1	25.1
17								
18	Total Law Enforcement			806	981.5	1184.4	1415.9	1672
19								
20	Drug Abuse Prevention			117	123.5	136.9	151.4	174.8
21	Drug Abuse Treatment			205.8	161.7	183.2	183.9	191.1
22								
23	Total Prevention & Treatment			322.8	285.2	320.1	335.3	365.9
24								
25	Total Drug Expenditures			1128.8	1266.7	1504.5	1751.2	2037.9

	I	J	K	L	M
5	1986	1987	1988	1989	1988 Reques
6					
7					
8	728.8	1090.7	1037.9	1134.2	1036.6
9	456.8	523.4	583.9	623	618.8
10	139.2	147	198.9	202.7	214.3
11	103.6	134.5	149.1	176.8	183.5
12	243.8	287.2	365.6	487.7	356.5
13	32.9	42.1	37.6	44.9	39.2
14	25.6	30.9	83.4	85.4	86.7
15	12.2	14.7	14.3	20.5	15.8
16	14.7	17.8	21.8	22.5	22.1
17					
18	1757.6	2288.3	2492.5	2797.7	2573.5
19					
20	186.4	317.5	454.2	573.7	368.5
21	190.2	369.2	370.2	427.6	235
22					
23	376.6	686.7	824.4	1001.3	603.5
24					
25	2134.2	2975	3316.9	3799	3177



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 25, 1988

MEMORANDUM FOR: DAN CRIPPEN
FROM: CAROL CRAWFORD *CC*
SUBJECT: Drug Budget Information

Attached per your request is a side-by-side on the status of projects funded in the 1986 drug bill (Attachment 1). In addition, I've included a list of funding and policy requests the Administration has made that have not been moved by the Congress (Attachment 2).

Also attached is a comparison of budget requests and final appropriations for drug expenditures, but only for 1987 and 1988 (Attachment 3). We have developed actuals back to 1981, but have budget breakout figures only beginning in 1987. (This level of detailed breakout did not exist prior to our work on the 1986 drug bill.) For pre-1987, I've attached figures that can serve as a very rough proxy for drug budget requests (Attachment 4). They are the total request for agencies with major drug enforcement responsibilities. These figures include both drug and other expenditures by the agency, but since drug enforcement is a primary mission for each agency, there will be at least a rough correlation. The agencies I've included are Justice Department total, DEA and U.S. Attorney breakouts, Customs Service, and Coast Guard.

Finally, two notes on Attachment 3. First, the 1987 figures are atypical. You will note substantial increases in the 1987 budget requests over 1986, but you will also see even larger increases in the appropriations. This reflects the surge in spending in 1987 as a result of the Congressional drug initiative, added as Title II to the CR.

The 1988 figures also are misleading, because of the breakouts you requested. These breakouts mask the individual accounts that Congress underfunded. I therefore am providing another table with individual account breakouts that provide a more accurate picture of the Congressional response to the President's 1988 Budget request (Attachment 5).

Call me if you have questions.

Attachments

	A	B	C	D	E	F	G	H
5				1981	1982	1983	1984	1985
6								
7						<i>outlays</i>		
8	Interdiction			349.8	454.4	467.3	655.2	759.6
9	Investigations			181.7	237.5	365.8	377.5	425.6
10	International			59.9	75.9	81.1	83.2	105.1
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	I	J	K	L	M
5	1986	1987	1988	1989	1988 Request
6					
7					
8	728.8	1090.7	1037.9	1134.2	1036.6
9	456.8	523.4	583.9	623	618.8
10	139.2	147	198.9	202.7	214.3
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23	376.6	686.7	824.4	1001.3	603.5
24					
25	2134.2	2975	3316.9	3799	3177

452-4498

THE WHITE HOUSE
WASHINGTON

Date: May 25, 1988

FOR: Dan Crippen

FROM: ALAN M. KRANOWITZ

- Action
- Your Comment
- Let's Talk
- FYI

Office of the Republican Leader
United States House of Representatives
Washington, DC 20515

May 24, 1988

The Honorable Ronald W. Reagan
President of the United States
The White House
Washington, D.C.


Dear Mr. President:

I am pleased to share with you the Preliminary Report of the House Republican Task Force on Drug Abuse and Control. This dedicated group of House Members has been working for weeks to craft comprehensive drug legislation to improve and strengthen all aspects of our national war on drugs.

The quality and depth of these initial findings reflect the great degree of legislative expertise among the Task Force Members and the time and dedication they and dozens of key staff have devoted to this project.

This Preliminary Report is a pledge to you, Mr. President, of our willingness to work with you in developing a comprehensive program in concert with the Congress. The House Republican Task Force will continue its work and we look forward to coordinating this effort with you.

