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

<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 I - DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT</u>						
Sec. 143- Sec. 144	Grants	6	86	7	255-89 500-90 750-91	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: <u>State and Local Assistance</u> which has spent \$160M since 1984 and the <u>Anti-Drug Abuse</u> 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

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						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.

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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.

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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.

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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.

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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.

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						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>	FY 88 Pres. Bud.	FY 88 Approp.	FY 89 Pres. Bud.	S. 2005 Add-ons	<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

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						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

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						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

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						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.

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						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.

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<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.

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<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

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						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



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						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>	<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. 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 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	<p>NO Takes DOJ Assets and Customs Forfeiture Funds <u>off-budget</u>; 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 <sup>to</sup> support of prisoners in non-Federal institutions; and exempts procurements of supplies and services under the Funds from the procurement laws. } <i>ord. certify current</i></p> <p>NO</p>	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.	<p>NOB - Provision should be amended to give AG discretion in deciding whether to share. Could restrict use of funds for prisons.</p> <p><i>Add clause to give AG discretion in abstaining.</i></p>
Sec. 110 - Sec. 145	State and Local Grant Programs <i>(Includes SOL Assistance Program and Drug Grant Program)</i>	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.	<p>A - This is how LEAA got started. <i>(all drug + other grant programs)</i></p> <p><i>Current SOL Assistance <del>75%</del> <sup>50%</sup> match (Drug Ags) Current <del>75%</del> <sup>50%</sup> match (Drug Ags) New - 100% → 75% fed match.</i></p>

<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 <sup>etc</sup> ; <sup>No</sup> permits payments to be made to <u>parents</u> of deceased officer who are not "dependents;" establishes new Advisory Commission on Law Enforcement (located <sup>No</sup> 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.

Commission:  
Appointments clause problem.  
Admin + OMB responsibilities.

strong state opposition.  
Current 12 mi zone (up from  
3 mi few years ago)  
C.G. has auth now & under TIC,  
\* See OOT legal paper.  
Alt  
① Put C.G. number on Custom boats,  
② Deputize Customs to perform  
C.G. funcs.  
\* ③ Stay out of issue, let bill fight it  
out.

<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 S
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

*Builds Customs constituency.  
DoT believes sharing is inducement -  
this is perverse, might reduce  
participation*

*Fines now go to crime victims  
fund.  
alt: prepare funds to drugs.*

*except reports  
"unprecedented restraint" 1  
There is backup system  
in computer - shows any  
drug offense.*

*Get DoD, DoC + State views.  
Also DoT*

*ok  
permitted  
now.*

<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. CAP.
<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.

*Diff from current reform p 4.  
 This is for citizens & crooks.  
 Alt: Require conviction,  
 up to \$1000 or put in  
 asset forfeiture or victims fund*

*Can keep \$ but don't set  
 up new squadron.*

<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.

<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.	A 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.

IRS #300 M add cost to  
generate:  
#1 B (189)  
#2 B (190)

THE WHITE HOUSE

WASHINGTON

22 April 1988

MEMORANDUM FOR THOMAS C. GRISCOM

FROM: DONALD IAN MACDONALD

SUBJECT: "Where do we go from here"

Per our conversation, attached is a paper which discusses "where we go from here" with our drug policy and tries to separate commitment from rhetoric.

The concepts of "zero tolerance," "user focus," and "treatment with accountability" are increasingly gaining support in the private sector, particularly in the treatment community. This is an important issue and one in which the President has taken the lead.

Please let me know if you have any questions or would like to discuss this in more detail.

## WHERE DO WE GO FROM HERE

Attitudes toward and awareness of the insidious nature of the drug problem have changed so dramatically in the past seven years that few remember or admit the magnitude of the "fatalism" which the President faced when he took office and immediately launched his "crusade for a drug-free America."

Drug Abuse Policy In 1988: WHAT IS REAL AND WHAT IS A "SMOKE-SCREEN" Recent polls reaffirm that drugs remain a major concern of the American people; many individuals are seeking ways to capitalize on this concern. Much of the rhetoric, however, reflects a "smoke-screen" and avoids the difficult but necessary next steps to eliminate illegal drug use in the United States; principal among these is a willingness to "get tough on the user."

Mom & Apple Pie Generally, the American people, the Administration and the Congress are in agreement: "drugs are bad;" "our" approach must be multi-faceted, coordinated and comprehensive; and, illegal drugs are a threat to national security and the preservation of the "American way of life."

- Debating "process" and "dollar" responses -- calling for "greater coordination" or a "drug czar" -- are attempts to generate headlines but do little to further our quest for a drug-free America. The Federal drug budget has tripled during President Reagan's tenure; his 1989 proposed budget calls for an additional 13% increase in drug-related funding. There will always be those who equate commitment with dollars and will engage in a bidding war to show their concern.
- The President has long recognized that there is more to solving the drug problem than "throwing money;" government cannot "buy" its way out of the drug problem because money does not eliminate the illegal demand -- we must be willing to increase our focus on illegal drug users.
- The Administration does not dismiss these issues "out of hand" -- they are important, more can always be done. For example, the President has twice sent legislation to Congress calling for capital punishment for traffickers; it was rejected in 1986 and Congress has not acted on the 1987 version. However, these issues alone can never provide the ultimate solution.

The Real Issue The growing intolerance toward illegal drug use and users reflects a belief President Reagan expressed in 1981; debate on all other related issues becomes secondary. President Reagan stands proudly alone on the issue of "zero tolerance."

- There are two parts to demand reduction: (1) prevent use by changing knowledge, attitudes and behavior; and (2) utilizing whatever measures necessary to get users to quit. It is the aggressive pursuit of the latter which will separate "the men from the boys" -- separate commitment from rhetoric.
- We must remove the enabling factors in our laws and society to make it impossible for illegal drug use to continue: from a system of "treatment with accountability" for users utilizing a variety of sanctions.

