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

OCT 03 1988

Honorable Pete Domenici  
United States Senate  
Washington, D.C. 20510

Dear Senator Domenici:

Let me provide you with additional detail on our September 30th exchange of correspondence on scoring the proposed IRS revenue initiatives for the drug bill.

We have estimated that the initiatives will yield a \$206.4 million reduction in the Gramm-Rudman-Hollings baseline deficit for FY 1989. These provisions will require additional budget authority of \$103.9 million, above the enacted 1989 level, generating \$95.6 million in outlays to produce gross revenues of \$302 million in FY 1989.

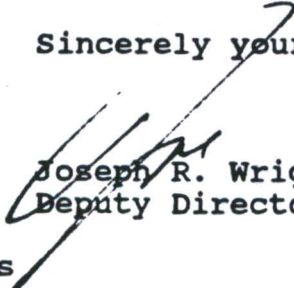
All estimates assume a reasonable level of time for hiring and training, while recognizing logistical limits on absorption of personnel. Consequently, the Administration believes that any additional increase in 1989 budget authority for this purpose would be imprudent (beyond \$103.9 million).

For FY 1990, the estimates assume an achievement of the full increase in personnel (on a full-time-equivalent basis). In order to carry the initiative into FY 1990, Congress must appropriate additional funds to assure the increase in expected revenues is realized. We estimate that an increase of \$286.5 million in budget authority will be required which would result in \$270.5 million in outlays, \$1,515.3 million in gross revenues and therefore \$1,244.8 million in net revenues.

As you know, revenue initiatives were put in place for FY 1987 and FY 1988. The Administration did not propose a further initiative in its FY 1989 budget. If additional revenue initiatives (beyond this initiative) are to be considered at this time, care must be exercised for a number of reasons. The revenue initiatives of recent years have already required that the IRS pursue many areas of abuse and revenue potential. Also, any additional increases in funding for IRS revenue-producing programs must take into account costs to taxpayers, IRS program constraints, and the need to carry out a balanced program of tax administration.

I hope this information responds to your request.

Sincerely yours,

  
Joseph R. Wright, Jr.  
Deputy Director

cc: Honorable Lawton Chiles





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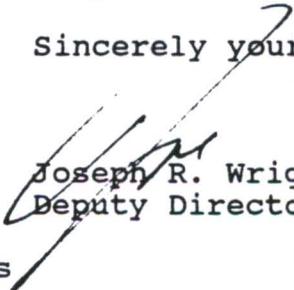
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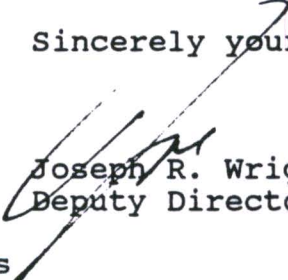
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COMPARISON OF HOUSE AND SENATE OMNIBUS ANTI-DRUG BILLS -  
H.R. 5210 (AS PASSED BY THE HOUSE), S. 2852 (AS INTRODUCED), AND  
PROPOSED DOLE SUBSTITUTE \*\*

I. Criminal Justice/Law Enforcement Amendments

A. Money Laundering.

House Bill: Toughens the Bank Secrecy Act in various respects (e.g., by making it a criminal offense to engage in a prohibited transaction with the intention of evading income tax). In addition, undercover law enforcement officers would be permitted to pose as drug traffickers in order to obtain evidence to convict money launderers. Also strengthens the money laundering forfeiture statute and adds new criminal penalties for money laundering.

Senate Bill: Similar provisions.

Administration Position: Support.

B. Chemical Diversion and Trafficking.

House Bill: Establishes a comprehensive system for keeping track of "precursor" chemicals (i.e., chemicals that are used in the manufacture of illicit drugs). In general, requires persons engaged in transactions involving such chemicals to keep records of such transactions and to make them available when requested by the Department of Justice. The import and export of specified chemicals would be unlawful, unless they are intended to be used for a legitimate purpose.

Senate Bill: Similar provisions.

Administration Position: Support.

C. Asset Forfeitures.

House Bill: Creates statutory "innocent owner" defenses for the owners of conveyances able to demonstrate that they had no knowledge of drugs on their conveyances. Also creates an expedited petition process for mitigation or remission of certain forfeitures and provides that up to \$150 million in the Assets Forfeiture Fund may be used for certain specified purposes (e.g., diversion control programs under DEA and U.S. Attorneys).

Senate Bill: Requires Justice and Treasury to promulgate regulations for expedited administrative procedures for

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\*\* Except where noted, Dole substitute is identical to H.R. 5210, as passed by the House.

forfeitures involving the possession of "personal use quantities" of a controlled substance. Property would have to be returned if owner did not know or consent to the violation and the owner took reasonable steps to prevent illegal use of the property. Makes various other changes to Customs and Assets Forfeiture Funds.

Dole Substitute: Contains Senate version of expedited administrative procedures for forfeitures.

Administration Position: Senate version is preferable, because it does not include House statutory "innocent owner" provisions and would essentially codify current administrative practice.

D. State and Local Assistance and Related Matters.

House Bill: Makes various minor changes to the State and local grant program. Also reauthorizes: the Bureau of Justice Statistics (\$30 million in for each of FY's 1989-1992); the National Institute of Justice (\$30 million for each of FY's 1989-1992); the Bureau of Justice Assistance grant program (\$100 million for each of FY's 1989-1992); the drug grant program (\$250 million for FY 1989 and \$500 million for each of FY's 1990-1992); and grants for State and local prison construction (\$25 million for each of FY's 1989-1992).

Senate Bill: Reauthorizes: the Bureau of Justice Statistics (\$21 million in FY 1989); the National Insitute of Justice (\$24 million for FY 1989); the Bureau of Justice Assistance (\$25.5 million for FY 1989); the drug grant program (\$275 million for FY 1989, \$350 million for FY 1990; and \$400 million for FY 1991); grants for State and local prison construction (\$15 million in FY 1989); the juvenile justice program ("such sums" for FY's 1989-1992); the runaway and homeless youth program ("such sums" for FY's 1989-1992); missing children's assistance ("such sums" for FY's 1989-1992); the Victims of Crime Act ("such sums" for FY's 1989-1992); and the State Justice Institute (\$15 million for FY 1989).

Makes many other changes, both major and minor, in these areas (e.g., by: substantially restructuring the juvenile justice program; clarifying the duties of the Bureau of Justice Statistics; authorizing "transitional living projects" in the runaway and homeless youth program; authorizing grants to State and local criminal justice agencies involving regional information sharing; increasing benefits payable under the Public Safety Officers Benefit program; and authorizing grants to improve the accuracy of criminal history information).



Dole Substitute: Same as Senate bill.

Administration Position: Support some of the reauthorizations (e.g., the Bureau of Justice Statistics, crime victims assistance, and missing children's assistance) but oppose others (e.g., grants for State and local prison construction, juvenile justice, and State Justice Institute). Restructuring of juvenile justice program considered objectionable by Justice. House bill may be less troublesome (although drug grants would be authorized at higher levels). Also, see IX, "Funding."

E. Appropriation Authorizations for Drug Enforcement Personnel.

House Bill: Authorizes appropriations for various drug-related activities of the Justice Department (e.g., DEA, Prisons, and U.S. Attorneys) totalling \$2.3 billion for FY 1989.

Senate Bill: Authorizes appropriations for various agencies with drug-related responsibilities (e.g., INS; BATF; DEA; FBI; the Marshals Service; Federal Prison System; U.S. attorneys; and the Federal judiciary).

Administration Position: See IX, "Funding."

F. Firearms.

House Bill: Makes it a criminal offense to travel in interstate commerce and attempt to purchase a firearm in pursuance of certain specified criminal activity. Also requires Justice to develop a plan for a system for the rapid identification of felons in connection with hand gun sales. Justice would be required to report to Congress within 180 days on its proposed system.

Senate Bill: Makes it a criminal offense to transfer or possess a firearm in an elementary or secondary school. Provides for enhanced penalties for use of firearms in connection with certain violent crimes or drug trafficking crimes. Makes it a criminal offense to possess a firearm in specified "Federal facilities."

Dole Substitute: Variation of House bill. Justice would be required to conduct studies and develop guidelines "for the use of identifying information used by purchasers of firearms." The study would have to be completed no later 26 months after enactment of the bill.

Administration Position: Senate bill is closer to Justice's proposals of earlier this year. The study called for by the House bill was adopted as an

alternative to the so-called "Brady amendment," which would require a 7-day waiting period before the purchase of a handgun.