Sincerely,



Robert H. Michel
Republican Leader

Congress of the United States

House of Representatives

Washington, D.C. 20515

MEMORANDUM

TO: The Honorable Robert H. Michel
Republican Leader

FR: Jerry Lewis, Chairman, Republican Policy Committee
Mickey Edwards, Chairman, Republican Research Committee
Bill McCollum, Chairman, Republican Drug Task Force

DA: May 23, 1988

RE: Preliminary Report of the Republican Drug Task Force

As you know, the goals of this Task Force are to develop Republican legislative proposals and activities that focus Congress, the media, and the general public on the complexities and extent of the drug problem. In this preliminary report of the Republican Drug Task Force (a membership list is attached), we report to you on our anti-drug initiative. Our ideas clearly reflect a willingness to fight this war in a bold, effective and comprehensive manner. We are proud to bring these fresh ideas to the fight.

The proposed legislation addresses the following four priorities:

I. REDUCING THE DEMAND FOR DRUGS

Our bill will reduce the demand for drugs in the following three ways: User Accountability, Education and Rehabilitation.

- A. We must for the first time HOLD ACCOUNTABLE DRUG USERS who voluntarily use drugs despite the fact that they are participants in a market of violence and destruction.

Drug use is not simply a question of education but also of personal responsibility and willpower. Therefore government must provide tangible disincentives to make users accountable for the damage they inflict on society. Whether they intend it or not: they finance organized crime; finance revolution against democratic nations; purchase arms for communists and other revolutionaries; finance the murders of law enforcement officials like DEA Agent Enrique Camarena; finance public corruption; drain health resources; spread disease; reduce productivity and safety; and threaten the health and well-being of future generations.

A comprehensive approach to the drug problem cannot ignore drug use by this class of abusers. The Task Force, therefore, proposes:

1. Establishing stiff civil fines for possession based on percentage of the user's income. These fines would be in addition to existing criminal penalties;
2. Requiring states that have not already done so to establish policies suspending or revoking a driver's license upon conviction of a drug possession or trafficking offense;
3. Temporarily withdrawing eligibility for certain federal programs, excluding safety net programs, upon a drug trafficking conviction or a second conviction for drug possession (for certain repeat drug offenders, the Task Force is considering the withdrawal of certain federally subsidized privileges such as student loans);
4. Requiring a drug free work place as a precondition to federal contracts, loans, grants and other federal benefits for business and private sector organizations; and
5. Examining expansion of drug testing within the criminal justice system.

B. We must IMPROVE DRUG EDUCATION for our young people. We have just increased our commitment to drug education in the federal budget to \$223 million and we propose:

1. Improving the accountability in existing education programs;
2. Insuring that drug education plays a greater role in the school curriculum; and
3. Addressing the issue of misuse of steroids by our young people.

C. We must IMPROVE THE AVAILABILITY AND QUALITY OF DRUG TREATMENT PROGRAMS. The Task Force believes that rehabilitation services should be available for persons seeking treatment and proposes:

1. Increasing funding for drug rehabilitation;
2. Improving the availability of drug treatment for expectant mothers under the Alcohol and Drug Abuse and Mental Health program;
3. Improving accountability in federal grant programs to insure that resources are targeted to treatment programs that demonstrate success;
4. Improving drug treatment information exchange; and
5. Clarifying that drug use is not a handicap protected and by federal anti-discrimination statutes.

II. GETTING TOUGH WITH MURDERERS: DOMESTIC LAW ENFORCEMENT

For years House Republicans have called for changing criminal laws which favor criminals over victims. Violence associated with drug trafficking is intolerable. Equally unacceptable is the large number of drug traffickers who go unpunished because of good faith mistakes made by law enforcement authorities.

Additional law enforcement tools will deter drug trafficking. The Task Force proposes the following:

- A. Establish the DEATH PENALTY for drug kingpins.
- B. Reform the exclusionary rule and examine habeas corpus law to improve the way in which the system punishes criminal law violators. Drug cases present the largest number of prosecutions thrown out because of exclusionary rule problems.
- C. Increase funding for prisons, prosecutors and judges to handle the strain on the criminal justice system caused by the drug problem and study the development of supplemental judicial systems.
- D. Provide targeted state and local grants for drug law enforcement.
- E. Strictly control chemicals used both domestically and in foreign countries to manufacture illicit drugs. Stiff penalties must be established for the dangerous practice of storing such chemicals in heavily populated areas.
- F. Strengthen anti-corruption laws to protect against attempts to bribe law enforcement authorities.
- G. Increase penalties for first, second and third convictions for the possession of crack. The Task Force is considering the strengthening other criminal penalties and the establishment of civil penalties.
- H. Expand anti-money laundering requirements to cover electronic transfers.
- I. Prohibit the polluting of National Forests to prohibit ~~polluting~~ marijuana cultivation.
- J. Expand penalties for drug trafficking to children going to school.

