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7/5 - To Tuck per Griscorn

THE WHITE HOUSE
WASHINGTON

Drug file

July 5, 1988

MEMORANDUM FOR THOMAS C. GRISCOM
ASSISTANT TO THE PRESIDENT FOR
COMMUNICATIONS AND PLANNING

FROM: PHILLIP D. BRADY
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Drug Policy Recommendation

This is a follow-up to our discussion at this morning's staff meeting with respect to the possibility of the President announcing formal adoption of the National Drug Policy Board recommendations sometime this week.

In that regard you may wish to factor into the equation, as to both timing and content of such an announcement, the fact that each agency within the Executive Office of the President will soon be issuing the 60-day drug testing notice to all employees. Such notice is legally required to be issued at least 60 days before an agency initiates random drug testing of its employees pursuant to Executive Order 12564. Reportedly the White House announcement is currently targeted for this Friday (July 8, 1988) but apparently that date could be moved up although the process is a complicated one (15 different agency officials have to sign the notices and numerous copies of the Executive Office of the President Drug-Free Workplace plans have to be published and distributed).

Hope this is of interest.

Drug file

MEMORANDUM FOR MARION BLAKEY

From: Tom Griscom *3*

Re: National Drug-Free America Week

Date: July 5, 1988

I have read your memorandum concerning Drug Free America Week. Let me take both sides and then offer a plan of action.

I agree there is some merit in keeping the focus on the drug issue. This group has a basis of support and might be appropriate to present this message in a non-partisan way. It should also be noted that leaving an imprint on the importance of staying focused on drugs from one administration to the next is key to making sure it does not get lost in the political shuffle.

However, I remain concerned that the list of speakers that will be available during the time period (final week of October) has got to be focused on the political contests. There is no doubt that every candidate is going to be fighting the drug battle on every front (for the voters). But it clearly places it in the forefront of the political skirmishes that will be occurring in every nook and cranny throughout America. So, if we want to politicize the issue, there is probably not a better way to do it.

Now, with all that said, the event is going to happen. The real question is our involvement. I think a briefing at that time is not productive because it will be viewed as a clearly partisan political event and the focus is not going to be on the White House briefing room but around the country as voters start making up their minds for the elections. We must be concerned that doing such an event and its failure to possibly be covered, will have a negative impact. I would offer this suggestion: sign the proclamation and task the organizers to set-up a satellite hook-up into key cities that they are located. The President could do a message to their people and then they could add-on a local media component so that the message gets to the grassroots level.

Let me know the reaction to this proposal/idea. I remain ready to discuss it further with you.

cc: Ian Macdonald
✓ John Tuck
Mari Maseng

THE WHITE HOUSE

WASHINGTON

June 30, 1988

MEMORANDUM FOR THOMAS C. GRISCOM

FROM: MARION C. BLAKEY *MCB*

SUBJECT: National Drug-Free America Week

As you know, Ian Macdonald has asked for your reaction to:

1. the scheduling of a proposed "National Drug-Free America Week," and
2. the idea of a White House briefing and proclamation ceremony at the time of the proclamation signing by the President. This idea is detailed under Tab A of the attached briefing book.

At your request, I have looked into the current status of this proposal and discussed it with staff in Legislative Affairs. I understand the idea for such an event comes about because there were several such designated weeks in past years, and HHS staff recommended another week to the National Drug Policy Board which approved the idea in March. The week is intended to be the focus for town meetings, conferences, and fundraising activities that support community drug and alcohol education and prevention programs. For more detail see Tabs B and C.

The week of October 24-30, 1988 was selected because it coincides with a planned program of the National Federation of Parents for Drug-Free Youth. The President and the First Lady serve as honorary chairmen of this organization. Their program centers around a public education and fund raising campaign "Red Ribbon Week" which was quite successful last year in Atlanta. I understand the parents foundation is unwilling to change the date for their program because they have already made plans, and they believe the last week of October will be a good time to ensure prominent public speakers around the country.

Legislative Affairs tells me that there are resolutions designating a National Drug-Free America Week on the suspension calendars in both the House and the Senate. The Senate version is sponsored by Senators Stevens and DeConcini, while the House bill is sponsored by Congressmen Rangle and Young. I understand from HHS that Senator Stevens has the most active interest in the bill. Legislative Affairs says that there is no way to determine when or if action may be taken on either bill.

I understand that the Attorney General and Secretary Bowen have discussed and approved the plans behind National Drug-Free America Week, but that the Attorney General particularly wanted your thoughts on timing -- he is concerned as to whether the week will receive enough attention in the midst of the final days of the Presidential campaign. Others here at the White House and in the public affairs offices of several agencies have expressed concerns that the timing might be seen as too political.

I believe at this point if you could give Dr. Macdonald your reactions, it would be helpful to the team planning this effort.

cc Ian Macdonald
John Tuck
Mari Maseng

Drug file

- 1) Need to reiterate under-funding of President's request(s) on drugs, in both FY'88 and FY'89.
- 2) Can't afford to blow the budget agreement caps
 - Opens door to bidding war on this and other issues; e.g. drought
 - Have to keep our eye on the deficit - (will go up slightly in '88) - must insist on budget neutrality
 - Specter of sequester - reorders budget toward Democratic priorities; ie, less defense, more domestic - may be a conscious strategy by Democrats to force sequester
- 3) Adds to 050 and 150 should be above the line (of the agreement caps) - these demands were not anticipated in November - The reason we insisted on three caps was so that the Congress could not rob from 050/150 to fund domestic programs - we cannot countenance/accept shifting funds between the caps
- 4) First line of defense on financing should be offsets of low-priority domestic spending; e.g. mass transit - good politics and profits RR priorities, (we've identified offsets of at least 3.4 billion in Senate/10.0 billion in House bill)
- 5) Fall back - "some" offsets coupled with acceptable revenue increases; e.g. compliance in D'Amato/DeConcini
- 6) Role of Task Force is to agree on priority of initiatives (demand vs supply), size the initiatives, and figure out how to pay for them in the course of their deliberations

The Executive component of Task Force is willing to revisit the priorities of the President's budget to identify offsets to pay the price necessary to rid the nation of this scourge and at the same time

THE WHITE HOUSE

Office of the Press Secretary

Drug file

For Immediate Release

June 30, 1988

STATEMENT BY THE PRESIDENT

Today, Attorney General Edwin Meese, Chairman of the National Drug Policy Board, presented me with the Board's report in response to my request for additional recommendations to strengthen our national drug policy. Next week I plan to approve an Administration package that will be presented to the bipartisan Executive-Legislative Drug Task Force.

The Board's excellent work builds upon the solid foundation already laid by this Administration's strategy to reduce the supply and demand for illegal drugs. These recommendations send a strong message to drug law offenders, including users and traffickers. I join the Chairman in emphasizing that we cannot tolerate criminals who violate our borders, terrorize our communities, or poison our citizens. Likewise, we cannot tolerate drug users who provide the illegal market for the drugs or who benefit from the taxpayers' generosity through Federal grants, contracts, or loans.

We must hold people responsible for their drug use through accountable treatment programs and through our parole and probations systems. This problem touches all of us -- at home, at school, at work -- whether in government or in the private sector.