G. Death Penalty.

House Bill: Permits the imposition of the death penalty in certain particularly serious drug-related cases in which death results, subject to certain limitations and restrictions (e.g., a prohibition on imposing the death penalty on a mentally retarded person).

Senate Bill: Similar provisions.

Dole Substitute: Same as House, with slight word changes.

Administration Position: The Administration supports enactment of the death penalty for appropriately serious crimes.

H. Exclusionary Rule.

House Bill: Establishes a statutory "good faith" exception to the exclusionary rule.

Senate Bill: No provision.

Administration Position: The Administration supports the House bill.

I. Agency Law Enforcement Authorities.

House Bill: Clarifies and enhances the law enforcement authorities of the Postal Service, the Forest Service, the Bureau of Land Management, and the National Park Service (e.g., by permitting Postal Service investigative personnel to carry firearms in certain situations).

Senate Bill: Somewhat similar provisions but limited to the Postal Service and Forest Service.

Administration Position: Generally support House bill.

J. Marshals Service.

House Bill: Establishes the Marshals Service by statute in Justice and clarifies its authorities. Makes the Director of the Marshals Service a Presidential appointee, subject to confirmation by the Senate.

Senate Bill: Similar provisions.

Administration Position: Support.



K. DEA-EPA Task Force.

House Bill: Establishes a joint DEA-EPA task force to formulate and implement a program for the cleanup and disposal of hazardous waste produced by illegal drug laboratories.

Senate Bill: No provision.

Administration Position: Support House bill.

L. Drug Czar.

House Bill: Establishes the Office of Drug Enforcement Coordination in the EOP and abolishes the National Drug Policy Board. Functions limited to law enforcement matters.

Senate Bill: Establishes the Office of National Drug Control Policy in the EOP and abolishes the National Drug Policy Board and the White House Drug Abuse Policy Office. Functions include all drug-related activities (i.e., law enforcement, education, rehabilitation, and the like).

Dole Substitute: Same as Senate bill.

Administration Position: The Administration believes that organizational questions of this nature should be deferred until the new President has taken office and has had an opportunity to make his own recommendations.

M. Civil Penalties.

House Bill: Authorizes the imposition of civil penalties against persons possessing small amounts of specified illicit drugs.

Senate Bill: No provision.

Administration Position: Support House bill.

N. Schools and Minors.

House Bill: No provision.

Senate Bill: Contains several provisions intended to protect children from drug trafficking (e.g., by enhancing existing penalties for drug offenses involving children and by making it a criminal offense to possess illegal drugs with intent to distribute within 1,000 feet of a schoolyard).

Administration Position: Support Senate bill.

O. Public Corruption.

House Bill: No provision.

Senate Bill: Makes it a criminal offense for a public official (including State officials) to accept or seek anything of value in return for being influenced in the performance of his or her official duty. It would also be an offense to offer anything of value in return for such influence.

Administration Position: Support Senate bill.

P. Minor and Technical Criminal Law Amendments

House Bill: No provision.

Senate Bill: Contains a series of about 100 criminal law amendments characterized as "minor and technical." Many of these would correct cross references, correct typographical errors in previously-enacted legislation, redesignate certain provisions, and the like. Others are more substantive, such as those that would: authorize Federal Prison Industries to borrow from the Treasury to finance new construction; impose limitations on the furlough of persons hospitalized who have been found not guilty of a crime by reason of insanity; make it unlawful to use the term "Secret Service" without authorization; create a new offense for obstruction of a Federal audit; and make several additional offenses (e.g., sexual exploitation of children) predicate offenses under the Racketeer Influenced Corrupt Organization statute.

Administration Position: Support Senate bill.

Q. Sentencing Amendments.

House Bill: No provision.

Senate Bill: Includes a series of provisions that affect the United States Sentencing Commission (e.g., permitting the Commission to hire outside counsel to represent the Commission in any proceeding in which the Commission is authorized to represent itself and giving the Commission authority to grant incentive awards to its employees). Also establishes procedures for handling of persons received from foreign countries who are on parole from sentences imposed by those countries.

Administration Position: No objection to Senate bill.



R. Reimbursement to State and Local Law Enforcement Agencies.

House Bill: No provision.

Senate Bill: Requires reimbursement to State and local law enforcement agencies whenever such an agency provides information to the IRS that "substantially contributes" to the recovery of Federal taxes.

Administration Position: Oppose Senate provision.

S. Drug Testing of Criminal Defendants or as a Condition of Parole

House Bill: Includes demonstration program of mandatory drug testing for criminal defendants.

Senate Bill: Requires mandatory drug testing at least every 60 days for all persons on probation or supervised release in connection with specified offenses and includes sanctions (e.g., house arrest) for those who test positive.

Administration Position: Support.

T. Prison-Related Amendments

House Bill: No provision.

Senate Bill: Amends the laws concerning drugs in Federal prisons in various respects (e.g., by increasing from five to 20 years the maximum sentence for distributing drugs within a prison). Also, the Justice Department would be required to study the feasibility of requiring prisoners to pay for the costs of their incarceration.

Administration Position: Support Senate provisions.

U. Violent Criminal Deportation

House Bill: No provisions.

Senate Bill: Among other provisions dealing with aliens and drug trafficking, requires the retention in custody without conditional parole of any alien committing an aggravated felony. Requires the prompt deportation of such persons.

Administration Position: Support Senate bill.

V. National Advisory Commission on Law Enforcement.

House Bill: No provision.

Senate Bill: Creates an advisory body to study pay other benefits of law enforcement officers in Federal agencies to determine what inequities, if any, exist in pay between agencies and the effect of various pay scales on recruiting and retaining law enforcement personnel.

Administration Position: Oppose Senate bill.

## II. Interdiction Amendments

### A. Coast Guard Provisions.

House Bill: Authorizes appropriations for the Coast Guard of: \$264 million for FY 1989 for acquisition, construction, and improvements; and \$82 million for FY 1989 and \$30 million for each of FY's 1990-1992 for operating expenses. Requires the Transportation Department to establish a vessel identification system.

Senate Bill: Authorizes appropriations for the Coast Guard of: \$68 million for FY 1989 for acquisition, construction, and improvements; and \$16.4 million for FY 1989 for operating expenses.

Administration Position: See IX, "Funding."

### B. Federal Aviation Administration Amendments.

House Bill: Authorizes the FAA to modify its aircraft registration system, its system for issuing airman's certificates, and related systems to make them more effective in drug law enforcement. Establishes criminal penalties for false marking of aircraft and similar acts. Provides the FAA with limited concurrent budget submission authority and limited exemption from Paperwork Reduction Act.

Senate Bill: Increases penalties for importation of controlled substances by aircraft.

Administration Position: Senate bill is preferable because of highly objectionable concurrent budget submission requirement and Paperwork Reduction Act provisions in House bill.

### C. Customs Service Amendments.

House Bill: Authorizes appropriations for FY 1989 for Customs, as follows: \$417 million for noncommercial operations; \$622 million for commercial operations; \$197 million for air operations; and \$15 million for an x-ray scanning device. Also makes various other Customs-related amendments (e.g., an increase in the



penalty for failure to declare a controlled substance). Provides for a two-year demonstration program at high risk international airports to develop procedures for improved inspections ("sterile zones").

Senate Bill: Authorizes appropriations of \$57.4 million for FY 1989 for Customs for operation and maintenance and the air interdiction program and \$30.3 million for salaries and expenses. Also directs Customs to accelerate research on x-ray detection and contains various other Customs-related amendments (e.g., an increase in the penalty for failure to declare a controlled substance and authority to administer oaths and issue subpoenas). Requires Treasury to issue regulations setting forth criteria for owners and operators of conveyances to ensure that illegal drugs are not imported into the United States aboard such conveyances. Also contains provisions similar to House "sterile zone" provisions.

Dole Substitute: Same as House bill, except contains Senate "sterile zone" language.

Administration Position: Senate bill is preferable. Also, see IX, "Funding."

### III. Transportation Provisions

#### A. Drunk Driving Grant Program.

House Bill: Authorizes appropriations (\$25 million in FY 1989, and \$50 million each of FY's 1990 and 1991) for grants to help States implement drunk driving enforcement programs.

Senate Bill: No provision.

Administration Position: Oppose House provisions.

#### B. Suspension of Drivers Licenses.

House Bill: Authorizes appropriations (\$25 million in FY 1989 and \$50 million in each of FY's 1990 and 1991) for grants to States that suspend the drivers licenses of persons convicted of drug-related criminal offenses.

Senate Bill: No provision.

Administration Position: Oppose House provisions.

#### C. Common Carrier Offenses.

House Bill: Increases the criminal penalties for operating a common carrier (e.g., a passenger train)

while under the influence of alcohol or drugs.