- K. Extend penalties for driving under the influence of drugs on federal lands to include respective state penalties.
- L. Increase penalties for killing dogs used in drug law enforcement.
- M. Review options for increasing law enforcement at public housing and the involvement of state National Guard units in drug law enforcement efforts.

III. ATTACKING THE SUPPLY OF ILLEGAL DRUGS: INTERNATIONAL CONTROL

A horde of murders and international criminals are waging a de facto war against The United States. Consider: 1) the extent of illicit drug cultivation and production, particularly coca for cocaine, is enormous and is steadily growing; 2) the control of this cultivation and production by the respective foreign governments is obviously insufficient; 3) narco-terrorist revolutionaries guard peasant growers of coca from the efforts of law enforcement authorities; and 4) kingpin drug traffickers bribe and threaten their way out of jail.

Therefore the Task Force proposes the following:

- A. Require the President to begin immediately to develop a plan of action for the establishment of a **MULTINATIONAL STRIKE FORCE**. This force shall be trained and prepared to attack and destroy drug trafficking havens wherever they are located.
- B. Call for a **summit** of Western Hemisphere nations to coordinate the strategy for attacking and diminishing the control that the drug traffickers and terrorist maintain over our international communities.
- C. Provide assistance in the form of weapons and **ammunition**, where appropriate, to equip foreign law enforcement authorities to fight the war against drugs.

- D. Provide assistance from the U.S. military to foreign nations fighting drug trafficking organizations. This assistance should include the sharing of military assets and the provision of training.
- E. Provide assistance to other nations for eradication and crop substitution.
- F. Authorize increased intelligence capabilities and covert operations if such actions should be necessary.

VI. Stopping the Influx of Drugs: Improving Interdiction

Interdiction plays an important role in our war on drugs. The strength of our interdiction efforts is its flexibility to respond to trends in the smuggling world. Our proposal beefs up interdiction assets, and supports the ability of agencies to respond to innovations by drug traffickers. The Task Force therefore, proposes the following:

- A. INCREASE THE ROLE OF THE MILITARY.
- B. Require the President to establish a plan for directing all commercial vessels from drug producing and transshipment countries to enter designated ports of entry and undergo specific searches.
- C. Require the FAA to report to Congress on the feasibility of establishing flight corridors for all U.S. plane entries with deviation from such corridors as probable cause for interdiction.
- D. Improve Coast Guard laws.
- E. Prohibit reissuance of Airman Certificate to pilots convicted of an aviation related drug offense.
- F. Direct the Department of Treasury to consider alternatives to the use of deadly force in forcing down suspected drug smugglers.

Members of the Leadership Task Force on Drugs

Robert Michel (IL), Republican Leader
Jerry Lewis (CA), Chairman of the Republican Policy Committee
Mickey Edwards (OK), Chairman of the Republican Research
Committee
Bill McCollum (FL), Task Force Chairman

Task Force Members:

Richard Arney (TX)	Tom Lewis (FL)
Richard Baker (LA)	Donald Lukens (OH)
Michael Bilirakis (FL)	Manuel Lujan (NM)
Ben Blaz (GU)	Dan Lungren (CA)
Hank Brown (CO)	Alfred McCandless (CA)
Jack Buechner (MO)	Edward Madigan (IL)
Dan Burton (IN)	Lynn Martin (IL)
Thomas Coleman (MO)	Sid Morrison (WA)
Larry Craig (ID)	Howard Nielson (UT)
Robert Davis (MI)	Michael Oxley (OH)
Michael DeWine (OH)	Stan Parris (VA)
Joseph DiGuardi (NY)	Carl Pursell (MI)
Robert Dornan (CA)	Arthur Ravenel (SC)
Bill Emerson (MO)	John Rhodes (AZ)
Hamilton Fish (NY)	John Rowland (CT)
Harris Fawell (IL)	Richard Schulze (PA)
Elton Gallegly (CA)	Clay Shaw (FL)
George Gekas (PA)	Norman Shumway (CA)
Benjamin Gilman (NY)	Lamar Smith (TX)
James Hansen (UT)	Robert F. Smith (OR)
Wally Herger (CA)	Robert C. Smith (NH)
John Hiler (IN)	Patrick Swindall (GA)
Larry Hopkins (KY)	Robert Walker (PA)
Duncan Hunter (CA)	Curt Weldon (PA)
Jim Kolbe (AZ)	Frank Wolf (VA)
Robert Lagomarsino (CA)	Bill Young (FL)

