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THE WHITE HOUSE

WASHINGTON

August 8, 1986

MEMORANDUM FOR DONALD T. REGAN

FROM: ALFRED H. KINGON *AHK*
DAVID L. CHEW *DL*

SUBJECT: Drug Abuse Program

Responding to your request of yesterday, we have sought to put together in one place an overall view of the President's drug abuse program.

This book contains an outline of the President's program against drug abuse, comments on the policy, the potential organization to administer the program, a summary of the communications plan, proposed Administration legislation, legislation that is already introduced in Congress, and an overall funding estimate.

In each of these sections there is presented for you a listing of the issues that will have to be faced and in some cases a recommended approach.

This report was prepared by a working group with members from the Office of Cabinet Affairs, the Domestic Policy Council, OMB, the Counsel's Office, and, of course, the Drug Abuse Policy Office. The working group was co-chaired by Rick Davis, from the Office of Cabinet Affairs, and Ralph Bledsoe, from the Domestic Policy Council.

This is an effort to give you quickly an overall view of the program. The issues that we have previously discussed still must be decided.

After you have read this report, you might want to convene a small group to discuss how to proceed.

Attachment

THE WHITE HOUSE

WASHINGTON

August 8, 1986

MEMORANDUM FOR DONALD T. REGAN

THROUGH: ALFRED H. KINGON

FROM: RICHARD H. DAVIS, RALPH C. BLEDSOE

SUBJECT: Drug Abuse Policy Coordination Plan

This notebook contains a plan for coordinating the President's drug abuse policy program. It includes vital background information, current status, unresolved issues and appropriate recommendations for your consideration on each of the following:

1. The President's Drug Abuse Policy
2. Organizational Entities and Key Individuals
3. Communications Planning and Execution
4. Legislative Coordination
5. Funding Control

It is our view that each of these is important to effective management of the effort on behalf of the President.

TAB I - The President's
Drug Abuse Policy

DRUG ABUSE POLICY

COORDINATION PLAN

THE PRESIDENT'S DRUG ABUSE POLICY

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I. The President's Drug Abuse Policy

- o The basic document describing the President's policy is the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking. It was the culmination of efforts since 1981, and is still the viable policy document.
- o The President's policy is sufficiently comprehensive. All major aspects of the drug abuse problem have been covered.
- o In drug abuse, the two major problem areas are supply and demand. The acknowledged tactics used to combat each are enforcement (for supply) and health treatment, prevention and awareness (for demand).
- o The recently announced six goals are consistent with the 1984 National Strategy document, and four of the goals are aimed at attacking the demand side of the problem. They represent new or enhanced directions under the national strategy.
- o The President's policy goal of total elimination of drug abuse is not in question. He and Mrs. Reagan are seen as the leaders toward achieving this goal.
- o Congress will, through legislation, add content to the drug abuse program, but this should not present a challenge to the President's fundamental policy.
- o Executive Branch departments and agencies also will add to the program through legislative proposals, departmental initiatives, and interaction with private and other groups active in drug abuse prevention and treatment. Executive Orders will similarly add to the basic policy.

Issues for your consideration:

1. How should changes to the basic policy be coordinated? The recommended option is through the Domestic Policy Council.

2. How should challenges to and clarification of the policy be evaluated and addressed? The recommended option is through a Working Group chaired by Carlton Turner under the Domestic Policy Council. The Working Group will propose other organizational options for approval by the Domestic Policy Council in September, 1986.

3. Should a new version of the national strategy be published? One argument is that the document is dated 1984, and we may be asked how the 1986 goals relate to this older document? However, the extra time, effort and costs may not be worth it, and we are still formulating the details of the program initiatives. The recommendation is that it is not worth the extra effort.

The President's program against drug abuse

- o The President's program is a national program to:
 - Prevent drug abuse through awareness and action;
 - Enforce drug laws;
 - Cooperate with other countries to control narcotics flow;
 - Develop and administer medical detoxification and treatment;
 - Undertake and encourage research directed at causes, treatments, and understanding.
- o The program is aimed at the widespread social and health problems created by the abuse of a number of illegal drugs.
- o The focus of the program is to change public attitudes to make illegal drugs and their use truly unacceptable.
- o The Federal part of the program is based on strong law enforcement to raise the risk to the criminals involved, and health-related activities to encourage availability of treatment services and prevention. It features personal leadership by the President, the First Lady, the Vice President, Cabinet officers, and all Federal employees.
- o Program leadership is also sought from leaders in all segments of American society and throughout the world, so that drug abuse can be eliminated.
- o The prevention aspect of the program is based on getting every segment of society to accept the view that real success is achieved when those people most affected by drug abuse are directly involved in solving their own problems.

TAB II - Organization

II. Organization

A. Internal

- o At present two organizations play major policy roles, 1) the National Drug Enforcement Policy Board, chaired by the Attorney General, and 2) the Drug Abuse Policy Office, headed by Carlton Turner and reporting through Jack Svahn, Assistant to the President for Policy Development.
- o Both have made presentations to the Domestic Policy Council on their respective efforts, thus a precedent is established for their reporting to the President.
- o Additional law enforcement organizations include The National Narcotics Border Interdiction System (NNBIS), chaired by the Vice President, and focused on interdiction efforts, and twelve Organized Crime/Drug Enforcement Task Forces. These have special limited charters.
- o Congress will likely demand some organizational focal point in the Administration for coordination of drug abuse policy. Despite major gains against drug abuse, some Members continue to allege lack of coordination in law enforcement, lack of coordination overall in drug abuse, not enough emphasis on drug law enforcement, lack of priority for health-related programs, etc.
- o The Domestic Policy Council can provide final policy determination, but some entity is needed to coordinate day to day policy interpretation and interactions with the many organizations that are employed in fighting drug abuse.

Issues for your consideration:

1. What organization should coordinate the President's drug abuse policy program? Options include:

1. Expand the Drug Enforcement Policy Board to make it responsible for the entire drug abuse program. This would remove coordination from the White House.
2. Establish a new Drug Abuse Health Policy Board, equivalent to the Drug Enforcement Policy Board. This would require new legislation.
3. Create a new board that would coordinate both health and law enforcement policies. This would require legislation.
4. Establish the Drug Abuse Policy Office as a separate agency within the EOP, to coordinate all drug abuse policy efforts, including the Drug Enforcement Policy Board. This would require legislation.
5. Establish a Working Group on Drug Abuse Policy under the Domestic Policy Council to temporarily coordinate drug abuse policy program efforts until it can recommend the longer term organizational options. Preliminary work has been done on this by the Domestic Policy Council.
6. Make no change.

Option #5 is recommended on the basis that it can be organized quickly, and the other options will require too much time to develop. August and September are important planning and coordination months. Option 6 is not recommended because of the need for a coordinating organization.

2. Who should be the principal White House coordinator of drug abuse policy? For the longer term, an expanded role for the White House Drug Abuse Policy Office and its current staff should be considered, including legislation. In the short term, Carlton Turner, head of the White House Drug Abuse Policy Office, will chair the Domestic Policy Council Working Group, and will be the principal coordinator of drug policy.

3. What organization should coordinate legislative activity? A Legislative Strategy Group might be convened when Congress' efforts in drug abuse legislation are clear. This is not likely to be until September, despite the current flurry of activity. In the interim, the Domestic Policy Council Working Group, working with White House Legislative Affairs and the normal OMB legislative clearance process can provide the detailed review of the numerous bills being introduced, and help coordinate Administration responses and legislative proposals.

4. What organization should coordinate communication of the President's drug abuse policy program? This will be coordinated by the White House planning group that has coordinated drug abuse policy planning to date, under Dennis Thomas. The chairman of the Domestic Policy Council Working Group will make recommendations to the planning group, and will ensure that the content of communications is accurate and timely.

B. External

- o The White House Office of Drug Abuse Policy has active contact with over fifty major national organizations engaged in fighting drug abuse.
- o They have also worked with numerous publications in producing materials used in drug abuse prevention and awareness.
- o This activity will likely increase, and Cabinet departments will expand their interactions with external organizations and groups. For example, Secretary Brock is scheduled to meet with Lane Kirkland of the AFL-CIO the week of August 18 to discuss labor's actions. The interagency Domestic Policy Council Working Group will coordinate these interactions.
- o Below are some of the types of organizations with which the White House has been in contact. They are categorized under the six goals, and will be important in the planning for communication of the President's program.