The recommendations of the Drug Policy Board are intended to strengthen America's drug enforcement policies to implement six essential goals:

- o First, a drug-free work force, both in the government and in the private sector, through measures such as random drug testing and effective treatment programs.
- o Second, drug-free schools through Nancy's "Just Say No" program and by requiring effective anti-drug policies on campuses as a condition to Federal aid.
- o Third, expanded drug treatment accountability to ensure through testing that those programs eliminate drug use and move toward drug-free environments.
- o Fourth, expanded international cooperation through interdiction, joint detection, apprehension, and eradication programs; including a coordinated role for the U.S. military and drug enforcement agencies.
- o Fifth, strengthened law enforcement with essential tools, such as the Federal death penalty for drug-related murders.
- o Sixth, expanded public awareness of the dangers of drug use by working together at all levels.

more

(OVER)

On May 18, 1988, I called for a joint Executive-Legislative Task Force -- a "summit meeting" of leaders in the Congress and the Administration -- to develop a comprehensive legislative package to address every aspect of the drug problem. I urge the Task Force to begin its deliberations with an initial meeting soon after the Fourth of July weekend so we can enact the necessary legislation quickly.

In addition, it is imperative for the Congress to restore hundreds of millions in cuts in our law enforcement budget requests and expeditiously pass legislation needed to successfully implement our drug strategy. The Drug Policy Board recommendations are a good starting point to pull together so that we can stop the sale and use of illegal drugs.

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THE WHITE HOUSE

WASHINGTON

June 30, 1988

MEMORANDUM TO ALAN KRANOWITZ

THROUGH: PAM TURNER *X*

FROM: MARK GREENBERG *me*

RE: Drug Abuse

In response to our release of the Drug Policy Board's recommendations, the Senate Democrats have released the following "concept paper." In response to the Senate Democrats, Senate Republicans will release their final recommendation later this afternoon.

EPIDEMIC

A Concept Paper
by the
Democratic Substance Abuse Working Group

Daniel P. Moynihan, New York, Co-Chairman
Sam Nunn, Georgia, Co-Chairman

Dale Bumpers, Arkansas
Robert C. Byrd, West Virginia
Lawton Chiles, Florida
Alan Cranston, California
Dennis DeConcini, Arizona
John Glenn, Ohio
Bob Graham, Florida
Ernest F. Hollings, South Carolina
Edward M. Kennedy, Massachusetts
John F. Kerry, Massachusetts
Frank R. Lautenberg, New Jersey
Claiborne Pell, Rhode Island
James R. Sasser, Tennessee

The Report of The White House Conference for a Drug Free America appeared just as the Democratic Working Group on Drug Abuse was completing its legislative proposals. We found much of value in the Report, and were struck by the opening sentence of the "Statement of The Chairman":

"Drugs threaten to destroy the United States as we know it."

The extraordinary surge of public concern over drug use however is not simply a response to threat. It is a response to a reality. It is part of a general awakening to what has been happening to children and young persons in our country. Many issues are problematic; uncertain. But one thing is clear: A very considerable number of young people in the United States are in a very considerable degree of trouble.

Drug use among youth is an index. Widespread drug use appeared suddenly in the 1960s and has increased to epidemic levels, mutating as epidemics do. (The National Commission on Marijuana and Drug Abuse of 1972-73 hardly mentioned cocaine.) While heroin use ravaged slums, LSD plagued prep schools. Cocaine, a drug of fashion in the 1970s, has mutated to "crack." It is roaring across the ghettos, spreading into the most prosperous neighborhoods, making its way back upwards in the social hierarchy. Age of initiation declines. Health impairment rises. The statistics are well enough known, but new findings focus on the increasing number of children born with drug-related disease or impairment. Two percent of children born in the Kings County Hospital in Brooklyn, New York, test positive for HIV, a consequence of heroin use. Half will thereupon die. A new study

found that of 28 children born to cocaine users (8 of those users also used opiates), 11 children had major brain abnormalities.

The 1985 National Household Survey on Drug Abuse gives us a good look at the numbers. Some 23 million Americans had used illicit drugs in the previous 30 days. But use is concentrated among youth: 15.1 percent of those 12 to 17 years of age and 25.5 percent of those 18 to 25 were users.

We are talking about our future, and there is a shadow over it. Young people everywhere are endangered, but most viciously, virulently the young people of the inner cities. The violence associated with drug use could drastically alter American society. Single-parent families could become 'no-parent families: a devastating prospect already taking shape.

Drugs appeared in the United States -- typically as medicines such as morphine, heroin, cocaine -- starting in the mid-19th century and have gone through several epidemic phases. We have never learned a great deal about the subject. Our attention span is brief, and our standards of evidence frail. (Only this past January, in his State of the Union Message, the President declared that the war on drugs was "an untold American success story.") In that sense, we are really just starting off. Drug use is simply one of those subjects that has never had sufficient prestige in medicine to attract the required resources. Brilliant work has been done by brilliant research pioneers. But not nearly enough.

Hence, we have every reason to expect that we will learn more and be able to do more. We already know a good deal of the

way in which cocaine affects the brain. (Keep in mind that practically until this decade cocaine was not viewed with any particular alarm by the medical profession. The addictive and cardiac-damaging properties of cocaine were not recognized. It was something to be used in moderation. Then came crack.) We are beginning to learn something about treatment; mostly how difficult it is, but that is the beginning of knowledge in such an area. We know a little bit about prevention: bringing young people to the point where they do say, "No." Police techniques become more determined; interdiction efforts more sophisticated. And, besides, epidemics can be broken. There is much to be hopeful about if we accept our responsibility.

To this end, the Working Group has adopted what we believe to be a balanced and realistic approach. One overall concept should be identified. A useful distinction can be made between strategies directed to the demand for drugs and the supply of them. Both strategies show results; both are needed. We conclude that resources in this package should be divided 60% for demand reduction and 40% for supply reduction for now, awaiting further result. And we emphasize results. We propose a massive effort. The results must be analyzed, monitored, debated, and evaluated. The programs and balance of expenditures between supply and demand efforts must be adjusted as we learn more from our experiences and as circumstances change.

We propose to increase drug-related programs by roughly \$3 billion per year. This approximately doubles the size of our present effort.

TITLE I

ORGANIZATION

The problem of illegal drug activity and drug abuse encompasses nearly the entire spectrum of Federal programs, both domestic and international. Any effective solution to the drug problem of the Nation must involve a comprehensive approach from all levels of government and society. Every city and community in the United States needs to establish an anti-drug, community level task force which would include input from law enforcement, health and education officials as well as, churches and civic associations. This approach, as envisioned, will combine a reduction of the demand for drugs through education, research and treatment with vigorous law enforcement and supply reduction initiatives.

In the past, our approach to the Nation's drug problem has been severely hampered by the large number of Federal agencies with overlapping jurisdictions and fragmented authority. Traditionally, turf battles and petty agency jealousies have been the scourge of federal efforts in any number of areas. The federal war against drugs is no exception to that rule. While successive Administrations have rhetorically declared a "war on drugs," a serious war has been waging between the Federal agencies who are supposed to be our united front against drugs.

The magnitude and scope of the problem of turf battles and lack of coordination requires the creation of a position with

the responsibility for the coordination and direction of all Federal efforts by the numerous agencies involved. The failure to meet this need has been one of the most serious shortcomings of past anti-drug campaigns. As such, the Democratic proposal, addresses the need for organizational changes in our drug effort. The proposal creates a Director of National Drug Control Policy, a cabinet-level position located in the Executive Office of the President, who would be responsible for directing and coordinating all Federal Government activities with respect to both drug supply (interdiction and law enforcement) and drug demand (prevention, education and treatment).