Senate Bill: Similar provision.

Administration Position: Support.

D. Drug Testing in Transportation Industry.

House Bill: No provision.

Senate Bill: Requires DOT to promulgate regulations mandating alcohol and drug testing for certain employees in the transportation industry in safety-sensitive positions. Requires UMTA to withhold funds from transit authorities that do not implement alcohol and drug testing programs. Requires common carriers and affected DOT modal agencies (e.g., the FAA) to establish rehabilitation programs meeting certain specified criteria for employees with substance abuse problems.

Dole Substitute: Same as Senate bill.

Administration Position: Oppose. Mandated rehabilitation programs could be quite expensive.

IV. International Provisions

A. Latin American Regional Anti-Narcotics Force.

House Bill: Directs the President to seek the views of the OAS with respect to establishment of a Latin American Regional Anti-Narcotics Force and directs DOD to provide assistance for the force, if established. Authorizes appropriations for such purpose of \$10 million for FY 1988 [sic].

Senate Bill: Similar provision but does not contain DOD/appropriation authorization provisions.

Administration Position: No objection.

B. Authorizations and Earmarkings of Foreign Assistance.

House Bill: Authorizes appropriations of \$101 million for FY 1989 for international narcotics control assistance, earmarks some of these funds for specified activities (e.g., \$500,000 for herbicide testing) and authorizes supplemental appropriations to complement existing appropriations.

Senate Bill: Similar provisions (including \$101 million appropriation authorization) but authorizes \$108 million for international narcotics control assistance.



Administration Position: Earmarks and supplemental appropriation authorizations are objectionable. Also, see IX, "Funding."

C. Specific Country Provisions.

House Bill: Contains provisions directed at certain source countries (i.e., Bolivia, Mexico, Peru, Columbia, Pakistan, Laos, and Afghanistan). For example, no United States assistance may be furnished to Laos if the President determines that the government of that country is involved in drug trafficking.

Senate Bill: No provisions.

Administration Position: Oppose House bill.

D. Annual Reports/Certifications and Miscellaneous Assistance Provisions.

House Bill: Makes various changes in reports furnished by the Executive branch to Congress regarding foreign assistance and international drug trafficking. Also directs the President to take reasonable steps to ensure that assistance under the Arms Export Control Act and the Foreign Assistance Act of 1961 is not provided to drug traffickers.

Senate Bill: Contains related provisions.

Administration Position: Oppose.

E. Department of State Provisions.

House Bill: Makes State responsible for coordinating assistance provided by the United States in support of efforts to combat international narcotics production and trafficking. Permits denial or revocation of passports of certain convicted drug traffickers. Permits the stamping of passports to indicate that holders have been convicted of drug offenses.

Senate Bill: Permits revocation of passports for certain specified drug violations. Requires that as a condition of receiving assistance that the Secretary of State certify that the country has not misused U.S. equipment or aircraft.

Administration Position: Generally no objection; oppose Secretary of State certification requirement.

F. Export-Import Bank/Multilateral Development Bank Provisions.

House Bill: Permits the ExIm Bank to guarantee or insure

a sale of defense articles for certain foreign anti-narcotics efforts. Directs the Treasury to discuss with other members of multilateral development banks (e.g., the World Bank) the possibility of establishing lending programs for developing countries that would reduce the dependence of such countries on illicit drug production and trafficking.

Senate Bill: No provision.

Administration Position: No objection to House provisions.

G. Information on Illegal Foreign Drug Activities.

House Bill: Requires that any employee of the Federal Government, who in the course of his or her duties obtains information about illegal foreign drug activities, to report such information to the head of the agency designated for that purpose by the President.

Senate Bill: No provisions.

Dole Substitute: Same as Senate bill.

Administration Position: Oppose.

V. Education Provisions

A. Youth Gangs.

House Bill: Authorizes new grants for discouraging participation of youth gangs in drug-related activities. Authorizes appropriations of \$30 million for FY 1989.

Senate Bill: Similar provisions. Authorizes \$40 million for FY 1989.

Administration Position: See IX, "Funding."

B. National Youth Sports Program.

House Bill: Authorizes new grants for a national youth sports program for disadvantaged youth. Authorizes appropriations of \$15 million for FY 1989, \$17 million for 1990, and \$20 million for FY 1991 for such program.

Senate Bill: No provision.

Administration Position: See IX, "Funding."

C. Juvenile Justice/Runaway Youth.

House Bill: Authorizes new grants for various anti-drug education programs targeted at juveniles and authorizes



appropriations totalling \$45 million for FY 1989. Also authorizes new grants for projects to discourage drug use among runaway and homeless youth and authorizes appropriations of \$15 million for FY 1989 therefor.

Senate Bill: No provision.

Administration Position: See IX, "Funding."

D. Drug Abuse Education for Participants in the Special Supplemental Food Program for Women, Infants, and Children.

House Bill: Authorizes appropriations of \$10 million for FY 1989 for a study of appropriate methods of drug abuse education for persons participating in this program.

Senate Bill: No provision.

Administration Position: See IX, "Funding."

E. Volunteer Demonstration Projects for Drug Abuse Education.

House Bill: Authorizes appropriations of \$5 million for each of FY's 1989-1991 for new community-based volunteer demonstration projects that provide comprehensive drug abuse education to youths during the summer months.

Senate Bill: Amends the Domestic Volunteer Service Act by authorizing an additional \$4 million for FY 1989 to be available for drug abuse prevention efforts.

Administration Position: See IX, "Funding."

F. Employee Assistance Programs.

House Bill: No provision.

Senate Bill: Directs the Secretary of Labor to establish employee drug and alcohol abuse assistance programs. Authorizes \$4 million in FY 1989 for this purpose.

Administration Position: See IX, "Funding."

G. Drug-Free Schools.

House Bill: No provision.

Senate Bill: Amends the Drug-Free Schools and Communities Act to provide authorizations of \$405 million for FY 1989 for drug abuse education efforts including establishment of regional centers, outreach activities for dropouts, and counselling and referral services for

families of drug abusers. Also authorizes \$16 million for FY 1989 for teacher training programs. Directs the Secretary of Education to develop age-appropriate drug abuse prevention curriculum materials.

Administration Position: Many of the Senate amendments, in addition to providing excessive authorization levels, unnecessarily complicate and confuse the drug prevention education effort. The addition of new authorities, complex lines of authority, duplicative national versus State programs, and the like, combine to make it less likely that an effective, coherent drug prevention education strategy will result.

V. Rehabilitation and Treatment

A. AIDS Grant Program.

House Bill: Authorizes a new grant program for States to establish and operate programs for discouraging and treating intravenous drug abusers. Authorizes appropriations of \$250 million for this purpose for FY 1989.

Senate Bill: Authorizes \$95 million for FY 1989 to establish grants to States (and Puerto Rico) for projects designed to reduce the transmission of the AIDS virus in and by users of illegal intravenous drugs.

Dole Substitute: Dole bill contains no provisions on AIDS.

Administration Position: See IX, "Funding."

B. Alcohol and Drug Abuse Prevention, Treatment, and Rehabilitation Grant Program.

House Bill: Authorizes grants to States for planning and establishing programs for the prevention and treatment of drug and alcohol abuse. Authorizes appropriations of \$475 million for this purpose for FY 1989. Includes numerous set-aside provisions.

Senate Bill: Authorizes grants to States for planning and establishing programs for the prevention and treatment of drug and alcohol abuse. Authorizes appropriations of \$959 million for this purpose for FY 1989.

Administration Position: See IX, "Funding."

C. Mental Health Services.

House Bill: Authorizes grants to States to plan and provide community mental health services. Authorizes



appropriations of \$350 million for this purpose for FY 1989. Includes numerous set-aside provisions.

Senate Bill: Similar provisions. Authorizes appropriations of \$700 million for FY 1989. Five percent is to be specifically targeted to programs for women. Includes numerous set-aside provisions.

Administration Position: See IX, "Funding."

D. Counseling and Testing With Respect to AIDS.

House Bill: Provides that financial assistance may not be provided for AIDS counseling and testing unless the recipient agrees to ensure the confidentiality of information and records obtained. Requires that the recipient of assistance agree that, before testing a person for AIDS, such person receive certain specified information (e.g., measures for preventing the transmission of AIDS). Establishes numerous other requirements relating to AIDS testing and counseling, including standards for Federal certification of laboratories engaged in drug testing.

Senate Bill: No provision.

Dole Substitute: Dole bill contains no provisions on AIDS.

Administration Position: Position not clear.