Drug-Free Workplaces

- o Business and Sports
- o Labor Unions

Drug-Free Schools

- o Communities and School Districts
- o Colleges and Universities

Improve Health Treatment

- o Hospitals and Medical Associations
- o State Governments

Expand International Cooperation

- o Foreign Governments
- o International Organizations

Strengthen Law Enforcement

- o Law Enforcement Agencies
- o Banks and Financial Institutions

Increase Prevention and Awareness

- o Media
 - o Churches and Volunteer Organizations
- o Mrs. Reagan's goal of expanding parents groups throughout the U.S. is sponsored by the National Federation of Parents. PRIDE, a prevention program at Georgia State University, has exported parents groups to over 60 countries, and is a resource in this area for the lay public.
- o Also as a part of the First Lady's program, special initiatives have been sponsored and funded by organizations and companies such as Lions International, Xerox, Keebler, the National Soft Drink Association, IBM, etc.

Issues for your consideration:

1. Should we organize a special Blue Ribbon Panel to coordinate private sector initiatives in the efforts against drug abuse?
The President has expressed some support for a Blue Ribbon panel to coordinate private sector activities in fighting drug abuse. Several Cabinet members felt such a panel is not needed since there are numerous existing private associations and organizations that would be willing to join in. The recommendation is to not create a new panel, unless the President wishes otherwise.

2. How should the White House respond to the many offers to help that will come from outside organizations and individuals?

The recommendation is that the White House Drug Abuse Policy Office coordinate responses to these groups and individuals, in concert with White House Correspondence. Special offers will be brought to the attention of the Domestic Policy Council Working Group for referral to appropriate agencies, or to the White House planning group.

III. Communications Planning and Execution

- o The attached communications plan was developed in early July by Carlton Turner to support the President's program on drug abuse. Some events have already taken place. It should be a starting point in the overall communications effort.
- o The communication of the President's program has thus far been diffused.
 - the White House planning group has developed plans,
 - the Domestic Policy Council has framed issues around a Presidential announcement,
 - the White House Drug Abuse Policy Office has designed a communications plan, and
 - departments and agencies have begun to separately plan various events and announcements.

Issues for your consideration:

1. Who should finalize communications plans? The White House planning group chaired by Dennis Thomas will finalize all communications plans and requests.
2. Who should generate communications proposals and plans? The White House Drug Abuse Policy Office will take the lead in developing communications requests, proposals and strategies for the President's program. They will collect information from other White House offices such as cabinet affairs, public liaison, public affairs and others. The Domestic Policy Council Working Group will also generate and recommend activities in support of the communication program.
3. How should communication plans be implemented? Communication plans and events will be implemented by the White House Drug Abuse Policy Office in coordination with cabinet affairs and other appropriate White House offices.

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NATIONAL INITIATIVE ON DRUG ABUSEOBJECTIVES

- Enhance President Reagan's leadership role in the national campaign to prevent drug abuse and drug trafficking.
- Garner public support for new initiatives working toward the Administration's goal of creating a drug-free generation by the 1990s.

STRATEGY

1. Stimulate action and broaden public awareness on drug abuse.
 - Move from uninformed to informed debate.
 - Direct sudden public outrage over drug abuse to support for government and private initiatives against drug use. Focus on drug user, not as victim but as irresponsible member of society.
2. Increase awareness of the successes of the President's national and international drug program.
3. Maintain Executive Branch leadership in undertaking major new initiatives.

THEMES

1. Administration has taken unprecedented actions to stop drug abuse.
2. Drug users are financing our Nation's suicide.
 - Drug abuse is a threat to national security and public safety.
 - Drug abuse costs the American public at least \$60 billion each year in terms of productivity, health care, accidents and crime.
 - Drug abuse is eroding the quality of education and the personal development of our young people.
3. Government must do all in its power to help, but the war on drugs will be won only by the action and commitment of private citizens -- businessmen and workers, students and teachers, parents and volunteers.

TIMING: July through October 1986

The window of opportunity is wide open. Public outrage and media attention about drug abuse are at an unprecedented high in the wake of the recent cocaine deaths of Len Bias and Don Rogers. Public focus has shifted from the drug traffickers to the drug users, from the drug user as victim to drug abuse being irresponsible behavior, and from government program to private initiative.

Strong leadership is required to maintain and direct the current momentum into effective public action. There has already been some dissipation in the current situation: the media has begun to refocus the burden of resolution on government and on drug law enforcement, both of which are limited without broad public commitment to stopping the use of drugs.

Key dates:

- July 15, 1986 - Congressional hearings on crack cocaine.
- July 16, 1986 - Tentative hearing by House Subcommittee on Crime on H.J. Res. 631, legislative initiative mandating a White House Conference on Drug Abuse.
- August 16-September 8, 1986 - Congressional Labor Day recess.
- September 1, 1986 - Labor Day and beginning of school year

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PROPOSED DRUG ABUSE EVENTS

Major National Events

- RR nationally-televised address to American people/Joint Session of Congress

Purpose: To take full leadership role, heighten national awareness of the multi-faceted drug abuse issue, communicate progress made and outline new offensive against drug abuse.

- RR Signing Ceremony - possible Executive Orders
(1) directing the Secretary of Education to withhold Federal funding from any educational institution which does not have a policy of no drug use; (2) requiring all DOD contractors to have a certified drug-free workplace; and (3) requiring Federal Government to adopt (a) preemployment screening for all positions and (b) screening of all employees -- beginning immediately with those in positions affecting public safety or national security and including all employees within next three years.

Purpose: To ensure the public trust by taking those actions which are the most difficult and the most effective in eliminating drug abuse.

- RR/NR Presentation Ceremony for Certificates of Achievement to six individual and corporate achievers.

Purpose: To highlight accomplishments of established national program against drug abuse and present model for upcoming initiatives.

Specialty Events

- RR/NR briefing for Chief Executive Officers of multi-national corporations. Event would be a dialogue on the subject of drug abuse in the workplace.

Purpose: To highlight priority of drug abuse prevention programs in the workplace, demonstrate support for established programs and encourage other corporations to establish programs of their own.

- RR/NR visit to a plant which has a drug-free environment.

Purpose: To focus on ability of management and labor to work together to eliminate drug abuse in the workplace.

- RR/NR visit to a school which has implemented an effective anti-drug program. Addresses student body, tours town, etc.

Purpose: To focus on ability of community to rid schools of drugs and the relationship of a drug-free school with the quality of education.

- RR/NR meeting with Congressional leaders. Event would be a "listening" session among conservative and liberal drug program spokesmen in Congress.

Purpose: To reaffirm the President's leadership on the issue, demonstrate a listening posture and break ground for new Administration initiatives.

Call to Action

- RR call on union and management to eliminate drug abuse in their ranks and to set an effective policy to deal with the drug users and their health needs.

Purpose: To build a consensus among labor and management for eliminating drug abuse in the workplace.
Possible Labor Day speech.

- RR call on media and private sector to seek every opportunity to assist Mrs. Reagan in publicizing the negative aspects of drug abuse and the positive aspects of saying no to drugs.

Purpose: To expand national prevention/education program and ensure that accurate information is presented in a credible way to all citizens.

- RR/NR Message to School Principals to coincide with Department of Education program kick-off and release of "Schools Without Drugs."

Purpose: To give high priority and visibility to leadership role of school principals in eliminating drug abuse in the schools.

- RR/NR Message to teachers to coincide with release of IBM-sponsored comic books.

Purpose: To emphasize important role of teachers in drug abuse prevention among children.

- RR/NR briefing to commissioners of major sports organizations calling on them as role models for Nation's youth to support drug abuse awareness programs and to be drug free.

Purpose: To recall 1982 RR/NR meeting with representatives of professional sports associations and direct current visibility of the problem of drugs and sports to a call for action in all segments of society.

Enforcement

- RR message to all mayors calling for commitment of at least 10 percent of local police resources specifically to stopping the supply as close to the user as possible by arresting all known drug dealers and making public the names of dealers and users. Presidential call to all judges to hold these drug dealers for a minimum of seven days as a threat to the community.

Purpose: To disrupt the drug traffic as close to the user as possible; to hold drug dealers responsible for their criminal activity which can include murder, attempted murder and assault.

- RR call on all levels of government to aggressively enforce laws and regulations prohibiting possession, use, sale or transfer of any illicit drug in any public building. Direct immediate dismissal of any employee of the Federal government committing this criminal offense.

Purpose: To disrupt the drug traffic as close to the user as possible; to hold individuals involved in drug offenses responsible for their criminal activity.

Press Events

- RR/NR informal chat with selected editorial writers.
- RR Op-ed for Wall Street Journal: the national cost of drug abuse.
- RR/NR exclusive interview with appropriate weekly news magazine.

- RR/NR Parade Magazine article.
- Regional press luncheon.
- Weekly briefing of regional press.
- Establish media action committee.

Legislative Events

- RR call on all states asking them to pass the model paraphernalia law within two years and asking Congress to remove 25 percent of the ADM block grant money from any state which does not comply with such requirement and make it illegal to manufacture or possess drug paraphernalia.
- Legislative package to Congress requesting rescheduling of butyl nitrite, and legislation requiring all IV drug users to enter treatment.