The most recent Special Report of the Comptroller General points out the "fragmented and uncoordinated" policies and programs in the drug area. This provision is intended to centralize and streamline the government's efforts against drugs -- not to create an additional bureaucracy but a method to coordinate these efforts.

In addition, the proposal restructures the Justice Department in order to raise the priority of asset forfeiture and drug prosecutions. The proposal would remove the Organized Crime and Racketeering Section, the Narcotics Section and the Asset Forfeiture Office from the Criminal Division. These units would be placed in a new "Organized Crime and Dangerous Drug Division," headed by a new Assistant Attorney General.

To accomplish these goals, we recommend the following:

- Create a Director of National Drug Control Policy within the Executive Office of the President, confirmed by the

Senate, to take charge of the entire federal drug control effort -- both demand and supply-side.

- Create a Bureau of State and Local Affairs to ensure state and local agencies are involved in the national strategy.

- The Director is required to prepare a national drug budget and drug strategy similar to the method used by the Director of Central Intelligence for the Intelligence community.

- The Director is required to designate "lead agencies" with clear responsibilities and authority in areas of law enforcement, interdiction and the prevention, treatment and education areas.

- Remove the Organized Crime and Narcotics Sections as well as the Asset Forfeiture Office from the Criminal Division and place them in a new Organized Crime and Dangerous Drug Division within the Justice Department, which will be headed by a new Assistant Attorney General. This Division will have a civil section similar to the Anti-Trust, Civil Rights and Tax Divisions of Justice (which have both civil and criminal components).

- Reorganize and combine the Organized Crime Strike Forces and the Organized Crime Drug Enforcement Task Forces, which now operate independent of each other in separate offices in the same cities.

TITLE II

LAW ENFORCEMENT

One of the basic purposes of government, as stated by our Constitution, is to "ensure domestic tranquility" -- law and

order. Yet, it sometimes seems that illegal drugs can be bought and sold on our streets with impunity. Drug dealers have literally taken over the streets of some neighborhoods with the attendant violence that threatens innocent citizens. All this must change. Citizens have a right not to be plagued by drugs in their schools, workplaces, streets and highways, residential areas, and places of recreation and to be assured that their government will deal effectively with drug-related crime.

Vigorous enforcement of criminal laws designed to punish the purveyors and users of narcotics is a vital component of any "war on drugs." Persons who traffic in or use illicit drugs must know that they are assured, upon detection, of swift and certain arrest and prosecution and, upon conviction, of paying the full penalties imposed by law for their offense. Successful street-level enforcement programs have thwarted drug distribution. While law enforcement represents only one aspect of our plan for a drug-free America, it is one that is essential for success.

Our proposal calls for a much-needed mid-course correction. Increased funding simply for law enforcement results, predictably, in massive logjams in our courts and staggering overcrowding in our prisons. In many states, otherwise strong cases never even get to court, but are instead bargained away by too few prosecutors who recognize that the system is at its breaking point. If continued, the front-end loading of the nation's law enforcement efforts could bring the system to its knees, and must be rebalanced.

To correct these problems, we propose the following:

- Courts, prosecutors, and prison resources - Aside from providing substantial increases in funding in each of these areas, the proposal authorizes U.S. Magistrates to accept guilty pleas and impose sentences to alleviate some of the backlog at the District Court level. The proposal authorizes the creation of 20 new judgeships whose assignment will be determined by Congress, following a report from the Judicial Conference regarding the most efficacious placement of the judges to solve the drug case backlog. A significant increase in funding will increase the numbers of Federal prosecutors. The proposal further gives the Government the option of housing civilian prisoners on military facilities.

- Disincentive penalties - The proposal addresses the need for demand-reduction efforts beyond the limited resources of the criminal justice system by requiring a cut-off for five years of certain Federal benefits (VA or FHA loans, practice before Federal Courts or Federal agencies) upon conviction of a drug offense (for first offenders, the period of the penalty is reduced to six months, with treatment offered as an alternative).

- Criminal provisions - The proposal authorizes fines to recover the cost of investigation of certain offenses under the Bank Secrecy Act, the Money Laundering Act, and the Controlled Substances Act; provides mandatory detention for alien felons involved in drug and other serious offenses; increases criminal penalties for individuals assisting such aliens in entering the United States; and authorizes subpoena authority for the Treasury

Department in the investigation of the importation or exportation of prohibited merchandise.

- State and local assistance - During the 1970s, Federal assistance for street level law enforcement increased more than twenty-fold. During President Reagan's first six years in office, funding for street level enforcement dropped precipitously, and would have been entirely eliminated but for the Anti-Drug Abuse Act of 1986. This proposal reestablishes a commitment to state and local law enforcement, with particular emphasis on street level enforcement by substantially increasing drug enforcement grants to state and local governments.

- Federal law enforcement agencies - The proposal authorizes additional appropriations for Federal agencies in the drug enforcement effort, including DEA, FBI, INS, BATF, and Marshals Service. It permits the effective dispatch of additional resources and personnel to "high-intensity drug areas." It also improves and facilitates agency use of asset forfeiture programs under both the Justice Department and the Customs Service.

TITLE III

PREVENTION, EDUCATION, TREATMENT

The Democratic proposal on demand reduction is founded on the firm belief that there will always be a supply of illicit drugs if people pay large sums to use them and that our ability to make any meaningful progress in the overall war on drugs will ultimately depend on efforts to reduce such demand. Throughout the 1980s, however, demand reduction has received markedly less resources and attention than efforts to reduce the available

supply of illicit drugs. Between 1982-1986, for example, of the total increase in federal drug control money, about 90% was for supply reduction, and in 1987, out of the approximate \$4 billion federal drug budget, just under \$3 billion was authorized for supply reduction.

This major imbalance in supply/demand efforts may help to explain the apparent failure of past anti-drug efforts. One of the major objectives of the Democratic proposal is to substantially increase the amount of funding for demand reduction. For FY '89, the Democratic proposal dramatically shifts the emphasis so that 60% of the funds go to demand reduction as opposed to 40% for supply reduction.

We also emphasize the need for a long-term commitment of resources and personnel. We call for 5-year funding proposals for education, prevention, and treatment programs. We focus particularly on the treatment area, perhaps the most neglected part of our present anti-drug abuse efforts. Our ultimate goal one day is to reach the stage where treatment on request will be available to anyone suffering from a serious substance abuse problem. Our proposal is a first step in that direction.

Other key features of our demand reduction program include improved and expanded education, training, emergency treatment, and prevention efforts at the federal, state, and local levels. To achieve the most effective mix of the increased resources to be devoted to these areas, we call for a 75%-25% federal/state matching of the funds to be authorized. In addition, our proposal responds to years of neglect and

insufficient support for the critically important area of drug abuse data collection and program evaluation.

The Democratic proposal calls for the following:

Treatment

- Reauthorize the Alcohol, Drug Abuse and Mental Health Administration Block Grant.

- Authorize increased comprehensive substance abuse treatment assistance for states, through FY'91 and such sums as may be necessary in FY'92 and FY'93 to demonstrate the long-term commitment to reducing the demand for drugs.

- Provide for five demonstration projects focusing on treatment and referral services in areas where there is high substance abuse and high incidence of drug-related criminal activities. At least three of the projects must focus on services for adolescents, minorities and women with infant children.

- Provide funding to target drug abuse treatment services to areas where I.V. drug use is creating a high risk of AIDS.

- Substantially increase funding for drug abuse treatment and other data collection, in order to identify the demographics of drug abuse, the need for treatment, and the availability of treatment programs.

