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THE WHITE HOUSE
WASHINGTON

*Drug
file*

Date: September 6, 1988

FOR: John Tuck

FROM: ALAN M. KRANOWITZ

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

TO: ALAN K.

FROM: LESLYE A.

00215-----

r w PM-DrugBill 09-06 0651

^PM-Drug Bill, 0776<

^Brady's Wife Says Reagan Reaffirms Support for Gun Wait Period<

^By LARRY MARGASAK=

^Associated Press Writer=

WASHINGTON (AP) Sarah Brady, whose husband was shot along with President Reagan, says Reagan recently reaffirmed to her that he supports a mandatory waiting period for the purchase of handguns.

The wife of presidential press secretary James Brady said she reminded Reagan in a telephone conversation that John W. Hinckley Jr. shot him and Brady in March 1981 with a gun purchased in a state Texas without a waiting period.

Mrs. Brady said Reagan endorsed the concept of a federal waiting period, but not the specific language in a comprehensive anti-drug bill that the House will consider this week and likely pass.

"He recognized the need for federal legislation," Mrs. Brady said, after she told him that states "are not doing the job" in stopping drug dealers from obtaining handguns.

Debate on the overall drug bill begins Wednesday, and a final vote could take place Friday. The Senate will then follow with its own drug bill and the two versions would eventually be merged into final legislation.

The House bill as introduced would carry a \$1.5 billion to \$2 billion annual price tag, money that would be added to the \$3.9 billion a year the federal government is now spending to fight drug use.

The legislation includes something for everyone involved in fighting illegal drugs: more money for education, treatment and rehabilitation; more resources for state and local law enforcement efforts to seize drugs on land, in the air and on the seas.

Strict controls would be placed for the first time on the chemicals used as raw materials in the manufacture of heroin and cocaine.

There will be controversies over Republican-inspired amendments for a federal death penalty against those who kill during a drug crime; a "good faith" exception that would allow use of illegally seized drug evidence in court, and denial of many federal benefits for convicted drug users.

The gun language would require a seven-day wait in the purchase of a handgun from a licensed dealer.

The dealer must send law enforcement authorities a sworn statement that includes a description of the gun, the serial number, the name, address and birth date of the buyer.

Police may, but are not required, to conduct a background check.

Purchasers who would be denied the pistol would be those already ineligible under existing federal law: convicted felons, fugitives from justice, illegal aliens, drug addicts, those adjudicated mentally ill or committed to a mental institution, those dishonorably discharged from the military and people under indictment for a felony.

Rep. Bill McCollum, R-Fla., said he will offer an amendment to substitute a requirement that the Justice Department establish a computerized system to identify felons trying to purchase handguns. Access would be provided to local police and firearms dealers.

"I don't think you should have a waiting period when it abridges the right to buy a gun" for a law-abiding citizen, McCollum said.

Reagan first weighed in on the subject of waiting periods on June 21. The former California governor spoke favorably of California's 15-day waiting period with a mandatory background check, and added, "Now, I would like to see that generally. I think that all states ought to take a look at that system."

Mrs. Brady, who became a gun-control activist after her husband's shooting, said she wrote Reagan thanking him for the remarks, and he called her a week later. She brought up the federal waiting period during the conversation.

"He wished it could be handled by the states," she said, but added that Reagan was willing to have a federal law "because of the overwhelming problem" of drug dealers and other criminals obtaining guns.

"I told him we were trying to get that attached to the drug bill," Mrs. Brady said. "I told him there is overwhelming evidence through the Bureau of Alcohol, Tobacco and Firearms that guns used in crimes are traced back to states where there is no waiting period. I indicated Hinckley's gun came from a state, Texas, where there is no waiting period."

Other key provisions of the drug bill would:

Require states to automatically "pass through" anti-drug money to local governments.

Revise banking laws to allow the government to closely watch institutions where drug money might be laundered.

Require recipients of federal grants or contracts to maintain a drug-free workplace.

Provide money for drug education, treatment and rehabilitation for AIDS victims and groups with a high risk of getting the disease.

Authorize \$10 million for a Latin American regional anti-drug force if one is approved by the Organization of American States.