Government Events

- RR Signing Ceremony for Executive Order altering current policy board chaired by the Attorney General to include drug abuse health issues or creating Cabinet-level drug abuse health policy board.

Purpose: To enhance Cabinet-level drug abuse policy participation on the health side.

- RR directive to Secretary of HHS to develop ways to provide funding assistance to states which implement programs (a) making treatment mandatory for IV drug users, (b) meeting the treatment needs of indigent people, and (c) identifying other drug users and forcing them into treatment.
- Briefing for Cabinet on drug abuse issues and programs.
- Briefing for White House Senior Staff concerning drug abuse issues and programs. (ACTION: DAPO)
- RR/NR address to national meeting of drug abuse health care professionals.
- Distribution of materials to U.S. Attorneys, calling on each to promulgate the drug abuse issue and strategy in the local media and with community groups.

International Events

- RR/NR discussion with other leaders.
- NR host briefing of the wives of foreign ambassadors assigned in Washington.
- Recall of U.S. Ambassadors for White House Briefing on drug abuse.
- Cabinet/Senior Staff briefing of Foreign Press.

Cabinet/Senior Staff Events

- Briefing for national press with Regan, Weinberger, Meese, Bowen, Brock, Dole, Bennett, Turner on appropriate aspects of drug abuse problem and what must be done to solve it.
- Shultz major domestic address on international impact of drug abuse.
- Meese and appropriate Department of Justice officials visibility for domestic eradication program and other enforcement initiatives.
- Weinberger address on DOD initiatives to end drug abuse in the military and by the civilian workforce.
- Bowen major addresses on the drug abuse issue.
- Brock as spokesman on drug abuse in workplace.
- Bennett major addresses on drug abuse in the schools and spearhead major Department of Education initiative.

Ongoing Events

- White House briefings for select business leaders, consumer groups, labor organizations, educational associations, etc. (ACTION: Public Liaison, DAPO)
- Fact sheets/speech inserts for surrogates. Mailings of supportive editorials and other advocacy materials. (ACTION: Public Affairs, DAPO)

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SCHEDULE OF POSSIBLE DRUG ABUSE EVENT OPPORTUNITIES

<u>DATE</u>	<u>EVENT</u>	<u>LOCATION</u>
7/8-11/86	North American Christian Convention	Indiana
7/11-18/86	Association of Trial Lawyers of America	New York, NY
7/14-19/86	National Law Enforcement Explorer Conference	Seattle, WA
7/15/86	RR Address to Republican Fundraiser	Washington, DC
7/15/86	Fourth National Conference of Hospital-Medical Public Policy Issues	Washington, DC
7/16/86	Texans War on Drugs	Texas
7/18/86	NR meets with sports commissioners. (T)	Washington, DC
7/27-31/86	Youth to Youth National Conference	Ohio
8/3-6/86	First National Conference on Alcohol and Drug Abuse Prevention, "Sharing Knowledge for Action"	Washington, DC
8/22-26/86	American Psychological Association	Washington, DC
8/14/86	Congressional Picnic	Washington, DC
8/16-9/7/86	RR to Ranch/Congress recess	National
8/17-21/86	White House Conference On Small Business	Washington, DC
8/24-26/86	National Governors Conference	Hilton Head, NC
8/26-30/86	Toastmasters, International	Nevada
9/1/86	Labor Day & Beginning School Year	Nat'l Holiday
9/8/86	RR/Congress return	Washington, DC
9/11-13/86	Radio-Television News Directors Association	Texas

<u>DATE</u>	<u>EVENT</u>	<u>LOCATION</u>
ca. 9/15/86	Department of Education program kick-off and release of "Schools Without Drugs."	National
9/18/86	Capital Cities/ABC Conference: "Drugs in the U.S.A."	New York, NY
9/18-21/86	Concerned Women for America	Washington, DC
9/23-26/86	National Conference of Editorial Writers	South Carolina
9/29-10/2/86	American Academy of Family Physicians	Washington, DC
10/4/86	Congress recess/Campaign	National
10/22-26/86	American Business Women's Association	Kansas
11/23-24/86	Tennessee Statewide Law Enforcement Coordinating Committee (LECC) meeting on drug education and enforcement	Nashville, TN
11/2-6/86	American Pharmaceutical Association	Louisiana
11/2-6/86	National Association of Convenience Stores	Louisiana
11/4/86	Election Day	National
11/6-11/86	National Association of Realtors	New York, NY
11/16-19/86	American Heart Association	California
11/12-15/86	Society of Professional Journalists (Sigma Delta Chi)	Georgia
11/16-19/86	Southern Newspaper Publishers Association	Florida
11/17-19/86	TV Bureau of Advertising	California

Perennials

National Chamber of Commerce
National Press Club

IV. Legislative Coordination

- o In recent months, more than twenty-five bills related to drug abuse have been introduced in Congress. (See attachment IV-A)
- o These bills have addressed a wide range of topics, from reorganizing the Executive Branch drug education and enforcement activities, to DOD enforcement assistance.
- o The Administration is also preparing draft legislation in support of selected goals of the President's program. (See attachment IV-B.) Where possible goals will be met with existing authorities, without the need for new legislation.
- o The far-reaching impact of this legislative activity, and the many bills now before Congress, indicates the need for careful attention to this task.

Issues for your consideration:

1. What organization should coordinate legislative strategy? As previously mentioned, a Legislative Strategy Group should be convened when Congress' legislative intent becomes clear. In the interim, the Domestic Policy Council Working Group, chaired by Carlton Turner, will review all Administration proposals and legislation introduced in Congress. They will coordinate with appropriate departments and with White House Legislative Affairs and OMB.
2. How will legislation be tracked? Legislation will be tracked and Administration positions developed using the normal processes now used for OMB clearance and monitoring by White House Legislative Affairs. The White House Drug Abuse Policy Office and the Domestic Policy Council Working Group will assist in ensuring that department and agency views are obtained.

Congressional Activity

Congressional activity in recent weeks has been brisk on this issue, listed below are some of the major legislative initiatives currently on the Hill.

1. The Drug Dependent Offenders Amendment of 1986. (H.R.5076) Federal offenders placed on probation or parole who have drug dependency problems may be required to undergo drug testing, counseling, and other treatment programs as a condition of probation or parole.
2. The Designer Drug Enforcement Act. (H.R.5246, S.1437) Makes designer drugs illegal and subjects traffickers of controlled substance analogs to the stiffest drug penalties.
3. Career Criminal Amendments. (H.R.4885) Expands the Armed Career Criminal Act to include violent crimes and drug crimes.
4. The Money Laundering Control Act. (H.R.5217, S.2683) Creates a new crime of money laundering; improves investigatory tools and reduces restrictions on law enforcement in the banking area.
5. Providing for a White House Conference on Drug Abuse and Control. (H.J.Res.631) The resolution calls for the President to convene a White House Conference on Drug Abuse and Control by April 1987.
6. Technical Amendments to Comprehensive Crime Control Act. (H.R.2774) Eliminates technical problems with and clarifies many new provisions of the Comprehensive Crime Control Act of 1984.
7. Judiciary and Judicial Procedure Amendment (H.R.1193) A bill to amend the United States Code, to provide amounts from the Department of Justice assets forfeiture fund for drug abuse prevention, treatment, and rehabilitation programs.
8. Readiness Enhancement of Air Force Reserve Special Operation Act. (H.R.1307) A bill to authorize the appropriation of funds for the operation and maintenance of a Special Operations Wing of the Air Force Reserve.

9. Controlled Substances Importation, Increased Enforcement by Coast Guard Act. (H.R.2132) A bill to amend Public Law 96-350 to further define the Customs waters for the purposes of certain drug offenses.
10. Crimes and Criminal Procedure. (H.R.2774) A bill to amend Title 18 of the U.S.C. and other laws to make minor technical amendments of provisions enacted by the Comprehensive Crime Control Act of 1984.
11. Anti-Smuggling Act. (H.R.3479) A bill to amend the Tariff Act of 1930 to increase measures to combat smuggling by vessels, vehicles, and aircraft, and for other purposes.
12. Omnibus Diplomat. (H.R.4151) A bill to provide enhanced diplomatic security and combat international terrorism and for other purposes.
13. Readiness Enhancement of Air Force Reserve Special Operations Act. (S.531) A bill to authorize the appropriation of funds for the operation and maintenance of Special Operations Wing of the Air Force Reserve. To authorize the appropriation of funds for the operation and maintenance of the D of the Department of Defense Task Force on Drug Enforcement, and to require certain reports.
14. Drug Money Seizure. (S.571) A bill to amend Subchapter II of Chapter 53, of Title 31, United States Code, relating to currency reports.
15. Mail Order Drug Paraphernalia Act. (S.713) A bill to prohibit the interstate sale and transportation of drug paraphernalia.
16. Comprehensive Crime Control. (S.1236) A bill to prohibit the interstate sale and transportation of drug paraphernalia.
17. Controlled Substance Analogs Enforcement Act of 1985. (S.1437) A bill to amend the Controlled Substances Act to create new penalties for the manufacture with intent to distribute, the possession or the distribution of controlled substance analogs, and for other purposes.
18. Anti-Smuggling Act of 1985. (S.1694) A bill to amend the Tariff Act of 1930 to increase measures to combat smuggling by vessels, vehicles, and aircraft, and for other purposes.