E. Grants for Reducing Waiting Period for Drug Abuse Treatment.

House Bill: Authorizes a one-time appropriation of \$100 million for FY 1989 to expand the capacity of state and local governments to treat drug abusers. The President's FY 1989 budget does not request funds for this activity.

Senate Bill: No provision.

Administration Position: See IX, "Funding."

F. Funding for Office of Substance Abuse Prevention.

House Bill: Authorizes appropriations of \$75 million for FY 1989 for the Office of Substance Abuse Prevention and High Risk Youth demonstration projects.

Senate Bill: Similar provisions. Authorizes appropriations of \$91 million for FY 1989.

Administration Position: See IX, "Funding."

G. Mental Health Demonstration Projects.

House Bill: Authorizes appropriations of \$32 million for each of FY's 1989 and 1990 for new demonstration projects to provide prevention services to the chronically mental ill and persons thought to be at risk of developing mental illness.

Senate Bill: Authorizes \$60 million for FY 1989 (18% of which is for the homeless) for Mental Health Service grants and demonstration projects targeted at mentally ill individuals, for suicide prevention, for those with depressive disorders, post legal adoption mental health counselling, and sex offense treatment and prevention.

Administration Position: See IX, "Funding."

H. Drug Abuse Treatment Demonstration Projects.

House Bill: No provision.

Senate Bill: Authorizes \$24 million for FY 1989 for demonstration projects providing drug treatment to adolescents, minorities, pregnant women, female addicts and their children, and residents of public housing projects.

Administration Position: See IX, "Funding."

I. Alternative Utilization of Military Facilities for Drug Treatment.

House Bill: No provision.

Senate Bill: Directs the Director of the National Institute on Drug Abuse to work with the Commission on Alternative Utilization of Military Facilities to identify potential space for drug treatment programs for nonviolent persons.

Administration Position: Unclear.

J. Data Collection/Technical Assistance.

House Bill: Data collection incorporated into the block grant provisions. No provision for technical assistance beyond levels currently provided by ADAMHA/HHS.

Senate Bill: Authorizes \$12 million for new evaluations of substance abuse education and prevention efforts. Evaluation of prevention activities currently funded through the Office of Substance Abuse Prevention annual appropriation of \$34 million for FY 1989. Authorizes \$15 million for technical assistance to States operating or



establishing drug abuse prevention and treatment programs. Authorizes \$33 million for new data collections on drug, alcohol, and mental health services, treatment and incidence of abuse and illness.

Administration Position: See IX, "Funding."

## VI. Drug-Free Workplaces

### A. Drug-Free Workplace Requirements.

House Bill: Requires Federal Government contractors and grantees to establish drug-free workplaces meeting specified criteria (e.g., by setting up a drug-free awareness program). Those who fail to comply may be suspended, terminated, or debarred, as appropriate. Limited waivers are available for individual contracts.

Senate Bill: Nearly identical provisions.

Dole Substitute: Same as Senate bill.

Administration Position: Support either House or Senate but prefer provisions be amended to allow for exemption for contracts under \$25,000. A clarification that provision does not have extraterritorial application is needed. Waiver authority must be extended to entire classes of contracts and grants, rather than only to individual contracts and grants. And the "public interest" standard should be used for deciding on waivers of contracts as well as grants, rather than the "severely disrupt" requirement currently applied by the bills to contracts. In addition, the proscribed suspension and debarment procedures should be dropped in favor of those already in place at the agencies.

### B. Employee Sanctions.

House Bill: Requires that a grantee or contractor take appropriate personnel action against employees convicted of drug violations.

Senate Bill: Identical provisions.

Administration Position: Support.

## VII. Drug-Free Housing

### A. Clearinghouse on Drug Abuse in Public Housing.

House Bill: Directs HUD to establish such a clearinghouse. Also requires HUD to establish a regional training program for public housing officials to combat drug abuse in public housing.

Senate Bill: No provision.

Administration Position: Oppose House provision.

B. Drug-Related Crime in Public Housing.

House Bill: Authorizes grants to public housing authorities to combat drug abuse-related crime in public housing.

Senate Bill: Similar grant provision (authorizes \$8.2M for 1989). Also provides that criminal activity shall be grounds for termination of public housing tenancy. Authorizes the hiring of individuals to investigate drug use and trafficking in public housing.

Administration Position: Support termination provision. Also, see IX, "Funding."

VIII. Denial of Benefits.

House Bill: In general, denies certain Federal benefits (e.g., eligibility for contracts, grants, and loans) with respect to any person convicted of drug trafficking or twice convicted of simple possession of illegal drugs.

Senate Bill: Requires the "drug czar" to submit to Congress within 12 months a list of any Federal privileges, benefits, grants and loans which, if withheld from individuals convicted of a Federal or State drug offense, would significantly deter the use of illegal drugs. The "czar" shall not include any grants, loans, and benefits that he determines to be essential to the health or well being of the recipient or beneficiary.

Administration Position: Support House bill.

IX. Funding

A. Totals.

House Bill: Authorizes appropriations of \$2.0 billion in budget authority (\$1.1 billion in outlays) over 1989 appropriated levels but provides no offsets or new revenues to pay for the bill.

Senate Bill: Authorizes appropriations of \$2.6 billion in budget authority (\$1.5 billion in outlays) over 1989 appropriated levels. It also fails to provide offsets, It does, however, contain a "sense of the Congress" provision stating that additional revenues generated by IRS agents and U.S. Attorneys should be used to pay for the bill. The sense of Congress provision also states



that obligations should be limited to avoid triggering a G-R-H sequester, and that total authorizations in the bill and subsequent FY 1989 appropriations should dedicate 60 percent of the funds to demand reduction and treatment, and 40 percent to drug law enforcement programs.

Administration Position: Any additional appropriations for anti-drug programs must be consistent with the Bipartisan Budget Agreement and must not result in a FY 1989 sequester under G-R-H.

05-Oct-88

House Omnibus Anti-Drug Bill - H.R. 5210  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

House Committee	Drug Bill Authorized Levels		Difference - Authorized Levels vs. FY 1989 Appropriations 1/	
	BA	Outlays	BA	Outlays
National Park Service Training	3	3	2	2
Bureau of Land Management	2	2	1	1
Forest Service Training	10	10	10	10
Indian Alcohol and Substance Abuse	0	0	0	0
Emergency Shelters for Indian Youth	0	0	0	0
Source Eradication on Reservations	0	0	0	0
Interior Law Enforcement Training	1	1	1	1
Juvenile Detention Centers	0	0	0	0
Indian Health Service Youth Program	0	0	0	0
Training and Community Education	0	0	0	0
Urban Indian Program	0	0	0	0
Samoa, Guam, Puerto Rico etc. Grants 5/	9	9	9	9
<b>Subtotal, Interior.....</b>	<b>25</b>	<b>25</b>	<b>23</b>	<b>23</b>
<b>Foreign Operations</b>				
International Narcotics Control	101	93	0	0
Latin American Strike Force	10	10	10	10
AID Drug Education Programs	1	1	1	1
Assistance to Columbia	15	15	15	15
Rewards	5	4	5	4
State-Machine Readable Visa System	15	13	15	13
<b>Subtotal, International.....</b>	<b>147</b>	<b>136</b>	<b>46</b>	<b>43</b>
<b>Public Works and Transportation</b>				
Drunk Driving Enforcement	25	10	25	10
Drug Enforcement Program	25	10	25	10
<b>Subtotal, Public Works/Transportation.</b>	<b>50</b>	<b>20</b>	<b>50</b>	<b>20</b>
Gov. Ops.....	0	0	0	0
Banking.....	0	0	0	0
<b>GRAND TOTAL</b>	<b>6,133</b>	<b>4,201</b>	<b>2,069</b>	<b>1,105</b>

Notes:

- 1/ Assumes that all authorizations are fully funded in FY 1989. As yet, the bill includes no appropriations.
- 2/ Programs authorized at levels lower than the FY 1989 appropriation level are not included in the totals. FY 1989 funding for these programs will equal the appropriated levels.
- 3/ House bill splits current ADAMHA block grant into two separate grants and authorizes a new AIDS grant program.
- 4/ Bill authorizes "such sums as necessary." For purposes of scorekeeping, Labor/HHS/Education appropriations level is assumed for FY 1989.
- 5/ Funds are provided through the Departments of Justice, Health and Human Services, and Education.