THE WHITE HOUSE
WASHINGTON

September 6, 1988

MEMORANDUM FOR ALAN KRANOWITZ

FROM: JOHN TUCK

SUBJECT: ATTACHED INFORMATION

Marty Gold brought this to my attention.
I wanted to make sure you were aware of
it.

John -
Our SAP does
support Bliley.

Alan

9-7-88

Good
By 9/6

JOHN C. TUCK
Assistant to the President

GOLD AND LIEBENGOD, INC.
SUITE 950
1455 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20004
(202) 639-8899

September 6, 1988

The Honorable John Tuck
The White House
Washington, D.C. 20500

Dear John:

Per our conversation of this morning, I am enclosing a fact sheet regarding the laboratory certification problem in the House Drug Bill, as well as a Dear Colleague from Congressman Bliley.

We understand that HHS supports the Bliley amendment and that the question of an Administration position is under review at OMB. If this understanding is accurate, we need to break the issue loose. It is in the Administration's interest to support Bliley and I believe they should do so overtly.

Best regards,

Sincerely,



Martin B. Gold
MBG/mkm
Enclosure

THOMAS J. BLILEY, JR.

3d DISTRICT, VIRGINIA

MEMBER OF

COMMITTEE ON ENERGY
AND COMMERCE

COMMITTEE ON DISTRICT
OF COLUMBIA

SELECT COMMITTEE ON
CHILDREN, YOUTH AND FAMILIES

WASHINGTON OFFICE
213 CANNON OFFICE BUILDING
(202) 225-2815

DISTRICT OFFICE
SUITE 101
4914 FITZHUGH AVENUE
RICHMOND, VA 23230
(804) 771-2809

Congress of the United States
House of Representatives
Washington, DC 20515

September 1, 1988

Dear Colleague:

On September 7, the House is scheduled to consider legislation designed to address this Nation's number one domestic problem--drug abuse. On balance, H.R. 5210, the "Omnibus Drug Initiative Act of 1988," has considerable merit. However, I am strongly concerned about those provisions in Title X of the bill that would establish standards for certification of laboratories engaged in drug testing.

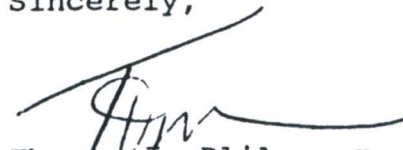
My concerns with regard to these laboratory standards are two-fold: First, these provisions were not included in the bill approved by the Energy and Commerce Committee. Thus, they have not been subject to the scrutiny of the legislative process. Second, this legislation sets extremely rigorous and unrealistic quality assurance standards which most laboratories would be unable to meet and which would undermine drug testing programs. For these reasons, I intend to offer an amendment that would substitute far more realistic standards and help in the development of fair drug testing programs.

Under H.R. 5210, if a laboratory makes even one error, the penalty is severe. If a laboratory identifies the drug incorrectly in one positive specimen, it faces automatic suspension for a minimum of 6 months (or one year for some kinds of errors). If the laboratory incorrectly reports the presence of any drug in one blank or negative specimen, its certification is permanently revoked without regard to the reason for the error. Any of these penalties is likely to put a drug testing laboratory out of business. Moreover, the bill denies the facility due process since it provides no opportunities for appeal, reinspection, or recertification.

Under my amendment, a drug testing laboratory is subject to the current guidelines and standards for Federal workplace drug testing published in the Federal Register on April 11, 1988. Furthermore, a laboratory may be certified by the Secretary or be inspected and recommended for certification by a private accrediting body approved by the Secretary. Therefore, my amendment will provide for more flexible and less punitive certification standards than required by H.R. 5210.

I urge you to oppose the present language which may result in wholesale withdrawal or elimination of laboratories from drug testing programs and I ask you to support my amendment. With best regards, I am

Sincerely,



Thomas J. Bliley, Jr.