- Increase funding for drug abuse research and training, to determine more effective methods of prevention and treatment and to augment the number of trained drug abuse counselors.

assets and arresting their operatives. Our proposed objective is to increase the probability of apprehending smugglers and minimize the availability of low-risk smuggling routes, by providing for "defense in depth" through additional purchases of interdiction assets (particularly for apprehension) and increased operation and maintenance funding. But even with much greater funding than proposed here, interdiction alone can do little to achieve the larger objective of reducing drug abuse.

The Role Of Interdiction

In theory, interdiction (seizing drugs in transit or upon arrival at U.S. borders) could help reduce drug abuse in two ways: by reducing the supply of drugs available on the street, and by raising the price of drugs so high that users will reduce their consumption. Experts say that price is perhaps the best measure of interdiction's effectiveness in fighting drug abuse. Unless drug seizures lead to street price increases, seizures themselves will do little to reduce drug consumption. As regards reducing the supply of drugs on the street, what matters is the total supply available to users; the amount seized is itself not necessarily a useful measure of effectiveness.

Seizures of drugs such as cocaine have grown dramatically in recent years, from 2 tons of cocaine in 1981 to 27 tons in 1986. At the same time, street prices of cocaine have fallen from as high as \$125 a gram in 1983 to as low as \$80 a gram in 1987. A key reason for this decrease is that despite greater seizures, the total amount of cocaine entering the U.S. is estimated to have grown even more dramatically, doubling between 1984 and 1986.

It is conceivable that by spending much more on interdiction, the supply of drugs available in the U.S. could be reduced enough to force price increases that would reduce demand. But it would be enormously difficult to reduce this supply of drugs by attempting to seal off our borders. Indeed, last year the Defense Science Board concluded that such a task would be like looking for "needles in a haystack," since the United States has 88,633 miles of sea coast and 7,458 miles of land border, with over 300 million people crossing those borders annually. In addition, there are 94 million automobile crossings, 650,000 airplane crossings, and 84,000 freighter and 125,000 private yacht entries, annually. Lastly, over 7 million cargo containers arrive every year in U.S. ports of entry.

Drug smugglers will change their tactics to counter U.S. interdiction improvements. And to the extent that smugglers are prevented from bringing drugs into the U.S., domestic producers will attempt to meet the demand for drugs, either with the same drugs (marijuana), with substitutes or with synthetics. (Ironically, marijuana interdiction, acting like a tariff on the foreign product, has "protected" our domestic marijuana industry, which supplied 25% of the market in 1987).

It would also be extremely difficult to raise the price of drugs imported from the foreign market. The landed price, i.e., the price upon arrival in the U.S., of cocaine constitutes only 10% of the final price to the users. Ninety percent of the final price comes as markup after the drugs arrive in the U.S. Thus, for cocaine, even if the landed price could be

doubled, this would result in only a 10% increase in the final price to users. And this demand is relatively price inelastic, since users, and especially addicts, do not decrease their consumption of drugs as fast as the price increases. And if prices increase by 10% and consumption falls by only 5%, then drug dealer profits rise.

Interdiction and Drug Traffickers

The fact that interdiction alone can do little to reduce drug use does not mean that we should leave our borders undefended. Drugs are illegal; more, they are lethal. The Federal Government has a responsibility to ensure that smugglers cannot operate without fear of being caught and being punished. Furthermore, the need to defend our borders against smugglers coincides with the need to improve our defenses against other potential national security threats; e.g., low flying aircraft and cruise missiles.

The best interdiction strategy is "defense in depth." This calls for early detection, identification and tracking of the smuggler as close to the source areas as possible, so as to allow more time to provide for apprehension. Note also that other links in the chain of fighting drug traffickers must be adequately funded: courts and prisons must be available for

No funding increase in interdiction, no matter how large, could guarantee the apprehension of all smugglers. But increased funding can ensure that there are no risk-free methods or routes for drug traffickers. Our objective should be to improve those

defenses so that no risk-free smuggling routes remain, and so that traffickers cannot avoid the possibility of being apprehended and imprisoned.

Key Provisions

- Because the Department of Defense has been assigned responsibility for early detection and surveillance of drug traffickers (without arrest authority), and assuming that the Defense Department will fully meet this responsibility, no additional funds for detection and surveillance are authorized for civilian agencies.

- For the Coast Guard, authorizes additional funds for air and marine assets to apprehend drug traffickers, and additional funds for personnel.

- For the Customs Service, authorizes additional funds for aircraft (primarily for apprehension), personnel, and a cargo container narcotics detection program.

- For the Defense Department, authorizes new funds for assets to detect and track drug traffickers.

- For the Drug Enforcement Administration, additional funds for the El Paso Intelligence Center and to provide more intelligence to drug interdiction agencies.

- For the Immigration and Naturalization Service, new funds for drug interdiction equipment and for personnel.

- Authorizes additional funds to improve Department of Justice law enforcement training facilities.

TITLE V

ERADICATION AND INTERNATIONAL COOPERATION

Coca and opium can be grown over vast regions, and a miniscule cultivation will meet U.S. demand for cocaine and heroin. Hence, eradication alone cannot end the problem of drug abuse. But the U.S. has important foreign policy interests in helping source countries defend themselves against drug producers and traffickers. Our proposed objective is to assist nations seeking to disrupt (and, to the extent practical, reduce) drug production, while also helping them address attendant problems such as drug consumption within their own borders. To achieve this goal, we propose additional funding for eradication assistance and an increased reliance on international cooperation to fight both the supply and demand for drugs.

Prospects for Eradication

The potential supply of coca is virtually unlimited. Varieties of coca will grow not only in traditionally-cultivated areas such as the upper Huallaga Valley of Peru, but throughout the Amazon basin and even in arid regions such as the river valleys of Peru's north coast. The Amazon basin alone offers over 2,000,000 square miles of land for coca cultivation.

In contrast, the amount of territory needed to meet U.S. demand for cocaine is tiny. Just 30 square miles in Peru, an area smaller than the Borough of Queens in New York City, could meet total U.S. demand for cocaine (including cocaine consumed, seized and interdicted).

The situation with opium is not dissimilar. The plant is native to vast regions of Asia. As with coca, it can be cultivated in the jungle, on the plains, and in the mountains. It is, of course, indispensable as a source of morphine, and is easily raised to the intensity of heroin. Two percent of the present world harvest is required to provide the heroin now used in the United States.

In 1969-70 the United States successfully engaged the governments of Turkey and France in a campaign to break the heroin traffic which dominated that period. This was a relatively simple operation. Both Turkey and France were (and are) NATO allies, with strong governments accustomed to close cooperation with the United States, and neither government with any interest itself in the drug traffic. These conditions simply do not exist in Afghanistan, Northeast Burma, the Northwest Frontier regions of Pakistan, and yet undiscovered or unexploited regions. There is considerable reason to think that in recent years the United States has been trying to replicate its success in breaking "The French Connection" with governments that simply do not control their borders, or many regions within them.

Eradication and International Cooperation

Eradication can help disrupt production in specific areas, especially if done in conjunction with interdiction efforts. But expectations as to what can be achieved through eradication -- even when coordinated with local interdiction efforts -- should be realistic. The United States should continue to assist nations that seek to conduct such operations

by providing the sort of interdiction assets and training called for in this legislation.