19. Action Drug Prevention Program. (S.668) A bill to provide funding for the ACTION drug prevention program in HHS out of proceeds received by the Customs forfeiture fund and the Justice assets forfeiture fund.
20. State and Local Narcotics Control Assistance Act of 1985. (S.15) A bill to authorize HHS to make grants to States for drug abuse prevention, and other purposes, and to authorize the Attorney General to make grants to increase State and local enforcement of laws against drug abuse.
21. Student Chemical Abuse Prevention Act of 1985. (S.1820) A bill to provide assistance to State and local educational agencies for the development of and expansion of demonstration chemical substance prevention programs.
22. Department of the Treasury Appropriations. (H.R.5267) A bill to authorize additional appropriations for fiscal year 1987 for the United States Customs Service for drug enforcement capabilities.
23. Reorganization of Executive Branch Drug Trafficking and Abuse Functions. (H.R.5266) Requires the President to submit legislation for the reorganization of the Executive Branch in order to more effectively combat drug trafficking and drug abuse.
24. Department of Defense Narcotics Enforcement Assistance Act of 1986. (H.R.5270) A bill to authorize additional appropriations to the Department of Defense for armed forces assistance to civilian drug enforcement agencies.
25. Coast Guard Drug Interdiction Enhancement Act of 1986. (H.R.5268) A bill to authorize additional appropriations and personnel for the Coast Guard for drug interdiction.

Proposed Administration Legislative Initiatives

Through the Domestic Policy Council various Departments and Agencies have developed draft legislation that would support the President's Drug initiative.

Department of Justice

The National Drug Abuse Prevention Act of 1986. Establishment of a drug abuse prevention program which provides for a drug-free workplace and allows testing to identify and hold accountable users of illegal drugs in educational institutions, the private workforce and the Federal Government. This is not a budget item.

Department of Education

The Zero Tolerance Act. State set-asides for drug prevention activities at the state level. State discretionary grants to local school districts requiring each district to submit to the state agency a plan to achieve "Drug-Free Schools." Federal discretionary grants for development and dissemination of program models and materials on alcohol and drug prevention in schools. The estimated cost of this program is \$100 million.

Office of Personnel Management

Propose legislative changes to make current illegal drug use an absolute disqualifier for entry into Federal employment and a basis for termination, regardless of a claimed "handicapping" condition or effect on job performance. States, local governments, and government contractors would be encouraged to develop drug free workplaces.

Department of Health and Human Services

Restructuring the existing Title III of the Narcotics Addict Rehabilitation Act (NARA) to include all controlled substance abusers and to streamline the cumbersome regulatory and reporting requirements of the original Law.

Drafting a model statute to provide states with the basis for broader treatment authority for controlled substance abusers in their jurisdiction.

These are proposed legislative actions that would allow execution of those policies approved by the President and the Domestic Policy Council. They would cover activities beyond the limits the President has set; e.g., hiring in sensitive positions and any mandatory testing for sensitive positions. That is why this proposed legislation will need a reviewing body. (It is proposed that the Domestic Policy Council Working Group on Drug Policy be this body.)

V. Funding Control

- o Some initial estimates developed by OMB show the following funds are being spent, or have been proposed for spending in FY 1987 budget requests (\$ million):

	Current Level (1986)	Current Initiatives (1987)	Additional Options (1987)
Law Enforcement (Supply Side)	1,713	2,148	2,560
Health Treatment, Prevention (Demand Side)	377	400	500

- o OMB has informed departments and agencies that all new spending recommendations must identify appropriate offsets.

Issues for your consideration:

1. How should funding control be assured? OMB will control the funding and funding requests for drug abuse initiatives. The Domestic Policy Council Working Group will ensure that new programs and costs are reviewed by OMB (OMB is a member), and that priorities for offsets are discussed in terms of expected payoffs and benefits.
2. How can we counter Congress' expected large, and largely unnecessary spending proposals on drug abuse? The White House planning group chaired by Dennis Thomas will be provided with analyses of all funding bills, and will be able to determine Administration positions on these proposals.

Eased Drug-Testing Proposal Is Studied by Administration

By Judith Havemann
Washington Post Staff Writer

Only federal workers who hold sensitive positions or who are suspected of using drugs would be required to take urinalysis tests for drug use, according to a proposal by a staff-level working group preparing recommendations for the White House Domestic Policy Council.

The memorandum by the Drug-Free Workplace Task Force is one of three proposals that have been circulated in recent weeks within the administration calling for the testing of federal workers. The earlier two, more sweeping, proposals were rejected by the White House after they were leaked to the news media and created a furor among federal workers and civil libertarians.

One of the proposals, from the Office of Personnel Management, would have made it easier to fire employees who use illegal drugs and would have cut back on an employe's automatic right to seek what OPM described as endless rounds of unsuccessful rehabilitation.

"There will be no legislation of that type," White House spokesman Larry Speakes said.

The second, a proposed executive order being promoted by Justice Department officials, would have required narcotics testing for more than half of the nation's civilian government employes.

White House chief of staff Donald T. Regan said yesterday that the recommendation was "a two-week-old report" that had "been overtaken by events and the event is called Ronald Reagan."

Regan said that President Reagan had decided to test only those federal employes involved in law enforcement or whose jobs make them responsible for the safety of other Americans.

Speakes said that the report was never given to Reagan because he had decided on a program of mostly voluntary drug testing and rehabilitation for users before the document was completed. He also said that anyone found to have used drugs, even among those subject to mandatory testing, would be offered treatment rather than dismissed.

White House domestic policy adviser John A. Svahn described all of these documents as "low-level working papers, none of which have come to the White House." He said they were the products of "a subgroup of a subgroup of the Domestic Policy Council" and that Reagan has seen none of the proposals.

The president's firm views on mandatory testing were stated six days before the Drug-Free Workplace Task Force dated its memorandum laying out a "model plan for a drug-free federal workforce."

Much of the memorandum, on the letterhead of Michael Baroody, assistant secretary for policy in the Department of Labor, deals with issues not addressed by Reagan in his statements to date—such as what the government should do if a drug-using worker will not or cannot be rehabilitated.

According to the memorandum, such a worker should be given two chances for rehabilitation. Health insurance companies seeking to do business with the government would be required to carry a drug rehabilitation option as part of the policy.

Under the proposal, "the insurer would pay the first [rehabilitation effort cost], the employe the second." After a third offense an employe would be fired.

Baroody declined to comment on "inter-agency discussions."

The memorandum also called for conducting an anonymous survey of all federal workers to determine the extent of illegal drug use. A similar Pentagon survey in 1980 found that 27 percent of military personnel had used drugs in the 30 days before the tests. By 1985, the number had dropped to 9 percent.

The "model plan" suggested that persons in "critical" jobs be randomly tested, perhaps once a year, as an early step in implementing an antidrug program, and that these workers be screened before being hired.

After the testing program for those in critical jobs is phased in, the memo said, the government could begin to test workers who give their supervisors probable cause to think that they might be using drugs. The "probable cause" testing would require the corroboration of a second supervisor, the memo said.

"To safeguard against harassment, no employe who tests negative twice in a one-year span can be retested for three years," it said.

The proposal calls for testing of applicants for federal employment, with those testing positive being referred to a rehabilitation center. After 30 days the applicant could be retested and reapply.

Calling for "necessary safeguards," the memo goes on to list requirements to assure the accuracy of tests.

Costs of the program would be \$20 to \$30 per employe, according to OPM, the task force said. The House civil service subcommittee earlier this summer said that costs were nearer \$100 per individual.

Carlton Turner, deputy assistant to the president for drug abuse policy, the chairman of the Drug Abuse Policy Working Group, has not seen or approved the task force's proposal, according to a White House official. The official said Turner "hoped" that several proposals would be circulated before the group made a decision on what to recommend to Reagan.