THE WHITE HOUSE
WASHINGTON

Date: May 23, 1988

FOR: Dan Crippen

FROM: ALAN M. KRANOWITZ

- Action
- Your Comment
- Let's Talk
- FYI

MAY 19, 1988

JAMIE L. WHITTEN, CHAIRMAN
HOUSE COMMITTEE ON APPROPRIATIONS
STATEMENT ON NEED FOR ADDITIONAL FUNDING TO
ACCELERATE THE WAR ON DRUGS

NEED FOR ACTION ON DRUG PROBLEM

THE NATION IS IN A TERRIBLE SITUATION BECAUSE OF DRUGS AND THE COMMITTEE, APPARENTLY THE ONLY COMMITTEE WITH OVERALL JURISDICTION MUST TAKE ACTION. RECOGNIZING THE PROBLEM WE HAVE GOING ON NOW, AN INVESTIGATION OF THE LACK OF EFFECTIVENESS OF PRESENT EFFORTS DESPITE THE FINE WORK OF MANY PEOPLE, WE PROPOSE TO HAVE BEFORE THE COMMITTEE NEXT WEEK A REQUEST TO CONSOLIDATE EFFORTS IN THE WAR ON DRUGS.

IMMEDIATE ADDITIONAL STEPS NECESSARY

IN FISCAL YEAR 1987, IN A SHORT-TERM CONTINUING RESOLUTION, THE CONGRESS EARMARKED \$100,000 OUT OF A TOTAL OF MORE THAN \$2,000,000,000 OF AVAILABLE FUNDS TO BE USED IN THE DEVELOPMENT OF AN OVERALL DRUG ABUSE PREVENTION PLAN THAT WOULD COORDINATE THE FEDERAL, STATE AND LOCAL GOVERNMENTS' EFFORTS IN COMBATING THE WIDE-SPREAD USE OF ILLEGAL DRUGS. THIS REPORT WAS TO HAVE BEEN FURNISHED TO THE CONGRESS BY JANUARY 1, 1987. SUCH A REPORT HAS NOT BEEN SUBMITTED. HOWEVER, THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA WAS ESTABLISHED AND HAS ONLY RECENTLY PREPARED A DRAFT REPORT WHICH INCLUDES A BROAD ARRAY OF RECOMMENDATIONS FOR FIGHTING THE WAR ON DRUGS.

WE ALSO NEED TO SEIZE LAUNDERED DRUG MONEY THE SAME WAY WE SEIZE OTHER ASSETS -- BOATS, HOMES, AUTOS -- OF THOSE INVOLVED IN DRUG CRIMES. UNLESS WE STOP THE BIG BOYS WE CANNOT HOPE TO HANDLE THE RETAIL LEVEL AND ORGANIZATIONS.

THAT SUPPLEMENTAL, AT A MINIMUM, WILL PROVIDE FUNDS FOR THE COAST GUARD, THE JUSTICE DEPARTMENT, AND THE JUDICIARY, AND LANGUAGE DIRECTING EXECUTIVE BRANCH AGENCIES INVOLVED IN THE WAR ON DRUGS TO SPEND MONEY IN THE THIRD QUARTER THAT IS NOW PLANNED FOR USE IN THE FOURTH QUARTER.

THE COMMITTEE ON APPROPRIATIONS ON APRIL 28 DIRECTED ITS SURVEYS AND INVESTIGATIONS STAFF TO IDENTIFY PROGRAMS WHICH CAN BE USED TO BRING THE DRUG PROBLEM FACING THE NATION UNDER CONTROL. THE PRELIMINARY WORK, WHICH INCLUDES A REVIEW OF REPORTS PROVIDED BY THE GENERAL ACCOUNTING OFFICE, THE CONGRESSIONAL RESEARCH SERVICE, THE OFFICE OF TECHNOLOGY ASSESSMENT AND OTHER GROUPS, MAKES ONE THING CLEAR -- THERE IS NO OVERALL PLAN IN PLACE THAT IDENTIFIES GOALS AND OUTLINES STEPS TO MEET THOSE GOALS. UNTIL THE RESOURCES AVAILABLE TO THE NATION ARE MOBILIZED IN A COHERENT FASHION TO ADDRESS THE PROBLEM, THERE APPEARS TO BE LITTLE LIKELIHOOD OF BRINGING THE PROBLEM UNDER CONTROL.

NEED FOR A COORDINATOR WITH AUTHORITY

THE COMMITTEE, THEREFORE, RECOMMENDS THE ESTABLISHMENT OF A COORDINATOR, WITH AUTHORITY TO CUT ACROSS JURISDICTIONAL LINES, TO DEAL WITH THIS NATIONAL EMERGENCY.