Our nation should pursue bilateral and multilateral efforts to combat international drug trafficking. The United States should seek to negotiate mutual legal assistance treaties, extradition treaties, and narcotics agreements with as many drug-producing and drug-transiting countries as possible. Only with such agreements in place can our nation actively pursue foreign narcotics traffickers, money launderers and drug criminals. The United States also needs to play a greater role in such international organizations as the United Nations Fund for Drug Abuse Control and regional organizations such as the Inter-American Drug Abuse Control Commission. Our European allies are experiencing growing drug abuse and drug trafficking in their own countries and have increasingly looked to the United Nations for solutions. Joint U.S.-Soviet cooperation in the fight against drug abuse is also an area that merits further exploration.

Key Provisions of Draft Bill

- Authorizes continued funding for narcotics control activities of the State Department's International Narcotics Matters Bureau.

Authorizes funding for the development of a machine-readable passport security program. This will allow Customs and Immigration officers at U.S. ports of entry to determine whether individuals have a drug-related criminal record.

- Increases the United States contribution to the United Nations Fund for Drug Abuse Control. The current U.S. contribution ranks behind that of six European nations.

- Streamlines the trade certification process, consolidates foreign aid and international trade certification requirements.

- Amends the Money Laundering Act to require that foreign banks with branches or subsidiaries operating in the United States maintain records of U.S. currency transactions.

THE WHITE HOUSE

WASHINGTON

July 1, 1988

MEMORANDUM FOR ALAN KRANOWITZ

THROUGH:

PAM TURNER *pt*

FROM:

MARK GREENBERG *mgj*

SUBJECT:

Drug Abuse

The most recent summary of Senate Republican drug legislation is attached. This is the revision that was to have been released yesterday afternoon. It was not released; it will be distributed to Senators on Tuesday and serve as the basis of a press conference and floor statements next Wednesday.

June 30, 1988

1988 Omnibus Anti-drug Bill

- I. Demand Reduction:
 - A. Personal Accountability
 - B. Treatment, Education and Prevention
- II. Post-arrest Programs
- III. Criminal Justice
- IV. Proposal for a Drug Control Director
- V. International
- VI. Improvements in Justice Forfeiture Funds
- VII. Law Enforcement
 - A. Immigration and Naturalization Service
 - B. Coast Guard
 - C. National Guard
 - D. Bureau of Alcohol, Tobacco and Firearms
 - E. National Forest Service
 - F. Budget
 - G. Drug Enforcement Agency
 - H. Federal Bureau of Investigation
- VIII. Funding

I. DEMAND

To reduce the demand for illegal drugs:

General

1. Strong statement of opposition to legalization and decriminalization of drugs.

2. Nationwide awareness campaign for six months prior to implementing new penalties for drug possession and use. This is to give drug users advance notice that things have changed, that their illegal activity will no longer be tolerated, and that it will be subject to serious penalties.

Education/Youth

1. Condition State participation in federal drug programs upon the State's having, within two years after date of enactment of this bill, procedures for suspending eligibility for a driver's license for conviction of a drug offense.

2. Require states to randomly test a percentage of first-time drivers within the first year of being licensed and to revoke driving privileges for individuals found to be using drugs or driving under the influence of drugs or alcohol. Secretary of Transportation would issue regulations to aid states in implementation. Testing facilities would have to meet federal standards.

3. Withholding of highway funds from states that do not administer drug tests to all drivers arrested for drunk or impaired driving, that do not automatically revoke driver's licenses for those testing positive on drug tests or for anyone convicted of drug possession, and that do not require the successful completion of a drug rehabilitation program as a condition of reapplication for a driver's license.

4. Restrict Drug Free Schools money to school systems which do not have a policy to (A) notify a parent or guardian and police when drug-use by an unemancipated minor is discovered, and (B) separate serious or repeat offenders from drug-free students.

5. Suspend eligibility for federal post-secondary assistance (under Title IV of the Higher Education Act) to any student convicted of a drug-related offense.

This would be PROSPECTIVE. All applicants start off with a clean slate. Upon application for a student loan or other assistance, the applicant receives notice that a future conviction on a drug-related offense (State or federal) will result in loss of eligibility for a certain period of time.

The same notice will suggest that any applicant who has a problem with drugs should get treatment and will suggest places to go for help.

Upon first conviction of a drug-related misdemeanor, the person loses eligibility for all federal student assistance unless he or she successfully completes a drug treatment program.

Upon second conviction of a drug-related misdemeanor, or upon first conviction for a felony, the person loses eligibility

6. Require Secretary of Education to withhold funds from colleges not in compliance with Higher Education Act requirement for a drug-free campus and authorize Secretary to promulgate regulations specifying the standards by which the Department--and the public--can judge whether a particular college or university is drug-free.

7. Authorize drug testing in schools as an optional component of drug-free campus programs.

Public Housing

The Department of Housing and Urban Development is currently preparing to issue final regulations, first proposed July 23, 1986, reforming Public Housing Authority procedures for leases, evictions, grievances hearings, and so forth. Even without these regulatory changes, PHAs already have the authority to terminate the tenancy of anyone engaged in criminal conduct. With the new regulations, PHAs will have broad discretion to deal with any criminal activity committed by tenants within or without their projects.

The following proposals are intended to supplement what should be a tough crackdown by PHAs against illegal drugs in public housing.

1. Require an explicit no-drug clause in all new leases in federally assisted PHAs.

2. Require an expedited report to Congress from HUD on its forthcoming regulations to ensure that they are being effectively used to protect persons in public housing from drug terror that now dominates many housing projects.

3. Require all PHAs to have a tenant review committee of residents to screen out drug users and traffickers. (Some PHAs are doing this already.) Give HUD waiver authority for PHAs which make good faith effort to form such committees but (because of possible retaliation) fail to make them work.

4. Require all PHAS to terminate the tenancy of a public housing tenant who is convicted in a State or federal court of an offense related to the possession, use, manufacture, sale, or distribution of a controlled substance.

5. Allow block grant funds under the Bureau of Justice Assistance to be used to fight drugs in public housing.

Workplace

1. Authorize HHS, DoL, and Justice to develop non-binding guidelines for employers and employees who desire drug-free workplaces.

Before we can obligate employers to maintain a drug-free workplace, we have to have a set of standards that define the goal.

2. Amend the Rehabilitation Act of 1973 to specify that, for purposes of employment protections, the illegal use of a controlled substance can be considered to be a prima facie evidence of endangerment of self or coworkers.

Under current law, drug addiction is considered a handicap, covered by the anti-discrimination provisions of the Rehabilitation Act. In employment, however, those protections do not apply if the person's addiction endangers self or others. Rather than remove drug addiction altogether from the coverage of the Rehabilitation Act, illegal use of drugs--use, rather than the fact of addiction--would be prima facie evidence of endangerment of self or coworkers. This shifts the burden of proof toward the person who is using illegal drugs, to show that his usage is not endangering anyone in the workplace.

3. Authorization for private employers to conduct drug tests and the elimination of legal hurdles to permit employers to discipline workers who fail drug tests.

4. Expansion of OSHA authority to ensure drug-free workplaces, including data collection, the investigation of facilities that have a history of drug-related safety problems. (As a component of OSHA accident investigations, the agency could conduct mandatory drug tests to determine whether drug abuse contributed to the accident.)

5. Condition receipt of any federal contract or assistance upon maintenance of a drug-free workplace.

Transportation

1. Senator Danforth's provision in H.R.3051 to provide for testing the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles. These provisions to give DoT

broad testing authority for federally regulated transport workers were passed 83-7 by the Senate in October, 1987 as incorporated into H. R. 3051, the Air Passenger Protection Act. That legislation is currently being stalled by the House.