Legislative Initiatives
of Significance to Enforcement

Legislation Pending:

Subject:	Legislation:	Description:	Status:	Funding Required:	Administration's position:
The Drug Dependent Offenders Amdt. of 1986	H.R. 5076	Federal offenders placed on probation or parole who have drug dependency problems may be required to undergo drug testing, counseling, and other treatment programs as a condition of probation or parole.	Pending in House Crime Subcommittee		
The Designer Drug Enforcement Act of 1986	H.R. 5246 S. 1437	Makes designer drugs illegal and subjects traffickers of controlled substance analogs to the stiffest drug penalties	Pending in House Crime Subcommittee		
Career Criminal Amendments of 1986	H.R. 4885	Expands the Armed Career Criminal Act to include violent crimes and drug crimes.	Pending in House Crime Subcommittee		
The Money Laundering Control Act of 1986	H.R. 5217 S. 2683	Creates a new crime of money laundering; improves investigatory tools and reduces restrictions on law enforcement in the banking area.	Pending in House Crime Subcommittee		
Providing for a White House Conference on Drug Abuse and Control	H.J. Res 631	The resolution calls for the President to convene a White House Conference on Drug Abuse and Control by April 1987	Pending in House Crime Subcommittee		
Technical Amendments to Comprehensive Crime Control Act	H.R. 2774	Eliminates technical problems with and clarifies many new provisions of the Comprehensive Crime Control Act of 1984. Reinstates the deputation authority sought by Drug Enforcement Administration for state and local officers serving in Task Forces which was inadvertently cut from original bill.	Passed Senate Pending in House Judiciary Committee		

Legislation Pending:

Subject:	Legislation:	Description:	Status:	Funding Required:	Administration's Position:
Judiciary and Judicial Procedure Title 28 U.S.C., Amendment	H.R. 1193	A bill to amend Section 524 of Title 28, United States Code, to provide amounts from the Department of Justice assets forfeiture fund for drug abuse prevention, treatment, and rehabilitation programs.	Committee Schedules Pending		
Readiness Enhancement of Air Force Reserve Special Operation Act of 1985	H.R. 1307	A bill to authorize the appropriation of funds for the operation and maintenance of a Special Operations Wing of the Air Force Reserve, to authorize the appropriation of funds for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement, and to require certain reports.	Committee Schedules Pending		
Controlled Sub- stances Importation, Increased Enforce- ment by Coast Guard Act, Amendment	H.R. 2132	A bill to amend Public Law 96-350 to further define the Customs waters for the purposes of certain drug offenses.	Committee Schedules Pending		
Crimes and Criminal Procedure, Title 18, U.S.C., Amendment	H.R. 2774	A bill to amend Title 18 of the United States Code and other laws to make minor technical amendments of provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.	Committee Schedules Pending		
Anti-Smuggling Act of 1985	H.R. 3479	A bill to amend the Tariff Act of 1930 to increase measures to combat smuggling by vessels, vehicles, and aircraft, and for other purposes.	Referred to House Committee on Ways and Means		
Omnibus Diplomatic Security and and Anti-Terrorism Act of 1986; Terrorism Prosecu- tion Act of 1985	H.R. 4151	A bill to provide enhanced diplomatic security and combat international terrorism and for other purposes.	Received in the Senate, after passage in the House Referred to Senate Committee on Foreign Relations Pending		

Legislation Pending:

Subject:	Legislation:	Description:	Status:	Funding Required:	Administration's Position:
Readiness Enhancement of Air Force Reserve Special Operations Act of 1985	S. 531	A bill to authorize the appropriation of funds for the operation and maintenance of Special Operations Wing of the Air Force Reserve. To authorize the appropriation of funds for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Enforcement, and to require certain reports.	Referred to Senate Committee on Armed Services		Remarks in "Congressional Record" (CR Page S-2274)
Drug Money Seizure Act	S. 571	A bill to amend Subchapter II of Chapter 53, Title 31, United States Code, relating to currency reports.	Committee Schedules Pending		
Full Order Drug Paraphernalia Control Act	S. 713	A bill to prohibit the interstate sale and transportation of drug paraphernalia.	Referred to Senate Committee on the Judiciary		
Comprehensive Crime Control Act of 1984, Amendment	S. 1236	A bill to amend Title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.	Measure passed (Voice Vote) as amended		Full text of measure printed in "Congressional Record" Received in the House, after passage in the Senate Referred to House Committee on the Judiciary
Controlled Substance Analogs' Enforcement Act of 1985	S. 1437	A bill to amend the Controlled Substances Act to create new penalties for the manufacture with intent to distribute, the possession with intent to distribute, the possession or the distribution of 'controlled substance analogs', and for other purposes (title amended 12/18/85).	Measure passed (Voice Vote) as amended		5/1/86 -- In the House Public Hearing held by Crime Subcommittee

Legislation Pending:

Subject:	Legislation:	Description:	Status:	Funding Required:	Administration's Position:
Anti-Smuggling Act of 1985	S. 1694	A bill to amend the Tariff Act of 1930 to increase measures to combat smuggling by vessels, vehicles, and aircraft, and for other purposes.	Referred to Senate Committee on Finance Remarks on "Congressional Record" by DeConcini (D-AZ) (CR Page S-12036) Full text of measure printed in "Congressional Record" (CR Page S-12036)		

THE WHITE HOUSE

103-1070

August 4, 1986

MEMORANDUM FOR CARLTON TURNER
DEPUTY ASSISTANT TO THE PRESIDENT FOR DRUG
ABUSE POLICY

FROM: HENRY M. GANDY *lmq*
SPECIAL ASSISTANT TO THE PRESIDENT FOR
LEGISLATIVE AFFAIRS

SUBJECT: Drug Legislation

Attached are summaries of the options being considered by (1) the
GOP Task Force and (2) the House Democratic Leadership for
inclusion in an omnibus drug package.

Attachments.

TO: MR. MICHEL, MR. LEWIS AND MEMBERS OF THE ANTI-DRUG TASK FORCE
FROM: TASK FORCE STAFF
RE: OMNIBUS ANTI-DRUG LEGISLATION

Following is the options list for the Members to consider as elements of an omnibus anti-drug bill for 1986. These are divided into three sections: Education, Enforcement and Incentives.

I Education

E&C Cmte-- Revise the Alcohol, Drug Abuse and Mental Health Service Block grant to provide a special \$100 million emergency funding authority to provide substance abuse prevention and treatment services. Available funds would be equally divided between prevention and treatment services. (Madigan /Waxman approved)

(As an amendment, consider earmarking seized assets of drug traffickers for drug education programs.)

[Defer support for HR 526 (Ed and Labor) \$750m/yr for five years for grants to states for enforcement, treatment and prevention. Also defer support on HR 4155- \$100m/yr for 5 years grants to states.]

(Coleman to introduce next week) National Endowment for Drug Free America to study programs which have worked and to disseminate information.

Call for private sector initiative on the order of the Olympics or the Statue of Liberty for anti-drug education.

Sen. Paula Hawkins introduced this week White House Conference on Illicit Drug Use comprised of private sector experts to make recommendations to the President on fighting drug abuse. Specifically they should energize religious, news, sports, entertainment, labor groups in the anti-drug campaign. Companion House bill should be introduced next week.

HR 5213 (Luken) the Congressional Advisory Commission on Intercollegiate Athletics Act, establishes a congressional commission to study means to stop academic and substance abuse in college sports programs.

II Enforcement

Judiciary Committee--(Shaw and Gekas HR 4815) Death Penalty for Drug Dealers involved in continuing criminal enterprises.

Gov't Ops (Glenn English/Tom Kindness sponsored a four bill package)--Provides additional personnel, aircraft and radar for Coast Guard (HR 5268), Customs (HR 5267), DEA (HR 5269). Cost \$900m/yr. Generally GOP supported but GOP seeks alternatives for stretching out funds beyond FY 87 (They can't spend that much money this year. DoJ has asked for \$230m increased funding). Also, possibly reprioritize monies

from Customs to other agencies. In addition HR 5270 the final piece of the package is excessively expensive.)

Consider HR 1936 (Conte) providing user fees for recreation and commercial boats with monies earmarked for Coast Guard drug interdiction.

Judiciary (Clay Shaw introduced, no HR yet) -- amend Posse Comitatus provision so that naval and other military personnel forces can be more actively involved in arrest and seizure of drug transactions.

Note: An Air Force Special Operations drug interdiction airwing already has been authorized in FY86 DoD Authorization bill

Press for deportation of aliens arrested for selling drugs
(Need bill language to be introduced next week)

(Shaw in Public Works) Amending the FAA Act of 1958 increasing penalties for those falsifying aircraft registration (which drug runners are notorious for doing) and permit state and local authorities to enforce violations.

HR 5217 (McCullom in Judiciary) Money Laundering Control Act

HR 5246 (Lungren in Judiciary) Designer Drug Control Act which would permit DEA to enforce drug control laws over the chemical analogs of controlled substances.

Dept of Justice proposal to increase penalties (make it second degree murder for those selling drugs and the user dies) for trafficking in crack, PCP and establish mandatory minimum sentences.

(See HR 5112-Dioguardi)

(See HR 1946 (Hunter) Mandatory minimum sentences for drug traffickers.

HR 1625 Mail Order Paraphernalia Control Act. Get states to outlaw the sale of drug paraphernalia (A number of them have done so already.)

HR 3404 (Ways and Means) The Narcotics Control Trade Act, designed to take away Most Favored Nation Status from those countries producing illegal drugs.