H.R. 5210 - OMNIBUS DRUG INITIATIVE ACT OF 1988
SECTION ON STANDARDS FOR CERTIFICATION OF LABORATORIES ENGAGED IN
DRUG TESTING

Included in the Omnibus Drug Initiative Bill is a section on standards for certification of laboratories engaged in drug testing. This bill language was not reviewed by Members on the Subcommittee on Health and the Environment or the full Committee on Energy and Commerce. It was simply submitted by Chairman Dingell to be included as a provision in the Omnibus Drug Initiative Bill. As a result of circumventing the legislative process, nationwide drug testing standards will be implemented without the benefit of Committee scrutiny.

The points listed below are important reasons why the section on standards for certification of laboratories engaged in drug testing should be reviewed. They clearly raise questions as to why this language should be evaluated carefully in the normal course of the legislative process.

Reasons Why The Bill Language Should Not Be Passed:

*** The bill is punitive.**

It requires that if a laboratory reports even a single false positive, it is automatically and permanently suspended from participation in the drug testing program, regardless of the circumstances. In the case where a true positive specimen is incorrectly categorized as to class of drugs, a laboratory must be suspended for a minimum of one year. Where a positive specimen is properly categorized but the specific drug is misidentified, the minimum period for suspension is six months. The language contains no opportunity for appeal, recertification, or reinspection. Not that errors should be tolerated, but the bill's emphasis lies in punishing errors rather than correcting mistakes.

The bill prohibits certification of any laboratory affiliated directly or indirectly with a laboratory whose certification has been revoked or suspended. Therefore, the error on the part of one certified laboratory in a group of affiliated laboratories, would disqualify all laboratories in that group from the drug testing program.

*** The bill is unworkable.**

For the first time, requirements are introduced pertaining to the toxicological analysis of blood specimens in connection with drug testing programs. This language raises several new technical and policy questions. The mandate to assay blood for all analytes is impossible to achieve due to the fact that the quantity of all drugs in blood is usually 10 to 100 times less than usually found in urine.

The bill language requires laboratories engaged in drug testing to test for any quantity of a drug. If there are no defined limits of detectability, the question of what represents a false positive or negative will be unanswerable.

* The bill is costly.

Bill language requires that a drug test must include an analysis of all traces of any drug found during the test, which is unduly expensive and time consuming. Rather, a list or group of drugs should be developed and be clearly limited to drugs of abuse.

A Sound Alternative -- The Bliley Amendment

Representative Thomas Bliley will propose an amendment which requires the Secretary of Health and Human Services to establish model standards for drug testing laboratories and allows the Secretary the leeway to approve qualified non-profit organizations to conduct inspections consistent with these guidelines. Control of the inspection program remains with the Department, and the Secretary is accountable for its quality. At the same time, the Department can avail itself of a cadre of trained and experienced inspectors to assist in program implementation.

Inspections conducted under such a partnership will be corrective rather than punitive, they will improve laboratories and not disqualify them, they will assure maintenance of rigorous quality standards, and will produce timely and legally defensible results.



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

Drug file recvd. 8/5
2:45pm

August 5, 1988

MEMORANDUM FOR RHETT DAWSON

THROUGH: ALAN KRANOWITZ
JOE WRIGHT *JW*

FROM: GORDON WHEELER *GW*

SUBJECT: Clearance of a Statement of Administration

*Package cancelled.
will be up for debate
only during week of Aug 8,
so no SAP necessary now.
Resubmit when action
bill rescheduled.
EDH
8/5/88*

H.R. _____, Omnibus Anti-Drug Abuse Amendments

This bill is scheduled for House Rules Committee on Monday, August 8 at 11:00 a.m., with House floor action to occur on Wednesday, August 10.

We will need your approval or changes by 9:00 a.m. on Monday, August 8 for transmittal to the Hill.

Attached draft SAP

DSA Comment

*Suggested changes
marked.*



STATEMENT OF ADMINISTRATION POLICY

DRAFT

August 4, 1988
(House Rules)

H.R. _____, Omnibus Anti-Drug Abuse Amendments
(Wright (D) Texas)

The Administration supports legislation to strengthen and improve the Nation's anti-drug abuse laws, especially efforts to achieve the six major goals outlined by the President in 1986:

- Drug-free workplaces for all Americans;
- Drug-free schools, from the elementary through post-secondary levels;
- Expanded treatment for drug users;
- Strengthened drug law enforcement;
- Increased international narcotics cooperation; and
- Increased public awareness and prevention.