SERIOUSNESS OF THE PROBLEM

ANYONE WHO READS THE NEWSPAPERS, ANYONE WHO WATCHES TELEVISION, SEES REPORTS OF VIOLENCE AND OTHER PROBLEMS ASSOCIATED WITH THE GROWING DRUG PROBLEMS -- YOUTH GANG WARS IN MAJOR CITIES, OVER 100 MURDERS IN THE WASHINGTON AREA ALONE SINCE THE BEGINNING OF 1988, CASUAL BYSTANDERS GUNNED DOWN BY YOUTHS ON A RAMPAGE, MURDER, RAPE, ROBBERY, THE DEBILITATION OF YOUTH -- UNDERSTANDS THE PROBLEM. WE SEE IT IS EVERYWHERE, EVERYDAY, NOT ONLY IN OUR CITIES BUT ALSO IN OUR TOWNS AND RURAL AREAS THROUGHOUT THE NATION. THE PROBLEM AFFECTS ALL AGE GROUPS, BUT OUR ATTENTION IS DRAWN MOST OFTEN TO THE IMPACT ON THE YOUTH OF AMERICA -- OUR NATION'S FUTURE. SOME SAY THE PROBLEM IS SO SEVERE THAT WE ARE IN DANGER OF LOSING AN ENTIRE GENERATION. WE MUST NOT LET THIS HAPPEN.

IN ADDITION, THE DRUG PROBLEM, AS BAD AS IT IS, IS MADE EVEN WORSE BECAUSE OF THE RELATIONSHIP BETWEEN DRUG ABUSE AND THE SPREAD OF AIDS. BY DEALING WITH THE PROBLEM OF DRUG ABUSE IN AN EFFECTIVE WAY, THE SPREAD OF AIDS CAN ALSO BE REDUCED.

NEED FOR A PLAN

THE PROBLEM IS NOT LACK OF MONEY OR ORGANIZATIONS DEALING WITH THE PROBLEM. THERE ARE 17 FEDERAL AGENCIES INVOLVED. OVER THE PAST THREE YEARS, THE COMMITTEE AND CONGRESS HAVE PROVIDED OVER \$9.5 BILLION IN FUNDING GOVERNMENTWIDE TO ADDRESS THE PROBLEM. BUT THIS IS WAR, AND IN A WAR WE MUST HAVE AN OVERALL PLAN WHICH INCLUDES ORGANIZING THE AVAILABLE PROGRAMS

AND AVAILABLE RESOURCES TO MEET EFFECTIVELY THE INDIVIDUAL GOALS OF THOSE PROGRAMS AND PLANS WHILE AT THE SAME TIME MEETING OVERALL GOALS. THE DEPARTMENTS AND AGENCIES RESPONSIBLE FOR THOSE PROGRAMS HAVE DONE AS WELL AS THEY CAN, BUT THE OVERLAPPING FEDERAL, STATE, AND LOCAL JURISDICTIONS NEED TO COORDINATE EFFECTIVELY ACTIVITIES TO DEAL WITH THE FOUR MAJOR FACETS OF THE PROBLEM. THOSE FACETS ARE: (1) TO ELIMINATE THE PRODUCTION OF THE DRUGS THEMSELVES, WHERE WE HAVE NOT BEEN VERY EFFICIENT ON THE DOMESTIC AS WELL AS THE FOREIGN FRONT; (2) IMPORTATION INTO THE UNITED STATES AND THE AREAS OF USE; (3) ARREST AND CONVICTION, REMOVING FROM THEIR PRESENT ENVIRONMENT YOUNGSTERS WHO MAKE THE DRUGS AVAILABLE AND THOSE WHO USE THE DRUGS; AND (4) THE LONG RANGE NEED FOR EDUCATION AND AWARENESS OF THE PROBLEMS OF DRUG USE AND ADDICTION. WE MUST PROVIDE OUR CITIZENS PROTECTION FROM ADDICTS, AND FIND SOME WAY TO REMOVE DRUG ABUSERS FROM THEIR PRESENT ENVIRONMENT FOR THEIR OWN REHABILITATION. ALTHOUGH FOR TOTALLY DIFFERENT PURPOSES, CCC FACILITIES IN THE DEPRESSION PROVIDED WHOLESOME ENVIRONMENTS AND PRODUCTIVE PURPOSES FOR THOUSANDS OF YOUNG PEOPLE. SIMILAR PROGRAMS TODAY FOR DRUG ABUSERS SHOULD BE EXPLORED BY THE ADMINISTRATION.