(Ways and Means -- Schultze plans to introduce next week) Make GSP status for countries contingent upon their cooperation to oppose drug trafficking.

This is an item contained in Rosty's HR 5310, introduced this week. "The International Drug Traffic Enforcement Act". W&M GOP has not responded yet, but they probably will support it.

Expand number of federal prisons (get language from DOJ) along with increased expenditures for US marshalls and US attorneys. (Five percent cut for FY87 for DoJ Appropriation occurred recently.)

Amend Comprehensive Crime Control Act of 1984 to strengthen federal forfeiture laws, and to permit state and local law enforcement officers to work more closely on federal-state-local drug task forces.

Amend the Comprehensive Crime Control Act of 1984 Act to change sentencing provision for selling drugs on or near school yards to be extended to colleges and universities.

Foreign Affairs Cmte--Increased funds for Dept of State's Bureau of International Narcotics Control. Total cost \$100m. The Cmtee's GOP Members have not yet endorsed the package.

III Incentives

HR 2796 Narcoterrorism Rewards Act

Re-introduce next week Walker, Shaw passed amendment to Labor/HHS Appropriation which would withhold federal monies from colleges unless they have active anti-drug programs.

Random Drug Testing for all federal employees, or for those with security clearances or in health and safety related occupation classifications and/or for those doing official business with the federal government.

Armed Services Submission for Omnibus Drug Bill

- o Overall policy: task the nation's armed forces to play an expanded role in the war on drugs

-- Active forces

- Authorize Secretary of Defense to direct active or reserve forces to conduct drug eradication missions upon request from host nation
- Authorize \$15 million in fiscal year 1987 for Navy deployment of Coast Guard tactical law enforcement teams (TACLETS) aboard Naval vessels

..This will permit Navy ships to interdict drug smugglers on the high seas with Coast Guard personnel performing actual arrests

..Note: The committee is also considering options that would permit active duty service members to conduct drug arrests, seizures, etc. outside the United States under emergency circumstances (variations to the Bennett amendments to the fiscal year 1986 DOD authorization bill)

- Amend existing statute authorizing military cooperation with civilian law enforcement officials to:

..Permit aerial surveillance in general, rather than limit it to movement of air and sea traffic

..Make clear that military cooperation with civilian law enforcement officials includes assistance to Federal civilian agencies in their support of foreign drug efforts

..Change provision concerning use of personnel and equipment outside the land area of the U.S. from "emergency circumstance" to "major drug threat"

..Enhance DOD flexibility to provide assistance to civilian law enforcement agencies on a non-reimbursable basis as necessary

-- Reserve forces

- National Guard components: Make the war on drugs a mission of the National Guard and direct the Guard components to implement a drug interdiction and surveillance plan in border areas (in conjunction with

the National Narcotics Border Interdiction System (NNBIS) -- the civilian drug enforcement agencies). This could include arrest and apprehension duties in the absence of civilian law enforcement officials when national guardsmen are under state control

--- Army and Air Force Reserve: Provide transport and surveillance support in conjunction with National Guard and NNBIS border interdiction activities

--- Coast Guard and Naval Reserve: Increase the drill strength authorization for the Coast Guard Selected Reserve by 1,500 -- from 13,000 to 14,500 -- (funded through Department of Transportation appropriations) and direct that the additional manpower be assigned to drug law enforcement activities in conjunction with the Naval Reserve

...Make drug interdiction and surveillance in the Maritime Defense Zone a mission jointly assigned to the Naval and Coast Guard Reserves.

-- Special Operations Forces

--- Direct that the Special Operations Forces be assigned drug interdiction as a primary mission and that the Secretary of Defense provide language and area-trained Special Operations personnel to adequately support advisory and interdiction activities in the unified combatant commands to include airlift and advisory support

..Would complement section 1011 of fiscal year 1987 Defense authorization bill establishing a National Special Operations Agency

-- Role of unified commanders

--- Direct that unified commanders' operating directives be modified to permit "advisory" support for drug interdiction within the individual host countries within the area of operations of a combatant commander

..Currently, such support can only be provided when the President directs it under special circumstances

..This authority would allow Southern Command, for example, to collect and disseminate narcotics intelligence and would permit training of foreign military personnel (similar to the IMET program) to include training in drug interdiction (Foreign Affairs Committee has primary jurisdiction over IMET)

o Operations, Materiel, and Acquisition

- Authorize procurement of two multi-engine/F-16 radar-equipped counter-infiltration aircraft (contained in the fiscal year 1987 Defense authorization bill)
- Authorize O & M seed money for implementation of Guard's expanded drug mission along the border
 - Fiscal year 1987 authorization bill includes \$24 million for the Army and Air Guard for 320 mission-days per year
- Authorize procurement of initial equipment needed for border detection and surveillance for enhanced Guard and Reserve drug interdiction mission: HC-130's, aerostat (balloon) radars, and APS-138 radar
 - The fiscal year 1986 supplemental appropriation authorizes \$35.1 million for one each of the aircraft, aerostats, and APS-138 radars necessary to initiate the DOD program
- The committee is considering the authorization of additional dollars, in accordance with the following options:

--- Option A: Provide non-recurring cost items for Army and Air National Guard to implement expanded drug law enforcement support along the border

..Air Guard (12 APG-63 Radar)	\$36.0m
..Army Guard (Night Vision Goggles, FLIR, and FLIR Installation, Tracker and Chase aircraft)	25.4m
Subtotal Option A	61.4m

--- Option B: Adopt Interagency Interdiction Plan as negotiated by the Executive Branch and key Congressional committees. This option would substantially increase the military's surveillance and interdiction capabilities, principally along the border

..Provide drug intelligence gathering capability for SOUTHCOM	12.0m
..6 Radar Aerostats	75.0m
..3 HC-130 H Tanker/rescue aircraft with APG-63 radar	60.0m
..2 specially equipped in-service aircraft for SOUTHCOM	79.4m

..Transfer 302nd Special Operations Squadron
from Luke AFB to Davis-Monthan AFB 15.0m

..4 P-3 or C-130 Aircraft with
APS-138 radar 82.5m

Subtotal Option B 323.9

---Option C: Enhance Option B by providing additional
apprehension capability along the border

..8 UH-60A Blackhawk Helicopters for interagency
loan to U.S. Customs 40.0m

Subtotal Option C 40.0m

OPTIONS A, B, AND C, TOTAL \$425.3m

o Personnel

-- Anti-drug health promotion campaign for military and civilian personnel
and their families

--- Establish comprehensive anti-drug health promotion campaign to be
used as a model for the rest of the country

--- Direct anti-drug education program as major component of basic
training

--- Direct the Department of Defense Dependents Schools (DODDS) system
to establish a drug abuse education curricula and programs in
elementary and secondary schools covering grades kindergarten
through 12

--- Make anti-drug campaign a part of the charter of the Office of
Family Policy

-- Combatting drug dealing/abuse by military personnel

--- Confiscate the profits of drug dealers convicted by court martial

--- Apply drunk driving law in Uniform Code of Military Justice (UCMJ)
to "drugged" driving

--- Enhance deterrent of random urinalysis

..Continue testing of the same number of samples but take samples
from entire units (Current practice is to take and test random
samples from selected individuals within units)

--- Require "clean record" for award of security clearance,
reenlistment, or officer promotion

.."Clean record" would include those who satisfactorily completed a
rehabilitation program

WILLIAM D. ROHO, MICHIGAN
JOSEPH M. GAYDOS, PENNSYLVANIA
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COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2181 RAYBURN HOUSE OFFICE BUILDING
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TELEPHONES
MAJORITY—2021 225-41
MINORITY—2021 225-33

MEMORANDUM

TO: Drug Bill Working Group
FROM: Gene Sofer
RE: Bill Outline
DATE: July 29, 1986

The bill would have four components - federal, state, and local and higher education. Those items marked with an asterisk reflect areas where no consensus was reached.

A. Federal Responsibilities

1. funding
2. public education
3. survey of existing resources and in-school programs
4. development of innovative materials
5. dissemination
6. technical assistance
7. evaluation

The existing regional centers funded by ED are potential recipients of additional funds for these purposes.

B. State Responsibilities

1. SEA's receive federal grants and distribute funds to localities (LEA's, intermediate education units, CBO's of demonstrated performance and appropriate consortia).

2. States should seek to insure the following: coordination with other ongoing activities, parental involvement, involvement of community leaders, as well as utilization of other agencies and resources (other agencies and resources to be defined in report language).

*3. States should submit a preliminary plan to ED, followed by a final plan at the end of the first year. The plan shall be amendable. The funding cycle would last three years. However, States must submit status reports every year.