2. Make federal certification of a common carrier depend upon the carrier's commitment to a drug-free workplace.

This would require a good-faith effort on the part of the carrier. In other words, it would not lead to the loss of certification by an airline simply because a passenger smuggles drugs. DoT would make the determination of non-compliance in problem cases, using the guidelines developed under #1 in the Workplace section.

3. Authorization for the Urban Mass Transit Administration (UMTA) to withhold funds from any mass transit system not implementing comprehensive detection, treatment and enforcement programs.

4. Airport Drug Interdiction Zone--Increase the authority and power of the U.S. Customs Service and the Federal Aviation Administration to seize and search commercial aircraft for illegal drugs and narcotics. The administrator of the FAA is empowered to designate Airport Drug Interdiction Zones in conjunction with the issuance of airport operating certificates. This enables the Customs Service and the FAA to search and seize commercial aircraft in these zones without probable cause; the seizure to last no more than two business days. Commercial airlines would be encouraged to enter written agreements of participation with the FAA.

5. Airline Anti-Smuggling Amendment--Ensure greater vigilance in interdicting illegal drug smuggling on commercial aircraft by providing for formal and uniform procedures for the inspection of commercial aircraft by the common carrier for illegal narcotics smuggling into the United States. This provision creates a standard by which airlines can measure whether its precautions have satisfied the standard of care prescribed by statute. A rebuttable presumption would be established in favor of an airline certified to be in compliance with the anti-smuggling procedures that it has exercised the highest degree of care and diligence in discovering whether illegal narcotics are on board an aircraft. Furthermore, a carrier found to be in compliance with these procedures would be subject to a lower penalty schedule.

The Rights and Responsibilities of Citizenship

1. Deny all federal licenses for a period of years upon conviction (State or federal) for a drug offense.

This would apply when the license is given to an individual or to a solely-owned corporation. It would not apply in cases where the license is held by a company, one or more of whose officers or owners was convicted.

2. Establish as a general principal the loss of eligibility for any federal benefit or entitlement for various periods of years depending upon the nature of the drug offense. Exclude safety net programs and earned benefits--e.g., veterans benefits, pensions, Social Security survivor's benefits--would also be excluded.

6

Like the proposal concerning student loans, this provision is prospective. It would make ineligible for certain benefits someone who is in the future, convicted of certain drug offenses. However, in order not to penalize innocent third parties (lending institutions), it would not terminate a federally guaranteed loan if its beneficiary is convicted after the loan has been made.

This is intended to apply to all federal grants to, and contracts with, individuals in the same prospective manner.

3. Indicate on passport if person has been convicted of a drug offense or has incurred a forfeiture. Revoke passports of convicted persons: 10 years in cases of felony convictions, 5 years in misdemeanor convictions. Retroactive 20 years for felony offenses, 10 years for misdemeanor offenses.

Miscellaneous

1. Implement the Domenici provision of the 1986 bill establishing a commission to explore ways in which the media glamorize or legitimate drug abuse and to recommend remedies.

2. Mandatory drug testing for Members of Congress and Congressional employees.

II. POST-ARREST PROGRAMS

The legislation focuses significant new resources on those portions of our criminal justice system which administer post-arrest programs. Previous attempts to curb drug abuse and trafficking have often failed to fully recognize the critical necessity of balancing resources to meet the demands of increased law enforcement placed upon those Federal entities at the back end of the criminal justice pipeline, such as United States Attorneys, United States Marshals, the Federal Prison System and the Federal Courts. Increased enforcement becomes meaningless if we fail to provide for the prosecution, conviction, and incarceration of drug violators.

The package includes \$44 million and 874 positions for United States Attorneys to narrow the existing gap between arrests and prosecutions; \$57.5 million for programs of the United States Marshals Service in the areas of judicial security and custody and transportation of unsentenced prisoners; \$200 million to the Federal Prison System for the construction of four additional medium security prisons to relieve problems currently being experienced with a system wide 60% overcrowded rate in Federal penal institutions; and an additional \$166 million for the Federal Judiciary to meet the anticipated caseload resulting from increased arrests and prosecutions.

United States Marshals Service Act of 1987

1. Codify orders and regulations of the Attorney General establishing the Marshals Service as a separate unit of the Department of Justice and providing its organizational structure.
2. Enhance security and appropriate decorum in the Federal courts by:
 - restating the Marshal's traditional and premier responsibility of providing security for the courts and executing court process;
 - authorizing the Marshals to provide personal protection to judges, U.S. Attorneys and other Federal officials;
 - eliminating the statutory provision which limits payment of court bailiffs to an unrealistically low level.
3. Provide explicit authority for the current functions of the Marshals Service, including authority to:
 - carry firearms and make arrests;
 - conduct fugitive investigations;
 - protect Federal witnesses and their families;
 - provide for the transportation, maintenance and housing of Federal prisoners awaiting trial and sentencing, including entering agreements with states and localities to obtain necessary jail space.
4. Create a separate U.S. Marshal's office for the Superior Court of the District of Columbia to ensure that both the local D.C. court system and the Federal district and circuit courts in D.C. receive the levels of attention they require.
5. Permit the Marshals to recover the actual costs of serving non-Federal process in private litigation (currently borne by the taxpayers).
6. Furnish the Marshals Service with explicit contracting authority to provide for security guards and service of process in non-criminal proceedings.

7. Protect the security and confidentiality of ongoing criminal investigations by exempting from standard Federal acquisition procedures the procurement of contract services necessary to assist Federal law enforcement in seizing and managing property related to criminal enterprises.

III. CRIMINAL JUSTICE

4. Mandatory sentences for selling drugs to minors: 10 years without parole for the first offense, life without parole for the second offense.

5. Mandatory sentences for using weapons in the commission of a drug crime: a minimum of five years for the use of conventional weapons, and a minimum of ten years for the use of automatic weapons.

6. Death Penalty--Would establish constitutional procedures for the implementation of the death penalty for the crimes for which it is currently authorized (murder, treason, espionage) as well as for new crimes such as attempted assassination of the President, drug related murder.

7. Habeas Corpus--prevent abuses in filing of habeas petitions. Provides the following reforms: 1. establishes a time period for the filing of habeas petitions--one year for state level, two years for federal level; 2. allows federal court to dismiss habeas petitions that have been "fully and fairly" adjudicated in the state court; 3. provides that claims not raised in state court can not be raised in federal court; 4. allows federal court to dismiss a habeas petition on the merits even if state remedies have not been exhausted.

8. Exclusionary Rule--Codifies the Supreme Court Decision in United States v. Leon (1984) which provides that a search conducted pursuant to a warrant is valid if the law enforcement officer exhibits an "objectively reasonable belief" that the search is in conformity with the fourth amendment. Extends this exception to warrantless searches. Also provides that the exclusionary rule may not be used as a sanction for nonconstitutional violations of a federal statute or rule, unless the statute specifically provides for such a remedy.

9. Drug tests as a condition for parole or probation with revocation of parole or probation upon finding of drug use. Require testing of all individuals on probation, parole (approximately 74,800) or supervised release on a random basis with everyone being tested at least once every 30 days. Tests to be paid through user fees.

10. Mandatory adult status for juveniles with prior serious state or federal drug convictions.

11. Money Laundering Amendment--Includes changes to current reporting requirement for cash purchases of consumer goods of \$10,000 or more by establishing stiff penalties for retailers who fail to report, and other improvementr to money laundering enforcement.