Senate Omnibus Anti-Drug Bill - S. 2852  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

	Drug Bill Authorized Levels		Difference - Authorized Levels vs. FY 1989 Appropriations 1/	
	BA	Outlays	BA	Outlays
<b>TITLE I -- ORGANIZATION</b>				
Drug Czar	6.5	4.9	6.5	4.9
Subtotal, Title I.....	6.5	4.9	6.5	4.9
<b>TITLE II -- LAW ENFORCEMENT</b>				
Bureau of Justice Statistics	21.0	13.0	1.0	1.0
National Institutes of Justice	24.0	5.0	3.0	1.0
Office of Justice Programs	25.5	9.0	8.0	3.0
Public Safety Officers' Benefits	20.0	20.0	10.0	10.0
DOJ Grant Programs	275.0	68.8	205.0	41.0
BJJ Statistics on Crime	5.0	3.0	5.0	3.0
Regional Information Sharing System	15.0	12.0	2.0	2.0
Run Away and Homeless Youth - Part B (Part A must exceed \$26.1 before part B is allocated)	5.0	4.0	5.0	4.0
Missing Children's Assistance Act - Sec. 422	4.0	1.4	---	---
Juvenile Justice	80.0	28.0	15.0	4.0
State Justice Institute Reauthorization	15.0	4.0	4.0	1.0
INS				
- Salaries and Expenses	12.3	9.8	12.3	9.8
- Organized Crime Drug Enforcement	8.2	6.0	8.2	6.0
Alcohol, Tobacco and Firearms (S&E)	10.7	9.6	10.7	9.6
DEA (personnel)	49.2	36.9	49.2	36.9
FBI (salaries and expenses)	24.6	19.7	24.6	19.7
U.S. Marshals 2/ (\$6M = 115 full time positions) (\$7M = 94 full time positions) (\$4M = 52 full time positions) (\$3M = 30 full time positions)	16.4	14.8	(-1.0)	(-1.0)
United States Prisoners (Cooperative Agreement Program)	16.4 4.1	9.8 2.5	16.4 4.1	9.8 2.5
Federal Prisons (B&F)	205.0	20.0	205.0	20.0
U.S. Attorneys (+870 FTE)	36.0	36.0	36.0	36.0
General Legal Activities (Civil Enf.)	2.1	1.8	2.1	1.8
U.S. Attorneys (Civil Enf.)	2.1	1.9	2.1	1.9
Federal Courts	41.1	39.5	41.1	39.5
Public Defender	28.7	27.6	28.7	27.6
Jurors Fees and Expenses	2.4	2.3	2.4	2.3
Security and Equipment	4.9	4.7	4.9	4.7
Coast Guard Drug Asset Acquisition	68.1	7.5	68.1	7.5
Operating Expenses (+ 435 FTE)	16.4	13.9	16.4	13.9
U.S. Custom Service				

06-Oct-88

Senate Omnibus Anti-Drug Bill - S. 2852  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

	Drug Bill		Difference -	
	Authorized Levels		Authorized Levels	
	BA	Outlays	BA	Outlays
Operation and Maintenance	57.4	31.6	57.4	31.6
Salaries and Expenses	41.8	35.5	41.8	35.5
Federal Law Enforcement				
Training Center (S&E)	5.7	5.1	5.7	5.1
DEA -- training	0.3	0.3	0.3	0.3
INS -- training	0.3	0.3	0.3	0.3
DEA (Interdiction Task Force)	4.9	1.6	4.9	1.6
Border Patrol -- equipment	16.4	10.0	16.4	10.0
INS (+500 FTE)	16.4	13.1	16.4	13.1
INTERPOL (Central Bureau)	1.0	0.9	1.0	0.9
Subtotal, Title II.....	1182.47	530.79	934.50	417.90
TITLE III -- Prevention, Education and Treatment				
HHS	2,310.0	1,712.0	1,323.0	998.0
Education Dept.	421.0	296.0	263.0	32.0
Subtotal, Title III.....	2,731.0	2,008.0	1,586.0	1,030.0
TITLE IV -- INTERNATIONAL				
Foreign Assistance Act of 1961	108.0	94.4	7.0	2.4
Multilateral & Regional Drug Abuse	6.0	2.1	6.0	2.1
Border Security Program	22.0	16.5	22.0	16.5
Subtotal, Title IV.....	136.0	113.0	35.0	21.0
TITLE V - USER ACCOUNTABILITY				
Public Housing Drug Elimination Program	8.2	4.1	8.2	4.1
Transportation Drug Testing	5.0	3.0	0.0	3.0
Pres. Media Commission on Alcohol & Abuse	1.0	0.8	1.0	0.8
Subtotal, Title V.....	14.2	7.9	9.2	7.9
GRAND TOTAL*****	4,070.2	2,664.5	2,571.2	1,481.7

Notes:

- 1/ Assumes that all authorizations are fully funded in FY 1989. As yet, the bill includes no appropriations.
- 2/ Programs authorized at levels lower than the FY 1989 appropriation level are not included in the totals. FY 1989 funding for these programs will equal the appropriated levels.



05 Oct 88

House Omnibus Anti-Drug Bill - H.R. 5210  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

House Committee	Drug Bill Authorized Levels		Difference - Authorized Levels vs. FY 1989 Appropriations 1/	
	BA	Outlays	BA	Outlays
<b>Judiciary</b>				
State and Local Drug Grants	250	93	180	67
Bureau of Justice Statistics	30	18	10	6
State and Local Assistance	100	37	97	36
National Institutes of Justice	30	6	9	2
DEA	631	473	126	95
Organized Crime Drug Enforcement	9	7	9	7
INS	82	66	82	66
FBI	149	119	25	20
Prisons	1,380	914	233	22
Drug Czar	3	2	3	2
Drug Aftercare Program	26	20	26	20
Nat. Train Ctr for Prison Drug Rehab.	14	1	14	1
U.S. Attorneys	30	26	30	26
Drug Assistance for Dade County	14	3	14	3
U.S. Marshals	54	49	54	49
Subtotal, Judiciary.....	2,802	1,834	912	422
<b>Ways and Means</b>				
Customs - Salaries and Expenses	1,055	897	30	26
Customs - Air Interdiction	197	108	55	30
Subtotal, Customs.....	1,252	1,005	85	56
<b>Merchant Marine and Fisheries</b>				
Coast Guard - ACI	264	29	264	29
Coast Guard - Operating Expenses	82	70	82	70
Subtotal, Merchant Marine.....	346	99	346	99
<b>Education and Labor</b>				
Youth Gangs	30	21	30	21
National Youth Sports Program	15	10	8	4
Prevention -- Juvenile Delinquency 2/	45	11	(-20)	(-5)
Program for Runaway and Homeless Youth	15	11	15	11
Drug Abuse Education - WIC	10	9	0	0
Community Based Volunteer Demo. Projects	2	2	0	0
Subtotal, Education and Labor.....	117	64	53	36
<b>Energy and Commerce</b>				
Small Instrumentation	5	4	5	4
Mental Health Demonstrations	32	29	1	4
Community Mental Health Block 2/ & 3/	350	259	(-153)	(-111)
Substance Abuse Grants 3/	475	352	297	215
AIDS/Intravenous Drug Abuse 3/	250	150	210	153
Alcohol Abuse Research 4/	92	62	0	0
Drug Abuse Research 4/	115	94	0	0
Office of Substance Abuse Prevention	75	68	41	30
Subtotal, Energy and Commerce.....	1,394	1,018	554	406
<b>Interior</b>				



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

ASSOCIATE DIRECTOR  
FOR ECONOMICS AND GOVERNMENT

October 14, 1988

Note to:

Joe Wright  
Dan Crippen  
Alan Kranowitz  
Gordon Wheeler

Attached is updated costing of  
drug bills.