Energy and Commerce Committee
(Subcommittee on Health and the Environment)

Drug Abuse Legislation Options

The jurisdiction of the Energy and Commerce Committee extends to the prevention and treatment of drug abuse as well as drug enforcement. With respect to drug enforcement, the Committee shares jurisdiction over administration of the Controlled Substances Act with the Committee on the Judiciary. The following legislative suggestions reflect the Committee's predominant interest in the public health impact of substance abuse. For the purpose of expediting House consideration of the Speaker's initiative, the Committee would defer consideration of drug enforcement matters that have been reported by the Committee on the Judiciary.

Legislative Proposals

1. Substance Abuse Prevention/Treatment Services

- A. Revise the Alcohol, Drug Abuse and Mental Health Services Block Grant to provide a special \$100 million emergency funding authority to provide substance abuse prevention and treatment services. Available funds would be equally divided between prevention and treatment services.
 - I. 50% of the funds would be awarded to States under a block grant formula. Funds could be used to upgrade treatment services and eliminate patient waiting lists.
 - II. 50% of the funds would be available to States to initiate community-based substance abuse prevention activities. Purpose of funding would be to promote negative attitudes about drug use among young people. In addition, each State would be required to develop education programs to deal with risk of AIDS among I-V drug users. Special attention would be placed on the risk of AIDS to babies born to addicted mothers.

- B. Establish Agency for Substance Abuse Prevention (ASAP) within the Public Health Service. Funds for would be obtained from a 5% setaside of block grant appropriations. Purpose of office would be to sponsor regional workshops; coordinate findings of related research sponsored by Public Health Service agencies; develop effective drug prevention literature; create public service announcements for use on TV/radio; assure the widespread dissemination of prevention materials among states, municipalities and school systems; and administer the State substance abuse prevention grant program.

The policies of the Agency for Substance Abuse Prevention would be guided by a high level Advisory Board. Membership on the Board would include representatives of the broadcast media and various sports associations (football, baseball, basketball). The Advisory Board is intended to provide guidance on agency priorities and assist in assuring the widespread dissemination of public service announcements.

2. H.J. Res 631 (Rodino) establishes a White House Conference on Drug Abuse Prevention and Control. Although the measure is expected to be reported from the Committee on the Judiciary, it is likely to overemphasize the importance of narcotic drugs and not pay enough attention to the need for a national prevention agenda. Options are to offer amendments to the Resolution or establish a separate White House conference which will deal strictly with the public health aspects of drug abuse.

Recommendation: Support with inclusion of amendments to promote attention to prevention and public health impact of drug abuse.

3. H.R. 5246 (Hughes), the "Designer Drug Enforcement Act," would permit DEA to enforce drug control laws over the chemical analogs of controlled substances. Some chemicals -- currently legal -- can produce euphoric effects similar to controlled substances. Drug traffickers have used this loophole to avoid prosecution. Related legislation has already passed the Senate. Legislation is expected to be reported by Judiciary Committee.

Recommendation: Defer to Judiciary Committee.

4. H.R. 5112 (Wyden) increases Federal criminal penalties for possession of "crack" or freebase cocaine. Congressman Hughes intends to report similar legislation. Mr. Hughes will also increase penalties for possession of PCP. Propose Committee work with Judiciary Committee staff to report legislation which conforms to the bill anticipated by Mr. Hughes.

5. H.R. 5213 (Luken), the "Congressional Advisory Commission on Intercollegiate Athletics Act," establishes a Congressional Commission to study means to stop academic and substance abuse in college sports programs.

C. Localities

1. Apply to SEA's for funds to create, expand, or enhance drug education programs.
2. Programs should emphasize prevention but referral of students to existing treatment and rehabilitation programs will also be encouraged.
3. Programs should begin in elementary school and continue through high school with appropriate developmentally-based curricula.
- *4. Programs may involve school-based early intervention and counseling programs.
5. Programs may be used to encourage participation of parents, counselors, local law enforcement officials, community leaders, and other appropriate persons in school-based drug education programs.
- *6. Programs may include drug abuse prevention education on a community-wide basis.
7. SEA's shall provide such programs and services to children enrolled in private schools to provide for their equitable participation.

D. Higher Education

1. The Secretary ED shall make grants to institutions of higher education, including, as appropriate, community and junior colleges.
2. Institutions may train elementary and secondary school teachers, on pre-service and in-service bases, to teach drug education classes.
3. Institutions may conduct summer institutes and/or intensive workshops.
4. Institutions are encouraged to create, expand, or enhance their own drug education programs for their students.
5. Institutions may conduct classes, workshops, or institutes for non-teachers to enhance their effectiveness in drug education programs.

The bill should include language insuring no duplication of effort, supplementation not supplanting of existing programs, proper accounting of federal funds, etc.

July 30, 1986

MEMORANDUM

TO: Sally Ericsson
FROM: Arch Roberts
SUBJECT: Foreign Affairs tentative proposals for narcotics bill

The Committee is presently considering the following initiatives for its portion of the omnibus narcotics legislation. We expect to have our second meeting with the Chairman and other principals tomorrow afternoon, so these ideas should be considered as tentative for now.

— increase authorization for international narcotics control to the administration request of \$65.445 million (this was done in the Obey subcommittee mark).

— earmark \$10 million grant MAP for procurement of aircraft for use in narcotics interdiction and eradication efforts (this was also included in the Obey mark).

— \$20 million incentive program for those countries showing the greatest effort/progress in narcotics eradication or enforcement efforts (Obey markup included this but no criteria; the Committee is working to establish criteria under which these funds - to be used for additional anti-narcotics efforts only - would be awarded, and by whom).

— additional training funds for pilots and maintenance personnel.

— various proposals regarding the management of aircraft assets in existing programs.

— direction to Secretary of State to work on upgrading existing extradition treaties to cover drug traffickers.

All these proposals, at the direction of Chairman Fascell, will be given a regional emphasis, the thought being that we should help these countries fight drugs themselves and on a cooperative basis. This reduces the necessity for operations like the one in Bolivia, where certain risks are run by committing U.S. armed forces.

NARCOTICS MATTERS ALREADY REPORTED
OR EXPECTED TO BE REPORTED BY THE
COMMITTEE ON THE JUDICIARY
DURING THE REMAINDER OF THE 99TH CONGRESS

1. White House Conference on Drug Abuse and Control (H.J.Res. 631). Calls for a White House Conference on Drug Abuse and Control to develop effective national strategy to combat drug abuse and trafficking. Reported by Full Committee July 29.
2. Drug and Alcohol Dependent Offenders Treatment Act of 1986 (H.R. 5076). Reauthorizes drug screening and treatment program for federal parolees and probationers; expands the program to include alcohol dependent offenders. Reported by Full Committee July 29.
3. Money Laundering Control Act of 1986 (H.R. 5217). Creates new federal criminal offense of money laundering; provides additional enforcement tools under existing law. Reported by Full Committee July 29.
4. Designer Drug Enforcement Act of 1986 (H.R. 5246). Proscribes manufacturing and trafficking in controlled substances analogues ("Designer drugs"). Reported by Full Committee July 29.
5. Narcotics Penalty and Enforcement Act of 1986 (H.R. _____). Increases penalties for most dangerous drugs (cocaine freebase, PCP); provides additional enforcement tools, such as deputization of state and local law enforcement to work with DEA. Crime Subcommittee markup scheduled for July 31; Full Committee markup early August.
6. Drug Education and Prevention Act of 1986 (H.R. _____). Makes proceeds of drug forfeitures available for drug education and prevention programs. Crime Subcommittee and full Committee markups expected in early August.
7. Career Criminal Amendments Act of 1986 (H.R. 4885). Expands Armed Career Criminal Act to include mandatory 15 year prison sentence for the possession of a firearm by persons with 3 convictions for drug trafficking. Reported by Full Committee July 29.
8. The State and Local Narcotics Control Assistance Act (H.R. _____). Provide additional funding for Federal, State and local drug education, prevention and enforcement activities. Crime Subcommittee and Full Committee markups expected in early August.

July 29, 1986

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U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, DC 20515

July 29, 1986

Mr. John Mack
Executive Floor Assistant
Office of the Majority Leader
H-148, The Capitol
Washington, D.C. 20515

Dear John:

The Merchant Marine and Fisheries Committee's contribution to an omnibus anti-drug bill will focus on the role of the U.S. Coast Guard.

The Coast Guard's role in drug interdiction has expanded significantly since 1980. Perhaps one-third of the Coast Guard's current operating expense (total \$1,742,300,000 in 1986) is devoted to drug law enforcement. While the Committee supports this mission of the Coast Guard, it has been concerned that expansion of drug law enforcement without accompanying budget increases has resulted in cutbacks in more traditional and equally important missions (search and rescue) and diversion of Coast Guard ships and airplanes to South Florida from other areas of the country. The Committee has also been worried about the steady decline in active duty Coast Guard military personnel (39,381 military FTEs in 1981 to 38,100 now, a decrease of nearly 1300 FTEs).