The Administration has approved the policy recommendations prepared by the National Drug Policy Board, which focused on: the illegal drug user; tougher laws; enhanced treatment; increased international cooperation; better tracking of demand and supply reduction activities; and heightened drug abuse awareness and prevention.

See suggested re-write (last page of package) EE

~~The Administration opposes, however, any reduction in drug-related funding requested by the President in his FY 1989 Budget submission. Additional funding or earmarks for drug-related programs that are not consistent with the terms of last year's Bipartisan Budget Agreement must be accompanied by equal offsets. The Administration also opposes the proposal contained in this legislation to mandate the creation of a so-called "drug czar" in the Executive Office of the President, as well as proposals shifting block grant authorities back to restrictive categorical grants, and proposals that would detract from the Administration's "zero tolerance" policy.~~

The Administration would support -- and recommends that the bill be amended -- to achieve the following three reforms, each of which has been sought by the President throughout his Administration:

-- Imposition of the death penalty in serious and appropriate cases;

-- Repeal of the ~~so-called~~ "exclusionary rule," ^{that prevents the use in trials of probative evidence in certain circumstances;} and

-- Reform of Federal habeas corpus procedures, ^{by which Federal courts review the propriety of the incarceration of prisoners.}

The Administration looks forward to working with Congress to ~~pass and present to the President an acceptable legislative package, with such other amendments as may be mutually agreed upon, before the end of this year.~~

* * * * *

~~secure prompt~~ enactment of effective legislation to combat illegal drugs.

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

This draft Statement of Administration Policy was developed by the Legislative Reference Division (Jones), in consultation with the Departments of Justice (Prince), Defense (Brick), Education (Kristy), State (Howdershell), Transportation (Bronner), and Health and Human Services (Spiegel), the National Drug Policy Board (Prince), TCJ (Schwartz), HTP (Carnevale), IAD (Davis), HIMD (Hylton), OFPP (Fossum), and GO (Grams). The staff of the National Drug Policy Board advises that this SAP has been reviewed personally by the Attorney General. The Treasury Department advises that Secretary Baker may well object to the statement "above the line" that additional funding must be accompanied by offsets. (Treasury staff indicates that Baker has stated that, if necessary, the bipartisan budget "summiters" should reconvene and reconsider the Bipartisan Budget Agreement.)

H.R. _____, as it will be considered by the House, is currently under review; however, OMB staff understands that it is virtually identical to an earlier version described in detail in materials distributed earlier by TCJ. (A possible difference concerns the addition of laboratory certification requirements for drug testing.)

The House for some time has had pending a number of drug-related proposals. In that regard, and pursuant to Speaker Wright's instruction, several committees have reported amendments for inclusion in an omnibus anti-drug abuse package. H.R. _____ is that omnibus package.

Note: OMB staff understands that the House will begin consideration of this legislation late next week (subject to a rule being granted), but that action thereon will not be concluded until after the Labor Day recess.

SUBSTITUTE PARAGRAPH FOR DRUG SAP

The Administration urges Congress to:

- fully fund the President's FY 1989 budget request for programs to combat illegal drugs
- ensure that anti-drug program funding is consistent with the Bipartisan Budget Agreement

The Administration opposes:

- establishment of a "drug czar"
- shifting from block grants to restrictive categorical grants in anti-drug programs
- provisions interfering with zero-tolerance anti-drug policies.

The following are the amendments in the order listed in the committee report:

Drug file

Wortley 10 minutes

waives the "notice" requirement to the subject of an investigation, if his financial records are transferred from one federal agency to the Attorney General.

Wortley 10 minutes

amends the presentation of records to a grand jury requirement to allow a description in place of the actual presentation when actual presentation is impractical.

Ackerman 10 minutes

requires a study to provide comprehensive statistical data on the effects of drug treatment programs.

Broomfield 10 minutes

sense of Congress that the intelligence community should be more actively involved in combatting illicit international drug trafficking through the use of covert operations.