12. Criminal penalty for polluting U.S. lands in the course of drug activities--provides for a maximum of five years imprisonment or a fine or both for persons who in the course of violating the controlled substances laws place a pollutant on U.S. lands.

13. Enhanced penalties for drug violations--Selling within certain distances of school yards, using juveniles in drug trafficking, operating a common carrier under the influence of drugs or alcohol and causing serious bodily injury.

14. Minor and technical amendments to the 1986 Drug Bill.

15. Domenici commission to develop model state laws to be chaired by the U.S. Attorney General and consisting of twenty members from state and local agencies responsible for enforcement of laws against illegal use of drugs and not more than two other criminal law experts who are not representatives of governmental agencies.

16. Precursor Drugs--DEA Proposal to track substances required for the manufacture of illicit drugs.

17. Civil sanctions--establishes additional civil penalties for persons convicted of simple possession of heroin or cocaine. First offense--up to \$250,000; subsequent offenses--\$1 million.

18. Three-time loser provision--Provides for mandatory life imprisonment without parole for persons who are convicted of:

- 1.(a) distributing to persons under the age of 21,
or
- (b) distributing or manufacturing in or near schools and colleges, or
2. who have been convicted twice of a violation of those sections or any other felony under the controlled substances laws.

20. Provides enhanced penalties, depending on the drug and quantity, for persons who distribute or manufacture drugs within 200 yards of public housing. This provision is based on the schoolyard provision in current law.

21. Drug Offenses within Prisons--Provides that persons who manufacture or distribute drugs within federal prisons shall, in addition to any other sentence, be imprisoned for 10 years. Also, provides that inmates who use drugs shall, in addition to any other sentence, be imprisoned for one year.

22. Public Safety Officers--Increases the death benefit for Federal public safety officers from \$50,000 to \$100,000.

23. National Institute of Justice Research Program--Authorizes \$10 million to identify innovative solutions to problems in the criminal justice system.

24. House Probation--Provides house probation as a discretionary condition of probation, parole or supervised released.

IV. TREATMENT

In general: The bill expresses the sense of the Senate on its concern on alcoholism and other drug dependencies, the consequences of alcoholism and other drug dependencies, that they are treatable diseases, that there must be opportunities for successful treatment and recovery and such programs form the essential element to solving the nation's drug problem.

Department of Health and Human Services

1. Continuation of the Alcohol, Drug Abuse and Mental Health Services block grant where not less than 35 percent of the ADM block must be used for Drug Abuse treatment programs. Increased funding to \$550 million. In addition, an 80 percent/20 percent federal/state match will be required.

2. Additional \$20 million will be available to States for acquisition, renovation, or construction of substance abuse facilities.

3. Supplemental drug abuse treatment funding of \$400 million (attached to the ADMS block grant). \$100 million will be set-aside for treatment programs for individuals within the criminal justice system. In addition, an 80 percent/20 percent federal/state match will be required for these supplemental funds.

4. States will be required, as part of their application for funding, to fund treatment programs which are effective.

5. Office of Substance Abuse Prevention continuation with funding of \$45 million. \$29.5 million will be available for targeted education, prevention and treatment efforts for youth at high-risk for substance abuse.

6. Reauthorization of research efforts through the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism. The NATIONAL Institute on Drug Abuse funding of \$183 million.

7. Reaffirm Senate support of S.1220 which provides \$75 million in substance abuse treatment for IV-drug abusers who are at high-risk of contracting AIDS.

8. Authorizes the Secretary of Health and Human Services to certify laboratories who conduct drug tests and that the Secretary shall approve national accrediting bodies for the certification of approved laboratories. In addition, the Secretary is prohibited from reimbursing the certification of laboratories.

9. Requires the Secretary of Health and Human Services to report to Congress on the range of treatment programs for drug abuse used with funds authorized under this Act. The report shall identify programs that demonstrate effective treatment and develop standards to measure such effectiveness.

Department of Education

1. Reaffirms Senate support of P.L. 100-297 which reauthorizes \$250 million for School and Community Based Education Programs. This effort targets 70 percent of funds to school-based education programs and 30 percent of funds to community-based education efforts.

2. Requires the development of model criteria and forms for the collection of data and information to evaluate programs funded under this Act. This will allow schools and community-based organizations to share uniform data and information with respect to the Drug-Free Schools and Communities Act.

Department of Labor

1. Authorizes \$5 million for incentive grants to employers to develop employee assistance programs for drug-abuse treatment.

2. Authorizes \$15 million for ISHA enforcement and investigation to ensure a safe and healthy workplace.

Action Agency

\$5 million for two years to expand volunteer efforts to support community anti-drug abuse efforts. Also, lifting the cap on three-year funding of community-based volunteer efforts.

Indian

1. Extend and revise the authorization of appropriations provisions of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

2. Increase funding for the staffing of the 11 youth regional treatment centers called for by the 1986 Anti-Drug Abuse Act. Funding for rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers is also increased.

3. Emphasize the family component in the treatment of youth alcohol and substance abuse. Studies have shown that the inclusion of family members significantly increases the effectiveness of such treatment.

V. PROPOSAL FOR A DRUG CONTROL DIRECTOR

1. Establish a Cabinet level Director of Drug Control within the Executive Office of the President, to be appointed by the President with the advice and consent of the Senate.

2. Authorize the Director to appoint Deputy Directors in the areas of drug law enforcement and drug demand reduction.

3. Designate the Director as the Chairman of the National Drug Policy Board.

4. Transfer those responsibilities now assigned to the Board to the Director, specifying that he carry them out after consultation with the Board.

5. Authorize the Director to review and modify budgets in drug related programs before they are transmitted by civilian agencies or departments to OMB.

6. Authorize the Director to transfer a certain percentage of funds between drug related programs after notifying the Appropriations Committees.

7. Designate the Director as primary advisor to the President and Congress on national and international drug control programs and policies and the implementation of those policies.

8. Authorize the Director to temporarily reassign personnel between agencies, with the concurrence of those agencies, in order to implement drug control policies.

9. Authorize the Director to assemble a staff to assist him in carrying out his duties.

10. Abolish the White House Drug Abuse Policy Office.

11. Add the Director to the National Security Council.
12. Terminate the Director's office after six years unless Congress determines that there is still a need for the position.

VI. INTERNATIONAL

1. Procurement of weapons to defend aircraft involved in narcotics control efforts. \$1,000,000 for FY88 and FY89 to arm, for defensive purposes, aircraft used in narcotics control eradication or interdiction efforts. The funds are to be used on existing aircraft, and not to be used for the purchase of new aircraft. The Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate shall be notified of the use of these funds fifteen days in advance.

2. Pilot and aircraft maintenance training for narcotics control activities. \$2,000,000 for FY88 and FY89 for training in the operation and maintenance of aircraft used in narcotics control interdiction and eradication efforts for countries in Latin America and the Caribbean.

3. Add additional specific actions which the President shall consider in determining whether countries are cooperating fully with the United States: a) has adopted of legal codes to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws; b) has expeditiously processed U.S. extradition requests; c) has not protected or given haven to any known drug traffickers and has expeditiously processed U.S. extradition requests relating to narcotics trafficking made by other countries; and d) has investigated the murders of U.S. personnel working in drug enforcement in that country who have been killed since 1985 and brought to trial and effectively prosecuted those responsible for such murders. Furthermore, this provision would expand the demonstration of taking legal and law enforcement measures to include conviction and incarceration of violators in drug traffic. Additionally, the criteria for entering into a mutual legal assistance agreement is changed from "willingness of such government to enter into" such an agreement to "has entered into."