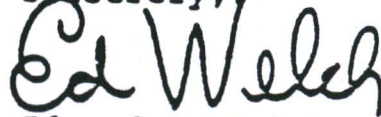
The Committee is likely to make the following legislative recommendations:

1. New Authorizations for an expanded and comprehensive at-sea drug interdiction and maritime air surveillance program. This will involve both higher operating expenditures and new capital acquisitions (patrol boats, secure communications systems, aerostats, special radars, etc.); the price tag could reach \$225 million for new operations and \$840 million in capital costs over five years.

Mr. John Mack
July 29, 1986
Page Two

2. Supplemental appropriations to fund the programs described above; the Committee cannot agree to further erosion of other Coast Guard efforts to expand the drug mission. Without additional appropriations our other points are mere "show."
3. Clarification that the Coast Guard should be the lead federal agency for maritime air surveillance and interdiction; the Committee recognizes that other agencies, especially the Customs Service, play major roles in air interdiction, particularly over U.S. territory. However, the committee believes that, given the resources, the Coast Guard can match the level of sophistication currently employed by air smugglers, and that no other federal agency can bring to this task such long-standing expertise in maritime law enforcement in a military organization.
4. Recognition of the Coast Guard as the military service to fight the war on drugs. Congress has sought to expand the role of military services within the Defense Department in fighting the war on drugs. The Committee believes that the Navy and Air Force have a contribution to make, but this contribution is supplementary to their primary defense role. The Coast Guard, on the other hand, has law enforcement as a primary mission. Rather than pumping new dollars into the Defense agencies for new missions, a more efficient use of those funds would be to provide a level of funding for the Coast Guard adequate to pay for a comprehensive drug mission.

Sincerely,



Edmund B. Welch
Chief Counsel

COMMITTEE ON POST OFFICE AND CIVIL SERVICE
309 CANNON HOUSE OFFICE BUILDING
Washington, D.C. 20515

July 31, 1986

MEMORANDUM

TO: Leadership Task Force on Omnibus Drug Bill

FROM: Pat Rissler, Committee on Post Office and Civil Service

We expect to be able to offer several provisions for inclusion in the leadership's drug initiative:

- Transfer sections of title 42 which concern Federal employees to title 5 (pending negotiation of jurisdictional issue with the Committee on Energy and Commerce).
- Codify requirement in Code of Federal Regulations that all Federal agencies establish Employee Assistance Programs (EAPs) to combat alcohol and drug abuse.
- Direct the Office of Personnel Management (OPM) to report to Congress within 60 days on whether agencies have EAPs, what they cost and how they are funded, utilization rate, dissemination of information on services, training of EAP staff, training of supervisors who make EAP referrals, safeguards which guarantee confidentiality, and recommended legislative changes.
- Direct OPM to develop educational programs for employees and supervisors on alcohol and drug abuse, EAP services, identification of symptoms of abuse.
- Develop safeguards with regard to referrals to EAPs, confidentiality of records of EAP participants and referrals, and employment protection.
- Require annual reports by agencies to OPM on EAP activities.
- Authorize a substance abuse treatment and rehabilitation demonstration program involving OPM, several federal agencies and Federal Employee Health Benefit Plan providers.
- Codify the prohibition against shipping controlled substances through the U.S. Postal Service (pending negotiation of jurisdictional issue with the Judiciary Committee).

OUTLINE OF
THE INTERNATIONAL DRUG TRAFFIC ENFORCEMENT ACT

I. Tariff Act Amendments to Strengthen Customs' Drug Enforcement Capability

1. Amends Sec. 433, T.A. to require immediate rather than 24 hour reporting of all vessels. -Allows Secretary to determine place and manner of reporting and to extend reporting time if necessary. Also includes requirements for vehicle and aircraft reporting which were previously in sec. 459 or regulations. Prohibits departures or discharge of persons of any articles without Customs approval. Requires master, pilot or person in charge to present such documents, papers or manifests as Secretary may require..
2. Amends Sec. 436, T.A. to increase criminal penalties for failure to comply with sec. 433. Adds specific penalties for aircraft (rather than general \$500 aircraft penalty) and civil penalties for all violations of reporting arrival or entry requirements.
3. Amends Sec. 454, T.A. to raise civil penalties for illegal discharge of passengers.
4. Amends Sec. 459, T.A. to require pedestrians to report to Customs immediately and remain until cleared. It also requires pedestrians to cross into the U.S. only at approved crossings. Persons aboard conveyances are required to remain aboard the conveyance until cleared. If they depart the conveyance they have an obligation to report to Customs. If the conveyance was not properly reported, all persons aboard have an independent obligation to report to Customs and to report the circumstances of their arrival.
5. Amends Sec. 460, T.A. to impose criminal penalties for the first time for sec. 459 violations. All civil penalties are also increased.
6. Amends Sec. 509, T.A. to permit summons to be issued for any documents relevant to any Customs investigation. Present law is limited to import documents required to be kept under Sec. 508.
7. Amends Sec. 584, T.A. to repeal the prepenalty procedure in manifesting violations; to increase penalties for manifest violations and drugs on board conveyances.
8. Amends Sec. 586, T.A. to increase penalties for illegal transfers and transshipments of merchandise.

9. Adds a new Sec. 590, T.A. to close some of the loopholes in aviation smuggling laws; to prohibit "drops" to vessels; to provide for forfeiture for smuggling acts whether or not drugs are found aboard; to provide criminal penalties for violations.
10. Amends Sec. 594, T.A. to substitute the normal administrative or judicial forfeiture proceedings for the admiralty proceedings now required to forfeit property to secure payment of monetary penalties which are liens under the Customs laws; to close the loopholes used by common carriers.
11. Amends Sec. 595, T.A. to expand the Customs civil search warrant to permit its use in seizing any article subject to seizure under laws enforced by Customs.
12. Amends Sec. 596, T.A. to conform to the changes made in Sec. 594, and to add a new subsection (c) permitting civil forfeiture of merchandise imported contrary to law.
13. Amends Sec. 619, T.A. to permit informers awards to be determined in amounts up to 25% in lieu of the present mandatory 25%. Would also treat informers awards as an "expense of the forfeiture" for purposes of the Customs Forfeiture Fund.
14. Amends Sec. 621, T.A. to provide that the statute of limitations in civil cases runs from the time that the penalty notice is issued rather than the time court action is instituted.
15. Amends Sec. 622, T.A. to make it clear that landing certificates may be required to meet international obligations, such as agreements to reduce or prevent smuggling, as well as to protect the revenue.
16. Adds a new Sec. 628, T.A. to clarify the authority of the Secretary to exchange information with foreign customs and law enforcement officials.
17. Adds a new Sec. 629, T.A. to permit customs officers to be stationed in foreign countries and to extend U.S. Customs laws to foreign locations when permitted by treaty, bilateral agreement or foreign law.
18. Adds a new section 630 to the Tariff Act to provide exemptions from certain laws for activities involving a commercial cover in undercover operations.
19. Amends 19 U.S.C. 1432a to extend the reporting requirements to vessels involved in transshipment on the high seas or in Customs waters.

20. Amends 46 U.S.C. 12109 to make it clear that pleasure yachts are only exempt from formal entry and clearance but must comply with the other customs laws.
21. Amends the Secretary's subpoena authority to make administrative subpoena available in all import and export and currency investigations. These provisions previously applied only to drug investigations. These provisions are also being moved from title 21 to a new section 631 in the Tariff Act (Title 19).
22. Amends RS 3071 (19 U.S.C. 507) to allow Customs officers to demand the assistance of any person regardless of distance (present law limits such demands to 3 miles) and raises the penalty for refusal to assist to \$1,000 from \$5 to \$200. Provides "good samaritan" defense to any person, not employed by the federal government, assisting Customs.
23. Amends section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) to prohibit a U.S. citizen or any person on a U.S. aircraft from possessing or transporting controlled substances outside the U.S.
24. Provides exemptions from certain laws for undercover activities.

II. Amendments to Extend and Expand the Customs Forfeiture Fund

1. Amends Sec. 613, T.A. to treat mitigated forfeiture payments in the same manner as the proceeds of sale and to treat seizure and forfeiture expenses incurred by customs as priority costs.
2. Amends Sec. 613A, T.A. to--
 - (a) Extend the operation of the Customs Forfeiture Fund for a 5-year period, until September 30, 1992;
 - (b) Increase the ceiling on authorized appropriations from the fund from \$10 million to \$20 million; and
 - (c) Expand the list of expenses which can be paid for out of the Fund to include:
 - (1) Expenditures for special and undercover enforcement operations;
 - (2) Investigative costs leading up to seizures; and
 - (3) The costs of equipping for law enforcement functions, vessels, vehicles and aircraft in Customs' possession (the law currently only allows for such expenditures for forfeited vessels, vehicles and aircraft).