Beyond Debate This issue is beyond debate if your goal is "no drug use" and it has not been the subject of Congressional attention. Further, the ideas involved in implementing "zero tolerance," "user focus," and "treatment with accountability" programs are consistent with conservative thinking and contrary to many liberal beliefs. In fact, liberal thinking has been responsible for many tolerant and destructive phrases, including "victimless crime," "do your own thing," and "responsible use" of illegal drugs. We now know better than ever that we are all victims of such pernicious messages and the illegal drug use they permit.

THE WHITE HOUSE  
WASHINGTON

April 21, 1988

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duffy*

MEMORANDUM FOR SENATOR BAKER  
KEN DUBERSTEIN  
KEN CRIBB  
DAN CRIPPEN  
A.B. CULVAHOUSE  
RHETT DAWSON  
MARLIN FITZWATER  
TOM GRISCOM ✓  
JOHN NEGROPONTE  
JOHN TUCK

FROM: ALAN M. KRANOWITZ *AMK*  
SUBJECT: Attached Correspondence

I would like to discuss the response to this letter at tomorrow's  
8:30.

Attachment

JOHN C. STENNIS, MISSISSIPPI, CHAIRMAN

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DON NICKLES, OKLAHOMA

## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025

April 19, 1988

FRANCIS J. SULLIVAN, STAFF DIRECTOR  
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

President Ronald Reagan  
The White House  
Washington, D.C. 20500

Dear Mr. President:

On March 23rd, 36 of our Senate colleagues joined us in introducing S. 2205, the Omnibus Anti-Drug Abuse Act of 1988--a bill that launches a major, comprehensive assault on the drug abuse and drug trafficking threat to this Nation on multiple fronts. Today, our bill is sponsored by a total of 69 Senators, including 39 Democrats and 30 Republicans. In addition, on April 13th, the Senate, by a vote of 93-0, approved our amendment to the Concurrent Resolution on the Budget (S. Con. Res. 113) for fiscal year 1989 that, if approved by the House, will allocate an additional \$2.6 billion in budget authority and \$1.4 billion in outlays to cover the cost of our anti-drug initiative, if certain conditions are met.

The purpose of this letter, Mr. President, is to urge you in the strongest possible terms, to join with us and our colleagues in the Senate to support these legislative initiatives to provide additional resources for our national and international anti-drug effort, beginning in fiscal year 1989. We would also respectfully request that we be granted an opportunity to meet with you as soon as possible to discuss our bill and the overall Congressional momentum toward enactment of additional anti-drug legislation in this session of Congress.

Mr. President, both the anti-drug legislation that we introduced on March 13th and the amendment approved by the Senate on April 13th encompass innovative and fiscally responsible mechanisms for funding additional drug enforcement and drug abuse programs next year, over and above the good start that your fiscal year 1989 budget makes in our drug effort for next year.

The Omnibus Anti-Drug Abuse Act of 1988 is the culmination of a nine month bipartisan effort to craft a broad-based legislative blueprint that balances the need for additional drug enforcement, with the need for increased emphasis on the demand side of the anti-drug equation. Specifically, our legislation authorizes an additional \$2.6 billion in budget authority and \$1.4 billion in outlays next year for a number of important programs and activities that improve the areas of: drug interdiction; drug treatment and rehabilitation; drug education; international narcotics eradication in Latin America; State and local narcotics control assistance; illicit chemical diversion enforcement; drug enforcement personnel; training; and research and development for our civilian law enforcement

President Ronald Reagan  
April 19, 1988  
Page 2

agencies. The cost of this legislation would be offset through increased I.R.S. collections of the delinquent taxes owed; increased enforcement of tax laws by the Bureau of Alcohol, Tobacco, and Firearms; and increased collections of delinquent, non-tax debt owed to the Federal Government. The additional receipts generated by these efforts would be deposited into a special Treasury Fund to be disbursed for the new drug initiatives.

Our amendment to the Budget Resolution paves the way toward accommodating these additional resources once three specific conditions are met: (1) the President and the bipartisan budget summit leadership agree that the drug problem is a "dire emergency"; (2) the President and the bipartisan budget summit leadership agree on recommendations for additional drug spending within our ceiling of \$2.6 billion in BA and \$1.4 billion in outlays; and (3) the appropriations legislation reported out of Committee which actually funds the anti-drug initiative is deficit neutral.

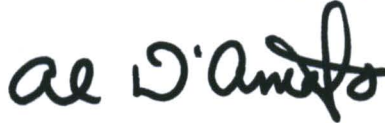
Mr. President, we would urge you to lend your incomparable influence to our effort to provide these additional resources for the anti-drug effort and to work with us and the bipartisan budget summit leaders to move a new drug bill through Congress and onto your desk by the Fourth of July. We can think of no greater need, no higher priority for the American people than providing these additional tools to help fight the drug war at home and abroad. With your backing, we can continue the bipartisan momentum of the 1986 drug bill and pass an excellent anti-drug measure this year. We look forward to hearing from you and meeting with you at your earliest possible convenience.

With best wishes.

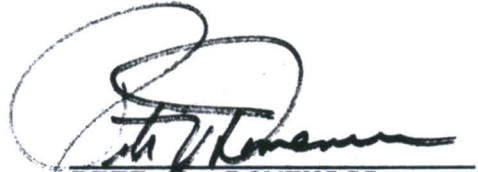
Sincerely,



DENNIS DeCONCINI  
United States Senator



ALFONSE D'AMATO  
United States Senator



PETE V. DOMENICI  
United States Senator

DDC/bmk