COMMITTEE ACTION

OUR COMMITTEE ON APPROPRIATIONS HAS RECOMMENDED AND THE CONGRESS HAS PROVIDED FUNDS ON A TIMELY BASIS FOR THE WAR ON DRUGS. IN FISCAL YEAR 1987 THE HOUSE PASSED AND SENT TO THE

PRESIDENT A SPECIAL SUPPLEMENTAL APPROPRIATIONS BILL THAT PROVIDED \$1,666,251,000 IN NEW ADDITIONAL FUNDS TO FIGHT THE WAR ON DRUGS.

OVER THE PAST THREE YEARS THE APPROPRIATIONS COMMITTEE HAS RECOMMENDED OVER \$9.5 BILLION IN FUNDING GOVERNMENT WIDE TO ADDRESS THE DRUG PROBLEM.

CALL FOR ACTION

RECENTLY THE NATIONAL DRUG ENFORCEMENT POLICY BOARD TOLD CONGRESS THAT SOME SEVENTEEN FEDERAL DEPARTMENTS OR AGENCIES HAVE A ROLE IN THE GOVERNMENT'S DRUG ABUSE PROGRAM. IT IS BECAUSE OF THE DIVERSE ROLES OF THESE VARYING FEDERAL AGENCIES THAT AN OVERALL PLAN MUST BE DEVELOPED. THESE 17 AGENCIES ARE:

DRUG ENFORCEMENT ADMINISTRATION
FEDERAL BUREAU OF INVESTIGATION
U.S. CUSTOMS SERVICE
U.S. COAST GUARD
INTERNAL REVENUE SERVICE
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FEDERAL AVIATION ADMINISTRATION
IMMIGRATION AND NATURALIZATION SERVICE
U.S. MARSHALS SERVICE
DEPARTMENT OF DEFENSE
U.S. INTELLIGENCE COMMUNITY AGENCIES
U.S. ATTORNEYS
BUREAU OF INTERNATIONAL NARCOTICS MATTERS (STATE
DEPARTMENT)
CRIMINAL DIVISION (JUSTICE DEPARTMENT)
EL PASO INTELLIGENCE CENTER
NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM
ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE

DESPITE ALL OUT EFFORTS OF THE FEDERAL GOVERNMENT JOINED BY STATE AND LOCAL AUTHORITIES, THERE ARE AREAS WHERE WE NEED TO MAKE FURTHER PROGRESS, PARTICULARLY IN CONTROLLING THE PRODUCTION OF DRUGS AT THE SOURCE, INTRODUCTION OF DRUGS INTO THE COUNTRY, THE SALE OF DRUGS ON THE STREETS WHERE VIOLENT ACTION BY ADDICTS AND SELLERS INCLUDE MURDER, AND IN A LONG-TERM EDUCATION AND REHABILITATION EFFORT.

INVESTIGATION OF THE DRUG PROBLEM

BECAUSE OF THE URGENT NEED FOR AN IMMEDIATE COORDINATED FEDERAL EFFORT TO COMBAT THE WAR ON DRUGS, THE CHAIRMAN AND THE RANKING MINORITY MEMBER OF THE COMMITTEE ON APPROPRIATIONS HAVE DIRECTED THE SURVEYS AND INVESTIGATIONS STAFF TO CONDUCT A STUDY WHICH WILL DRAW TOGETHER THE VARIOUS FACTS REGARDING THE DRUG PROBLEM IN AMERICA. THE DIRECTIVE STATES:

MAJORITY MEMBERS

JAMIE L. WHITTEN, MISSISSIPPI, CHAIRMAN
 EDWARD P. BOLAND, MASSACHUSETTS
 WILLIAM H. HATCHER, KENTUCKY
 NEAL SMITH, IOWA
 SIDNEY R. YATES, ILLINOIS
 DAVID R. OBEY, WISCONSIN
 EDWARD R. ROYBAL, CALIFORNIA
 LOUIS STOKES, OHIO
 TOM BEVILL, ALABAMA
 BILL CHAPPELL, JR., FLORIDA
 BILL ALEXANDER, ARKANSAS
 JOHN P. MURTHA, PENNSYLVANIA
 BOB TRAXLER, MICHIGAN
 JOSEPH D. EARLY, MASSACHUSETTS
 CHARLES WILSON, TEXAS
 LINDY (MRS. HALE) BOGGS, LOUISIANA
 NORMAN D. DICKS, WASHINGTON
 MATTHEW F. McHUGH, NEW YORK
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 MARTIN OLAV SABO, MINNESOTA
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Congress of the United States

House of Representatives

Committee on Appropriations

Washington, DC 20515

April 28, 1988

CLERK AND STAFF DIRECTOR
 FREDERICK G. MOHRMAN
 TELEPHONE:
 (202) 225-2771

MEMORANDUM FOR THE SURVEYS AND INVESTIGATIONS STAFF:

The drug problem, despite the efforts and support of our citizens and private voluntary organizations and the efforts of numerous Federal departments and agencies, the help of the various states and the sum of \$9.5 billion provided by the Appropriations Committee over the last three years, continues to cause every form of crime, including murder, and incredible untold human misery.