Rangel 30 minutes

provides for a mandatory sentence of life imprisonment for certain drug related killings.

Gekas (king of the mountain with Rangel) 30 minutes

provides for the death penalty against those who commit murder in the course of a drug felony.

Levin 20 minutes

prohibits death penalty on a person who is mentally retarded.

Edwards (Ca) 20 minutes

specifies mitigating factors the jury may consider in imposing the death penalty.

requires a study of the costs of imposing and carrying out federal death sentences.

ensures that death sentenced individuals are accorded full appeal and post-conviction rights.

clarifies that a judge or jury is never required to impose a sentence of death.

provides that a juror's beliefs against capital punishment does not automatically disqualify that person from serving on a jury.

prohibits the execution of a person who is mentally incompetent.

Conyers 20 minutes

to ensure adequate representation of indigent defendants charged with a crime which may be punishable by death.

Ortiz 20 minutes

allows up to fifty percent of funds secured by local law enforcement agencies and placed in federal assets forfeiture funds to be used by state and local governments for prison construction, expansion, maintenance and operation.

McCollum 30 minutes

user accountability amendment denying federal benefits to persons for certain drug related convictions. Depending on conviction, period of ineligibility can be up to 10 years.

Dingell (substitute to McCollum) 30 minutes

user accountability substitute to be printed in Congressional Record of August 11, 1988.

Lungren 30 minutes

amends the exclusionary rule to allow for a good faith exception for law enforcement officers.

-- 2 --

Davis (Il) 10 minutes
strikes section entitled 'National Training Center for Prison Drug Rehabilitation Program Personnel.'

Edwards (Ok) 30 minutes
permits the Attorney General to assess a civil penalty against any person possessing small amounts of certain controlled substances. Provides for judicial review for the individual in question.

Shaw 10 minutes
requires drug testing as a mandatory condition of probation for individuals convicted of a drug-related offense. This is a new provision added to a one year demonstration project already in the bill.

Oxley 30 minutes
National Drug Enforcement Policy Board amendment

Brooks (king of the mountain with Oxley) 30 minutes
Replaces National Drug Enforcement Policy Board with the Office of Drug Enforcement Coordination

Davis (Il) 10 minutes
authorize to be appropriated \$22 million for the offices of United States Attorneys.

McCollum 60 minutes
directs the Attorney General to develop a system for the immediate and accurate identification of felons who attempt to purchase firearms available to dealers. Provides for the mandatory revocation of probation for possession of a firearm.

Volkmer (only if McCollum is defeated) 30 minutes
Strikes the "Brady Amendment" section requiring a waiting period before purchase of handgun.

Shaw 20 minutes
provides for an expedited petition procedure for certain seized conveyances. "Innocent owner" amendment

Oxley 10 minutes
adds the phrase "or has been represented to be the proceeds of some form of unlawful activity" to assist in sting operations relating to money laundering.

Shaw 10 minutes
increases penalties for certain serious crack possession offenses

Dornan 10 minutes
Establishes a joint federal task force on clandestine drug laboratories

Hughes 20 minutes
strikes section of bill providing \$800,000 for voice privacy equipment

Pepper 10 minutes
provides for a demonstration grant program to provide funds for certain local police departments and local governments

Studds 20 minutes
innocent owner amendment

Davis (Mi) 20 minutes
establishes vessel identification system

Johnson (SD)/Dorgan 20 minutes
establishes drunk driving enforcement programs which requires states to adopt prescribed measures to reduce drunk driving in order to be eligible for a two tier system of grants. Authorizes to be appropriated \$25 million in FY 89 and \$50 million in FY 90-91.

-- 3 --

McCollum 30 minutes

requires the revocation or suspension of a persons drivers license when convicted of a drug related offense. Withholds funds available to States under Title VIII for noncompliance; 5 percent the first year and 10 percent the second year.

Anderson (substitute to McCollum) 30 minutes

Substitute to be printed in the Congressional Record of August 11, 1988

Hughes 20 minutes

penalties for the illegal distribution of anabolic steroids.