Carol 



House Omnibus Anti-Drug Bill - H.R. 5210  
Potential Impact on FY 1989 G-R-H Deficit  
(preliminary estimates, in millions of dollars)

House Committee	Drug Bill Authorized Levels		Difference - Authorized Levels vs. FY 1989 Appropriations 1/	
	BA	Outlays	BA	Outlays
<b>Judiciary</b>				
State and Local Drug Grants.....	250	93	180	67
Bureau of Justice Statistics.....	30	18	10	6
State and Local Assistance.....	100	37	97	36
National Institutes of Justice.....	30	6	9	2
DEA (includes air wing facility).....	636	477	131	99
Organized Crime Drug Enforcement.....	9	7	9	7
INS.....	82	66	82	66
FBI.....	149	119	25	20
Prisons.....	1,380	914	233	22
Drug Czar.....	3	2	3	2
Drug Aftercare Program.....	26	20	26	20
Nat. Train Ctr for Prison Drug Rehab....	14	1	14	1
U.S. Attorneys.....	30	26	30	26
Drug Assistance for Florida authorities..	14	3	14	3
U.S. Marshals.....	54	49	54	49
Subtotal, Judiciary.....	2,806	1,838	917	426
<b>Ways and Means</b>				
Customs - Salaries and Expenses.....	1,055	897	30	26
Customs - Air Interdiction.....	197	108	55	30
Subtotal, Customs.....	1,252	1,005	85	56
<b>Merchant Marine and Fisheries</b>				
Coast Guard - ACI.....	264	29	264	29
Coast Guard - Operating Expenses.....	82	70	82	70
Subtotal, Merchant Marine.....	346	99	346	99
<b>Education and Labor</b>				
Youth Gangs.....	30	21	30	21
National Youth Sports Program.....	15	10	8	4
Prevention -- Juvenile Delinquency 2/...	45	11	(-20)	(-5)
Program for Runaway and Homeless Youth..	15	11	15	11
Drug Abuse Education - WIC.....	10	9	0	0
Community Based Volunteer Demo. Projects	5	5	3	3
Subtotal, Education and Labor.....	120	67	56	39
<b>Energy and Commerce</b>				
Small Instrumentation.....	5	4	5	4
Mental Health Demonstrations.....	32	29	1	4
Community Mental Health Block 2/ & 3/..	350	259	(-153)	(-111)
Substance Abuse Grants 3/.....	475	352	297	215
AIDS/Intravenous Drug Abuse 3/.....	250	150	210	153
Alcohol Abuse Research 4/.....	92	62	0	0
Drug Abuse Research 4/.....	115	94	0	0
Office of Substance Abuse Prevention....	75	68	41	30
Drug Abuse Treatment.....	100	72	100	72

House Omnibus Anti-Drug Bill - H.R. 5210  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

House Committee	Drug Bill Authorized Levels		Difference - Authorized Levels vs. FY 1989 Appropriations 1/	
	BA	Outlays	BA	Outlays
-----	-----	-----	-----	-----
Subtotal, Energy and Commerce.....	1,494	1,090	654	478
Interior				
-----				
National Park Service Training.....	3	3	3	3
Bureau of Land Management.....	2	2	2	2
Forest Service Training.....	10	10	10	10
Indian Alcohol and Substance Abuse.....	0	0	0	0
Emergency Shelters for Indian Youth.....	0	0	0	0
Source Eradication on Reservations.....	0.45	0.45	0.45	0.45
Interior Law Enforcement Training.....	0	0	0	0
Juvenile Detention Centers.....	0	0	0	0
Indian Health Service Youth Program.....	0	0	0	0
Training and Community Education.....	0	0	0	0
Urban Indian Program.....	0	0	0	0
Samoa, Guam, Puerto Rico etc. Grants 5/	9	9	9	9
-----	-----	-----	-----	-----
Subtotal, Interior.....	24	24	24	24
Foreign Operations				
-----				
International Narcotics Control.....	101	93	0	0
Rewards.....	5	4	5	4
-----	-----	-----	-----	-----
Subtotal, International.....	106	97	5	4
Public Works and Transportation				
-----				
Drunk Driving Enforcement.....	25	10	25	10
Drug Enforcement Program.....	25	10	25	10
-----	-----	-----	-----	-----
Subtotal, Public Works/Transportation.	50	21	50	21
Gov. Ops.....	0	0	0	0
Banking.....	0	0	0	0
=====	=====	=====	=====	=====
GRAND TOTAL	6,198	4,241	2,137	1,146

Notes:

Detail may not add to totals due to rounding.

- 1/ Assumes that all authorizations are fully funded in FY 1989. As yet, the bill includes no appropriations.
- 2/ Programs authorized at levels lower than the FY 1989 appropriation level are not included in the totals. FY 1989 funding for these programs will equal the appropriated levels.
- 3/ House bill splits current ADAMHA block grant into two separate grants and authorizes a new AIDS grant program.
- 4/ Bill authorizes "such sums as necessary." For purposes of scorekeeping, Labor/HHS/Education appropriations level is assumed for FY 1989.
- 5/ Funds are provided through the Departments of Justice, Health and Human Services, and Education.



Senate Omnibus Anti-Drug Bill - S. 2852  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

	Drug Bill		Difference -	
	Authorized Levels	Appropriations	vs. FY 1989	1/
	BA	Outlays	BA	Outlays
<b>TITLE I -- ORGANIZATION</b>				
Drug Czar.....	6.5	4.9	6.5	4.9
General Legal Activities (Civil Enf.).....	2.2	1.8	2.2	1.8
U.S. Attorneys (Civil Enf.).....	2.2	1.9	2.2	1.9
Subtotal, Title I.....	10.9	8.6	10.9	8.6
<b>TITLE II -- LAW ENFORCEMENT</b>				
Bureau of Justice Statistics.....	21.0	13.0	1.0	1.0
National Institutes of Justice.....	24.0	5.0	3.0	1.0
Office of Justice Programs.....	25.5	9.0	8.0	3.0
Public Safety Officers' Benefits.....	20.0	20.0	10.0	10.0
DOJ Grant Programs.....	275.0	68.8	205.0	41.0
BJS Statistics on Crime.....	5.0	3.0	5.0	3.0
Regional Information Sharing System.....	15.0	12.0	2.0	2.0
Run Away and Homeless Youth - Part B.....	5.0	4.0	5.0	4.0
(Part A must exceed \$26.1 before part B is allocated)				
Missing Children's Assistance Act - Sec. 422...	4.0	1.4	---	---
Juvenile Justice.....	80.0	28.0	15.0	4.0
State Justice Institute Reauthorization.....	15.0	4.0	4.0	1.0
INS				
- Salaries and Expenses.....	12.3	9.8	12.3	9.8
(Organized Crime Drug Enforcement).....	(8.2)	(6.0)	(8.2)	(6.0)
Alcohol, Tobacco and Firearms (S&E).....	10.7	9.6	10.7	9.6
DEA (personnel).....	49.2	36.9	49.2	36.9
DEA - El Paso Intl. Center.....	3.3	2.5	3.3	2.5
FBI (salaries and expenses).....	24.6	19.7	24.6	19.7
U.S. Marshals.....	16.4	14.8	16.4	14.8
United States Prisoners.....	16.4	9.8	16.4	9.8
(Cooperative Agreement Program).....	(4.1)	(2.5)	(4.1)	(2.5)
Federal Prisons (B&F).....	205.0	20.0	205.0	20.0
U.S. Attorneys (+870 FTE).....	36.0	36.0	36.0	36.0
Federal Courts.....	43.1	41.4	43.1	41.4
Public Defender.....	28.7	27.6	28.7	27.6
Jurors Fees and Expenses.....	2.4	2.3	2.4	2.3
Security and Equipment.....	4.9	4.7	4.9	4.7
Coast Guard Drug Asset Acquisition.....	68.1	7.5	68.1	7.5

Senate Omnibus Anti-Drug Bill - S. 2852  
 Potential Impact on FY 1989 G-R-H Deficit  
 (preliminary estimates, in millions of dollars)

	Drug Bill		Difference -	
	Authorized Levels	Appropriations	Authorized Levels	vs. FY 1989
	BA	Outlays	BA	Outlays
Operating Expenses (+ 435 FTE).....	16.4	13.9	16.4	13.9
U.S. Customs Service				
Operation and Maintenance.....	57.4	31.6	57.4	31.6
Salaries and Expenses (includes container research and Customs training)...	34.8	29.6	34.8	29.6
Federal Law Enforcement				
Training Center (S&E).....	5.7	5.1	5.7	5.1
DEA -- training.....	0.3	0.3	0.3	0.3
INS -- training.....	0.3	0.3	0.3	0.3
DEA (Interdiction Task Force).....	4.9	1.6	4.9	1.6
Border Patrol -- equipment.....	16.4	10.0	16.4	10.0
INS (+500 FTE).....	16.4	13.1	16.4	13.1
INTERPOL (Central Bureau).....	1.0	0.9	1.0	0.9
Subtotal, Title II.....	1164.27	517.13	932.70	419.04
<b>TITLE III -- Prevention, Education and Treatment</b>				
HHS (ADAMHA, Human Development Services).....	2,310.0	1,712.0	1,323.0	998.0
Education Dept. (Drug Free Schools/Communities)	421.0	50.5	174.0	21.0
Other - VA, VISTA, Employee Assistance.....	9.0	5.4	9.0	5.4
Subtotal, Title III.....	2,740.0	1,767.9	1,506.0	1,024.4
<b>TITLE IV -- INTERNATIONAL</b>				
Foreign Assistance Act of 1961.....	101.0	93.0	0.0	0.0
Multilateral & Regional Drug Abuse.....	5.0	1.8	5.0	1.8
Border Security Program (machine documents)....	23.0	17.2	23.0	17.2
State Dept. - Terrorism.....	6.0	5.2	1.0	0.9
Subtotal, Title IV.....	135.0	117.2	29.0	19.9
<b>TITLE V - USER ACCOUNTABILITY</b>				
Public Housing Drug Elimination Program.....	8.2	4.1	8.2	4.1
Transportation Drug Testing.....	0.0	3.0	0.0	3.0
Pres. Media Commission on Alcohol & Abuse.....	1.0	0.8	1.0	0.8
Subtotal, Title V.....	9.2	7.9	9.2	7.9
<b>GRAND TOTAL.....</b>	<b>4,059.4</b>	<b>2,418.7</b>	<b>2,487.8</b>	<b>1,479.8</b>



Senate Omnibus Anti-Drug Bill - S. 2852  
Potential Impact on FY 1989 G-R-H Deficit  
(preliminary estimates, in millions of dollars)

Drug Bill		Difference - Authorized Levels vs. FY 1989	
Authorized Levels	Appropriations	1/	
BA	Outlays	BA	Outlays

Notes:  
Detail may not add to totals due to rounding.