Of the 13 subcommittees of the Appropriations Committee, seven have some share of jurisdiction and responsibility to help meet the problem. Since the Appropriations Committee is the one committee which each year has detailed hearings of the operations, the success or failure of administration, the responsibility for recommendations for such changes as may be needed in Congressional authorization and administration; therefore, we are directing that the following investigation of the drug problem be made:

The investigation should include, but not be limited to the following:

1. An identification, by subcommittee of jurisdiction, of those agencies administering programs that are responsible for bringing the drug problem facing the nation under control.
2. The funds and personnel available by program and agency to carry out the various programs.
3. The effectiveness of these programs.
4. The methods of coordination used by the various Federal, state, and local agencies involved in the drug problem and gaps in this coordination.

5. An identification of programs focusing on those already addicted.

6. An identification of successful program in other countries, including the handling of those already addicted.

The results of this investigation will enable the Committee to make recommendations to the Congress and the President, including but not limited to changes in the law and the administration of programs which in its judgment will strengthen present efforts and improve present programs.

Approved:

Silvio O. Conte
Ranking Minority Member

Jamie L. Whitten
Chairman



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

MEMORANDUM FOR THE DIRECTOR

FROM:

CAROL T. CRAWFORD *CC*

SUBJECT:

The "Walker Drug-Free Workplace Amendment"

Text of Amendments

The Walker amendments -- there are two, one for authorization bills, the other for appropriations bills -- read as follows:

Authorization - "No funds authorized to be expended under this Act shall be expended in any workplace which is not free of illegal use of controlled substances."

Appropriation - "No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act."

Objections to Amendments

The Walker amendments (and a Department of Justice alternative) have been reviewed by eight concerned agencies (list attached) and OMB staff. There is a widespread belief that proposals of this nature are objectionable, and that the Administration should not support them. Major concerns are:

- Interference in Private Business Activity. The Walker amendments appear to require private employers (e.g., government contractors) to take whatever steps are necessary -- however draconian -- to prohibit the use of illegal drugs in the workplace, or face a total shut-off of Federal funds. This would constitute interference in contractual relationships between employers and their employees.
- Increased Business Costs. Adoption of the Walker amendments can reasonably be expected to increase business costs significantly. Under the terms of the amendments, contractors and others could be expected to develop elaborate detection, treatment, and rehabilitation programs,

the costs of which would in all likelihood be passed along to consumers and the Government.

- Mandated Employee Benefits. If these amendments are interpreted, as they could be, as requiring the establishment of new employee programs (e.g., counseling, referral, and rehabilitation), they would effectively mandate new employee benefits. The Administration has been strongly opposing proposals of this nature.
- Possible Constitutional Concern. If the amendments are read as mandating drug testing in the private sector, as they might, a serious constitutional problem is presented. In particular, OMB GC has advised that mandated drug testing in the private sector may raise substantial "due process" concerns.
- Vagueness. A major problem with the Walker amendments is that they are so vaguely and ambiguously worded that it would be nearly impossible for affected parties to know with any certainty what the Government expects them to do. Walker has supposedly said that his amendment is a modest attempt to combat drug abuse in the workplace; however, it doesn't read that way at all. In addition, the provision is silent on certain critical matters, such as who is going to enforce it and what the sanctions might be for violations.

Other questions and concerns, although not as fundamental as the foregoing, have been identified, as well. Some of these include the following:

- Does all of an entity, such as a contractor, have to be in compliance in order for one part to receive Federal funds? If the Government contracts with a small subsidiary of General Motors, for example, must all of GM comply with the Walker amendments? If so, is this reasonable?
- As drafted, these proposals would become effective immediately. Immediate compliance would be difficult, and probably impossible, for many contractors and grantees to achieve.
- Proscriptions of this sort may have the effect of discouraging small businesses from bidding on Federal Government contracts because of the likely additional expense and accompanying paperwork.
- It can certainly be argued that proposals of this kind are unnecessary, as the Federal Government has some authority to address drug use through regulatory processes (e.g., DOT's proposed rules governing airline pilots).

-- Opposition to these amendments would be consistent with longstanding Administration positions that conditions attached to Federal assistance should be strictly limited to those necessary to achieve the purposes of the assistance.