4. Express the sense of the Senate that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers.

VII. IMPROVEMENTS IN JUSTICE FORFEITURE FUNDS

1. Currently, all expenditures from the Forfeiture Fund are scored as if having been appropriated under Subcommittee 302(b) allocations. Therefore, expenditures related to maintaining and disposing of assets, as well as funds shared with state and local authorities, are scored against the Commerce Justice and State Subcommittee in Appropriations. The change would create permanent spending authority for the uncontrollable costs of the fund including asset management expenses and equitable sharing payments with state and local agencies. This program has successfully enhanced local law enforcement efforts by recycling more than \$100 million worth of criminal assets. The proposal will ensure its continuation.

2. Stipulate that funds provided to state and local governments for their share of the seized assets should be spent for costs associated with investigating, arresting, prosecuting and incarcerating individuals violating drug laws.

3. a) Direct the Attorney General to consider administrative changes that will increase the availability to state and local police agencies of the federal asset forfeiture laws; and b) Provide federal training for state and local asset forfeiture officials in the art of finding assets of drug dealers.

4. Expand the list of acceptable disbursements from the asset forfeiture funds to include purchase of surveillance equipment. This proposal will not increase the level of BA or outlays.

5. Expanded rewards for citizens who report drug dealers to authorities. Funding would come from a pool of forfeited assets, with rewards up to \$150,000 at the discretion of the Attorney General. Payments would be based on a formula. (Current law permits the Attorney General to authorize rewards up to \$150,000 or 1/4 of forfeited assets, whichever is less, payable from the assets seized in a particular arrest. This proposal would encourage citizens to provide information not only about dealers who have substantial assets but also about those who may have large quantities of drugs, but few assets.)

VIII. IMMIGRATION AND NATURALIZATION SERVICE

1. Bar the reentry with visa of aliens deported for criminal grounds.

2. Eliminate bond for deportation proceedings for alien drug offenders.

3. Eliminate suspension of deportation

4. Bar asylum or withholding of deportation for alien drug traffickers

5. Eliminate waiver by 212(c) (legal permanent resident aliens with seven years unrelinquished domicile in the United States) for alien drug traffickers who are resident aliens.
6. Eliminate waivers based on family ties for alien drug traffickers.
7. Bar alien drug traffickers from voluntary departure.
8. Increase penalties for failure to comply with conditions of supervision.
9. Amend guidelines for penalizing aliens who abscond for deportation.
10. Permit deportation for possession of firearms.
11. Roth proposal for summary exclusion for narcotic possession at port.
12. Wiretap authority for INS.
13. Expand INS authority for RICO violation.
14. Bar asylum and withholding of deportation for any aliens convicted of an aggravated felony.
15. Authorize the INS to access the National Crime Information Center data base and other law enforcement computerized indexes.
16. Provide general law enforcement authorities to immigration officers in order to enforce criminal violations of federal law encountered during the course of their duties, subject to the supervision of the Attorney General.
17. Limitation or denial of nonimmigrant visas to nationals of certain foreign states.
18. Require certified copies of conviction records to be provided to INS.
19. Stamping of passports of drug convicted aliens at time of attempted entry into the United States.

IX. COAST GUARD

1. Coast Guard Law Enforcement Detachments (LEDET's) on Navy Vessels. This would amend 10 U.S.C. 379 and 14 U.S.C. 637 to give Navy commanding officers and those acting under their orders, including Coast Guard LEDET's, the authority and

protection currently in 14 U.S.C. 637 to shoot at vessels without being subject to personal liability when a Navy ship has a Coast Guard LEDET attached. (Submitted to Congress by the Secretary of Transportation 21 December 1987. Referred to the Senate Committee on Armed Services 16 February 1988)

2. Crime of Possession. This would amend the crime of possession under 21 U.S.C. 844 to include extraterritorial possession by a U.S. citizen or resident alien aboard any vessel or aircraft subject to the jurisdiction of the United States. (Submitted to Congress by the Secretary of Transportation 21 December 1987. Referred to the Senate Committee on Armed Services 16 February 1988.)

3. Two Amendments to the Maritime Drug Enforcement Act (46 U.S.C. 1901 et seq., previously 21 U.S.C. 955a). First, this would extend the Maritime Drug Enforcement Act to U.S. citizens aboard the vessel of any nation. Second, this would amend the Act to require operators of vessels which would otherwise be considered U.S. vessels, but for a valid foreign registry, to raise that foreign registry issue at the time of boarding.

4. Requires the Secretary of Treasury, in consultation with the Secretary of Transportation, to submit draft legislation to Congress to restrict the ports of entry for vessels from drug producing countries, to require advance notification of arrival from these vessels, and to subject those vessels to quarantine and inspection. Also allows the Secretary to promulgate and charge fees for inspection services, as appropriate.

5. \$6 Million for 200 additional law enforcement personnel.

X. NATIONAL GUARD

2. There are authorized to be appropriated for the purposes of paragraph (1) \$60,000,000, which shall be in addition to amounts otherwise authorized for appropriations in the Act. These funds shall be allocated between National Guard, Army: National Guard Personnel and Allowances, Air National Guard: Military Pay and Allowances, and Army Guard Operations and Maintenance, as directed by Chief, National Guard Bureau.

XI. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

1. \$20,000,000 for 500 additional special agent positions to enforce:

18 U.S.C. 924c--Use of a firearm in the commission of a crime;

and 18 U.S.C. 924e--three time loser in possession of a firearm, approximately 80% of such case are drug related.

2. \$1,500,000 for: a) reimbursement of overtime pay for state and local law enforcement when such enforcement is used to assist BATF; and b) to underwrite equipment for state and local law enforcement to allow BATF to work together with the state and local enforcement agencies.

XII. NATIONAL FOREST SERVICE

1. Grant general arrest authority to Forest Service law enforcement officers outside of the National Forest System. This expansion would not be for offenses falling under Title 21 of U.S.C. Forest Service personnel are to act under cross-designation from DEA for violations of Title 21; the terms of this cross designation will be set by an MOU to be supplied.

2. Authorize the Secretary of Agriculture to deputize law enforcement officers of any other Federal agency, when the Secretary determines deputization to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and wuthorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service.

3. Enhance the booby-trap provisions of the 1986 Anti-Drug Abuse Bill.

XIII. BUDGET

Directs the President to include a summary of Federal expenditures for drug enforcement, by agency, in each budget submission for the immediately prceding and upcoming fiscal years.

XIV. DRUG ENFORCEMENT AGENCY

1. \$31 million to DEA for its airwing and technical support, dget request.

2. \$3 Million for El Paso Intelligence Center. EPIC coordinates all "drug-related intelligence.

3. \$45 Million for domestic investigations. This includes implementation of the precursor chemical provisions and \$6 Million for anti-gang activities.

XV. FEDERAL BUREAU OF INVESTIGATION

1. \$38 Million for 910 additional special agent and support personnel positions to enable the FBI to effectively implement the National Drug Strategy over the period from 1989-1991.

FUNDING

The total levels of spending and funding in the omnibus anti-drug bill are consistent with the procedures and spending limitations for an anti-drug initiative agreed to by the Senate and House in the Conference Report on the Fiscal Year 1989 Budget Resolution.