1/ Assumes that all authorizations are fully funded in FY 1989. As yet, the bill includes no appropriations.

UNCLASSIFIED

CLASSIFICATION

CIRCLE ONE BELOW

MODE

PAGES 07

IMMEDIATE

SECURE FAX #

DTG 192343Z

PRIORITY

ADMIN FAX # 186

RELEASER

ROUTINE

FROM/LOCATION

1. Dick Thornburg, Attorney General

TO/LOCATION/TIME OF RECEIPT

1. National Drug Policy Board Members (See Attached List)

2. CRAIG FULLER

3. DANNY CRIPPEN TOR: 192333Z Oct 88

4. PHILLIP BRADY

5. DONALD IAN MACDONALD

6. COLIN POWELL

7. JOSEPH P. WRIGHT, JR.

INFORMATION ADDRESSES/LOCATION/TIME OF RECEIPT

1.

2.

STUAM/ROOM  
81 OCT 19 88 : 09  
HOUSE

SPECIAL INSTRUCTIONS/REMARKS:

UNCLASSIFIED

CLASSIFICATION





DATE: 10/19/88  
TIME: 7:00

To: National Drug Policy Board Members (see the attached list)

Phone # \_\_\_\_\_

Telecopier # \_\_\_\_\_

From: Dick Thornburg, Attorney General

NDPB Phone # 633-3435

Telecopier # 786-4767

SUBJECT: Letter Re: Drug Bill

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7 PAGES INCLUDING THIS COVER.

COMMENTS:

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10/19/1988 19:29 NDPB  
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The Honorable Joseph R. Wright Jr.  
Acting Director, Office of Management  
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Office of the Attorney General  
Washington, D. C. 20530

19 OCT 1988

Honorable Robert H. Michel  
Minority Leader  
U.S. House of Representatives  
H 232 Capitol  
Washington, D.C. 20515

Dear Mr. Leader:

This letter presents the Administration's views on the law enforcement provisions of H.R. 5210, the omnibus drug bill that passed the House on September 22, 1988, and passed the Senate with amendments on October 14. The Administration urges that the Congress send the President a final bill containing the best provisions from both the House and Senate versions that will strengthen our continuing efforts to achieve a drug-free America.

The Administration's views on the differing House and Senate versions of the major law enforcement provisions in H.R. 5210 are set forth below.

- o Death Penalty. Inclusion in the final bill of effective provisions for the death penalty in appropriate serious cases is essential. Generally, the Senate version is preferable, and it should be noted that the House version did not include a constitutionally required appeal mechanism.
- o Exclusionary Rule Reform. Restoring the focus of the criminal justice process on the search for truth requires reform of the exclusionary rule that prevents, in certain circumstances, the use in court of evidence gathered in good faith by the police. The Senate version only codifies existing law, as expressed in the Supreme Court's decision in U.S. v. Leon, 468 U.S. 897 (1984), which recognizes a good faith exception to the exclusionary rule for evidence obtained by a police officer, acting in good faith, in a search pursuant to a warrant that later is held to be defective. The House version permits the use of evidence obtained by police in good faith in any type of search. The Administration strongly supports inclusion of the House version in the final bill.

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- o Habeas Corpus Reform. The Senate version of the bill includes a provision for expedited Congressional consideration of legislative proposals for Habeas Corpus reform as recommended by a judicial panel. The Administration strongly supports the inclusion of this provision in the final bill to secure the reforms which are essential to permit some finality to our criminal justice process.
- o User Accountability. The Administration supports inclusion in the final bill of provisions regarding termination of certain benefits upon conviction of drug use crimes. These provisions in both the House and the Senate versions of the bill would appropriately hold drug users accountable to society for their drug abuse. The administration strongly supports the user accountability provisions contained in the Senate version, because it provides for a graduated system of penalties that enhances the deterrent effect of penalties and provides more appropriate discretion to sentencing officials in determining the appropriateness of penalties.
- o Child Protection and Obscenity Enforcement Act. The Administration strongly supports inclusion in the final bill of the Senate-passed legislation to strengthen Federal child pornography laws and enhance our ability to curb interstate traffic in obscene materials.
- o Drug Czar. The Administration believes that a decision should not be made on whether to establish a single officer with government-wide authority over Federal assets deployed by the various agencies to combat illegal drugs, until the incoming President takes office and makes his recommendations to Congress. One particular concern with respect to the creation of a drug czar is the adverse impact it could have on the effective functioning of the U.S. Intelligence Community and the protection of intelligence sources and methods and classified information.
- o Diplomatic Immunity. The Administration strongly opposes the Diplomatic Immunity Abuse Prevention Act provisions included in the Senate version of the legislation, because they are unconstitutional and substantially damage U.S. foreign policy interests without materially advancing the battle against illegal drugs. The Secretary of State has written you separately detailing the damage that these provisions would cause to the ability of the United States to conduct an effective foreign policy.



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- o Anti-Corruption Act. The Administration strongly supports inclusion in the final bill of the Senate-passed provisions containing the text of S. 2793, the Anti-Corruption bill. This legislation, which effectively overturns the Supreme Court's recent decision in McNally v. U.S., 107 S. Ct. 2875 (1987), would ensure effective use of Federal fraud statutes to combat corruption and white collar crime.
- o Sanctions on Foreign Banking. The Administration strongly opposes provisions in the Senate version that mandate sanctions against foreign governments and foreign banks if the foreign governments do not agree to impose U.S. currency transaction reporting requirements. This unprecedented effort to coerce foreign governments, including our allies who cooperate closely in the fight against drug trafficking, to institute in their countries U.S. banking regulations is a counterproductive affront to their sovereignty. The most effective way to achieve a united international front against drug trafficking is to continue cooperation with foreign governments, not to institute confrontation.
- o Money Laundering. The Administration supports a combination of the money laundering provisions in the House and Senate versions, with the deletion of the amendment relating to sanctions on foreign banking (see above) and deletion of the Section 6113 exemption of attorneys fees. In particular, the Administration supports enactment of Sections 1004, 1007, and 1010 of the House version, which provide a more complete and effective procedure for law enforcement access to records covered by the Right to Financial Privacy Act.
- o Federal Debt Collection Procedures Act. These provisions, which are the substance of S. 1961, were developed by U.S. Attorneys to establish a uniform, effective set of judicial procedures for the collection of debts owed to the United States. The Administration strongly supports inclusion of this provision in the final bill.
- o Federal Law Enforcement Funding Authorizations. The Administration supports the authorization of funding at the levels contained in the Senate version for U.S. Attorneys, prisons, Marshals, and the Drug Enforcement Administration as more appropriate than those contained in the House version.
- o U.S. Marshals Service Act. Each House adopted a version of this charter for the Marshals Service.

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The Administration strongly supports legislative authorization and specific authority for this important and effective law enforcement agency.