In summary, agency and internal review of the Walker amendments and related proposals have revealed several serious problems. Until we determine if there is perhaps some compromise on which we might all agree, I believe that we should, at a minimum, remain silent on the matter.

Attachment

**AGENCIES THAT REVIEWED WALKER AMENDMENT AND JUSTICE DEPARTMENT
ALTERNATIVE**

Department of Commerce
Department of Defense
Department of Health and Human Services
Department of Justice
Department of Labor
National Aeronautics and Space Administration
Office of Personnel Management
National Science Foundation

THE WHITE HOUSE
WASHINGTON

Date: 5/6

FOR: *Dan Crippen*

FROM: **ALAN M. KRANOWITZ**

- Action
- Your Comment
- Let's Talk
- FYI

Office of the Republican Leader
United States House of Representatives
Washington, DC 20515

May 4, 1988

The Honorable Thomas S. Foley
Majority Leader
House of Representatives
Washington, D.C. 20515

Dear Tom:

To follow up on our very brief conversation on the floor relative to our working together in a bipartisan approach to developing anti-drug abuse policy, as suggested by the Speaker, I'll take the liberty of suggesting some random thoughts that quickly come to mind from the experiences in working with the Speaker on this issue the last time around. Although I support a bipartisan legislative approach, I have some concerns about the manner in which we adopted the Anti-Drug Abuse Act of 1986.

The 1986 Anti-Drug Abuse Bill was a compilation of legislative products from many committees. During the committee process, several Republican amendments were defeated by straight party-line votes. Because some of these amendments were not made in order by the Rules Committee, Republican contributions to the drug effort were limited not only by what was germane to the committee chairmen's proposals, but also by what the Democrat members were willing to accept.

Republicans were also frustrated by the manner in which the committee products were compiled into one "bipartisan" leadership bill. When the Democrat staff put the bill together, Republican staff were excluded. Republican contributions were limited even more by the discovery that this final bill included material not considered by any committee. One example was a proposal to legalize heroin for limited, but highly controversial, health reasons -- a proposal adamantly opposed by the Administration, including both its health and law enforcement contingents. Republicans were almost unable to remove this embarrassing provision that was added without our knowledge, let alone consent.

Two other concerns remain. First, a simple collection of committee legislation does not guarantee a coordinated, comprehensive product. Unfortunately, to some degree, the division of drug enforcement jurisdiction among a dozen committees has promoted inefficiency and failure; unless we coordinate the committee proposals, a new drug bill will not be effective or

cost efficient. The waste that results in both duplicated resources and the purchase of incompatible equipment is unacceptable, but unavoidable without coordination of the committee products.

The second concern is one of funding. We have made a commitment to contain our spending in the economic summit. Clearly, drugs are a very serious problem that demands our immediate attention and commitment. Other important issues, such as child care, require funding also, and the deficit itself is a grave problem. We wisely singled out the drug issue for special funding attention within the boundaries permitted by the economic summit. We must maintain this commitment. I understand the Appropriations Committee is already planning to add FY 1989 monies totalling \$500,000 to fight drugs in the FY 1988 supplemental to be considered next week.

On the basis of these serious concerns, I believe the following recommendations are necessary to the 1986 drug legislative model to permit a bipartisan spirit insured by a bipartisan process:

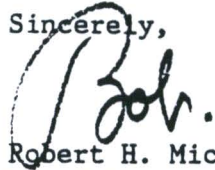
- An agreement that only those proposals approved in committee by a majority of the committee members of both parties will be included in a bipartisan bill brought before the House;
- An open rule permitting all amendments otherwise in order;
- The inclusion of Republican leadership staff in all meetings in which the Democrat leadership staff participates in the discussion of or formulation of the contents of a new drug bill;
- A commitment that all contents of the drug bill are adopted by committee or, in the alternative, are acceptable to both the Republican and Democrat leadership;
- A bipartisan leadership effort to coordinate the various committee recommendations regarding authority, funding, and equipment to ensure a cooperative and coordinated result among the various agencies;
- A bipartisan commitment consistent with the recent House vote to ensure that drug spending be given the highest priority possible within the economic summit boundaries; and
- A clear communication to all members of the House regarding the bipartisan leadership commitment to these principles.

The Honorable Thomas S. Foley
Page 3

trust that the results of their work will be a significant contribution to the congressional effort and a continuation of our anti-drug legislation of the last Congress.

I sincerely hope we can reach an agreement soon on these matters and begin a bipartisan effort to address the national tragedy of drug abuse and related criminal activity.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob.", written over the typed name.

Robert H. Michel
Republican Leader

RHM/cv