- o Rapid Alien Terrorist Removal Act. These provisions in the Senate version of the legislation permit the rapid deportation from the United States, and imposition of a bar on re-entry, of aliens convicted of aggravated felonies, such as drug trafficking or terrorist acts. The Administration strongly supports inclusion of this legislation in the final bill.
- o Innocent Owner Provisions. The Administration strongly prefers the Senate version of the innocent owner provisions, with needed technical corrections. The Senate version provides for an effective administrative mechanism to deal with innocent owner issues, while the House bill creates a judicial mechanism that could result in costly and time-consuming litigation.
- o Undetectable Firearms Act. These provisions, which are the substance of S. 2180, would require that all firearms be able to be detected by state-of-the-art magnetometers and X-ray machines. The provisions include a number of important pro-law enforcement firearms measures that would (1) broaden the reach of federal firearms laws governing trafficking in stolen firearms and those with obliterated serial numbers; (2) establish felony penalties for smuggling guns into Federal courtrooms and other facilities; and (3) provide mandatory minimum prison terms for use of a firearm in an assault on a Federal law enforcement officer. The Administration supports these provisions.
- o Civil Penalties. The Administration prefers the Senate version of the provision for civil penalties for certain drug abuse offenses, as the Senate version would address constitutional concerns by providing for appeal and the right to trial by jury.
- o Chemical Diversion and Trafficking Act. Both versions of the bill contain versions of this legislation. The Senate bill provides a more practical arrangement for monitoring the



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importation and distribution of certain precursors and essential chemicals used in the manufacture of illegal drugs. Also, the House version would weaken certain provisions of existing law.

- o Minor and Technical Criminal Law Amendments. This comprehensive package of amendments makes a host of improvements in Federal criminal laws including (1) borrowing authority for Federal Prison Industries; (2) addition of drug conspiracies and attempts as predicates for mandatory minimum prison terms; (3) expanding money laundering offenses to include tax crimes; and (4) authorizing FBI investigation of police killings at the request of the employing law enforcement agency. The Administration strongly supports inclusion of this package in the final bill. We note that efforts are being made to strike the prison borrowing authority from the bill. The fears that drive such efforts are misplaced; the prison industries can only sell to the Federal Government. Given the critical nature of prison overcrowding, a lack of productive activity for prisoners will exacerbate an already frightening situation, endangering the safety of prison personnel.

The Administration strongly urges the Congress to present to the President a bill that increases our capability to combat illegal drugs effectively and responsibly. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,



Dick Thornburgh  
Attorney General

IDENTICAL LETTER SENT TO:

Honorable Thomas Foley  
Honorable Robert Dole  
Honorable Robert C. Byrd  
Honorable Warren Rudman  
Honorable Sam Nunn



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

10-9-88

ASSOCIATE DIRECTOR  
FOR ECONOMICS AND GOVERNMENT

To John Turk  
Dan Cuppen  
Alan Krawitz

Attached is draft of SAP on  
Senate drug bill. We are  
holding it until further  
decision on when/whether  
to send and what to  
say. Please mark-up if  
you think it's close to what  
we want or indicate how it  
should be re-targeted.

Carol.





# STATEMENT OF ADMINISTRATION POLICY

October 6, 1988  
(Senate)

S. 2852 - Omnibus Anti-Substance Abuse Act of 1988  
(Nunn (D) Georgia and 48 others)

The Administration strongly supports and urges Congress to enact effective and responsible anti-drug legislation. The President, in a statement on September 29, 1988, urged enactment of a bill to "strengthen our ability to combat the production, trafficking and use of illegal drugs." Such legislation should be designed to achieve the six major goals that the President outlined in 1986: (1) drug-free workplaces; (2) drug-free schools; (3) expanded treatment for drug users; (4) strengthened drug law enforcement; (5) increased international cooperation; and (6) increased public awareness and prevention.

The continued health and personal safety of all Americans depends upon the prompt and favorable consideration by Congress of comprehensive anti-drug legislation. Time is of the essence. Consistent with the foregoing, the Administration strongly supports enactment of a sound, prudent, and effective anti-drug bill without further delay.

[-- The Dole Substitute

The Administration would support passage by the Senate of the Dole substitute to S. 2852, which would combine most of the provisions of H.R. 5210, the counterpart House-passed bill, with several other desirable amendments. Passage of the Dole substitute may well be the only way to ensure that comprehensive anti-drug legislation is enacted in the short time remaining before adjournment of the 100th Congress.]

-- Essential Provisions of Any Anti-Drug Legislation

On September 22, 1988, the House of Representatives passed H.R. 5210, the "Omnibus Drug Initiative Act of 1988." This measure -- which the President called a "good bill" on October 4th -- contains a number of essential provisions. Chief among these are provisions that would: permit the imposition of the death penalty in Federal cases for drug-related murders; significantly improve the search for truth in the criminal justice system by reforming the so-called "exclusionary rule;" establish requirements for drug-free workplaces throughout the Nation; and increase the accountability of drug users to society for the consequences of their use of illegal drugs.

The Senate's version of anti-drug legislation should, at a minimum, incorporate reforms in each of these important areas.



As introduced, the Senate bill does address the death penalty and drug-free workplaces but does not contain the comprehensive House provisions on user accountability; nor does it reform the exclusionary rule. It should be amended accordingly.

In addition, the Administration urges the inclusion of a provision reforming the procedures by which Federal courts review the incarceration of convicts through the use of the writ of habeas corpus.

-- Drug Czar

The Administration believes that a decision should not be made at this time to establish a single officer with government-wide authority over Federal assets deployed by the various agencies with authority to combat illegal drugs -- often called a "drug czar" -- until a new President has been elected and has had an opportunity to make recommendations to Congress in that regard. Consequently, the Administration recommends that these provisions of S. 2852 be deleted.

-- Other Provisions

In addition, the Senate should delete provisions that would: shift grant authorities from block grants back to restrictive categorical grants; attach conditions to Federal grants that are unrelated to the purposes of the grants; require the IRS to reimburse State and local government law enforcement agencies for taxes collected as a result of information supplied to the IRS by such agencies; inappropriately earmark funds for international narcotics control programs; and force mandatory rehabilitation of drug users in the transportation workplace. The Administration strongly opposes an amendment to be offered by Senator Kerry to require foreign banks to notify the United States with respect to certain United States currency transactions. This provision is unenforceable and contrary to ongoing international efforts to combat money laundering.

-- Bipartisan Budget Agreement

The Administration urges Congress to ensure that funding in anti-drug legislation is consistent with the Bipartisan Budget Agreement reached last November by the President and the Bipartisan Joint Leadership of the Congress. The Administration urges the Congress to enact responsible anti-drug legislation that is consistent with the achievement of both a drug-free America and a reduced Federal budget deficit. The Administration will continue to work with the Congress to identify necessary offsets to ensure that anti-drug legislation complies fully with the Bipartisan Budget Agreement.

Without appropriate offsets, funding for anti-drug programs could cause a sequestration under the Gramm-Rudman-Hollings law. In that event, the President's senior advisers would recommend that,



in order to avoid a sequester, he veto the legislation.

-- Revenue Initiatives

The Administration is aware that consideration is being given to "paying" for some or all of this drug bill through an IRS/U.S. Attorneys or other revenue initiatives. If new revenue initiatives are to be considered, the Administration believes that care must be exercised. Other revenue initiatives in recent years have already required the IRS to pursue many areas of abuse and revenue potential. In addition, any increases in funding for IRS revenue-producing programs must take into account costs to taxpayers, IRS program limitations, and the necessity of carrying out a balanced program of tax administration.

\* \* \* \* \*

(Not to be Distributed Outside Executive Office of the President)

The Legislative Reference Division (Jones) prepared this draft SAP in consultation with the Departments of Justice (Mastalli, Office of Legislative Affairs), the Treasury (Kaufman, Office of the General Counsel), State (Bachrach, Congressional Affairs), and Transportation (DeCell, Office of the General Counsel), the Central Intelligence Agency (Schilling, Congressional Affairs), the Veterans Administration (Turk, Office of the General Counsel), TCJ (Schwartz/Kalder/Hurdle), HTF (Ryder), HIMD (Hylton), and IAD (Kasten).

Note: The language "above the line" in boldface and brackets concerning the Dole substitute was not in the version reviewed by the agencies. It was discussed informally, however, with staff at Justice and Transportation, and the initial reaction was positive. Justice cautioned, though, that such a statement could "annoy" certain Republican Senators who are upset that Senator Dole is prepared to offer a substitute bill after so much effort went into arriving at a bipartisan measure, S. 2852. If a decision is made to include language of this kind, this SAP needs to be further amended to oppose particularly objectionable features of both the House bill (e.g., budgetary and legislatived bypass authority the exemption from the Paperwork Reduction Act for the FAA) and the Dole substitute amendments (e.g., mandatory drug rehabilitation programs for transportation workers). It would obviously be important to confirm that, except as otherwise noted, the Dole substitute is identical to the House-passed bill. ✓

Justice staff has advised informally there are more than 150 possible amendments to the Senate drug bill but that efforts continue to reach agreement to limit the number of amendments that may be offered.

LEGISLATIVE REFERENCE DIVISION DRAFT  
10/6/88 -- 6:10 P.M.