Bliley 30 minutes

directs the Secretary of HHS to establish a procedure to be used to certify certain clinical laboratories that analyze and determine the results of drug tests.

Alexander 20 minutes

requires any officer or employee in the executive branch to make disclosure of illegal foreign drug activities through the head of their agency. This information must be made available to the head of Presidentially prescribed agencies and upon request Congress and the Comptroller General. Permits nondisclosure under certain circumstances. The President must be notified of any determination of nondisclosure.

THE WHITE HOUSE

WASHINGTON

July 28, 1988

*drug
file*

MEMORANDUM FOR ASSISTANT SECRETARIES FOR LEGISLATION
NATIONAL DRUG POLICY BOARD MEMBERS

FROM: FRANK KEATING, IAN MACDONALD, CAROL CRAWFORD
NDPB BILL COORDINATORS

SUBJECT: Developing/Coordinating Administration's Position
on Drug Bill

The attached materials list, compare and summarize the major provisions in each of the five major proposed omnibus drug bills as well as the recommendations of the White House Conference for a Drug Free America and the National Drug Policy Board. For each issue or provision, a lead Department and list of other interested Departments has been identified. These materials are "working drafts." It is anticipated that additional issues and provisions or changes may be added to this list as a result of the ongoing Congressional drug bill development process. The absence of an entry under a bill or recommendation heading indicates that no related provision was identified on a given issue.

You have two tasks regarding each provision for which your Department is a "lead" or "interested" agency. The first, is to work with the other interested agencies to formulate a consensus Administration position on each provision for which your Department is listed as "lead" or "interested." A brief description of this consensus position should be sent via fax machine to OMB (Attn.: James Murr, Assistant Director for Legislative Reference, fax number: 395-3109). OMB will compile this position information in a book for the use of Administration policy officials.

Second, you will be responsible for working with the Hill to ensure that Administration concerns are understood and accommodated wherever possible. The status of your efforts should be added to the relevant two-pager and faxed to OMB. Alan Kranowitz and John Tuck will provide overall coordination of the legislative strategy.

You will note on the summary sheet the designations "A-B-C". A ranking of "A" indicates the need for further guidance from the principals in order to develop an Administration position (example: drug czar). A "B" ranking indicates that the Administration's position on the provision can be settled between you and us (example: Forest Service authority to investigate drug crimes). A "C" ranking indicates that an Administration position already exists or can be developed at the staff level.

You are free to make changes to the materials (e.g., the generic descriptions of the provisions, the title that has been assigned to each provision, or by adding yourself or other Departments to the "interested agency" category) if you feel it is appropriate. A copy of any such changes should be sent to OMB via the procedure described above.

Your Department should have little difficulty arriving at a consensus position on the "C" provisions. It may be more difficult to reach consensus on the "A" and "B" provisions as they are more controversial. If you are unable to develop a consensus position, submit separate positions from every Department that has a strong view, identifying which view is held by which Department. These position statements must be brief (3-5 sentences) stating each Department's position and why it is held. All such unresolved "A" and "B" provisions will be addressed in an expedited policy context and your submission on the two-pagers will serve as the basis for resolving the Administration's position.

As action on the drug bills is occurring daily, your Department should begin work on this project immediately. The above requested responses should be sent to OMB no later than c.o.b. August 2, 1988. Procedural questions should be addressed to your normal OMB contact for budget matters.

Attachment

July 28, 1988

TABLE OF CONTENTS

<u>SUBCOMMITTEE</u>	<u>LEAD DEPARTMENT</u>
I. TREATMENT, EDUCATION & PREVENTION	HHS
A. Treatment	
B. Education & Prevention	
II. USER ACCOUNTABILITY	HHS
III. CRIMINAL PENALTIES/POST ARREST	DOJ
IV. ORGANIZATION	TR
V. LAW ENFORCEMENT/INTERDICTION	TR/DOT
A. Investigations	
B. Interdiction	
C. State & Local Assistance	
D. Intelligence	
E. Other	
VI. INTERNATIONAL	DOS
VII. FUNDING/ASSET FORFEITURE FUNDS	OMB/TR/DOJ

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

	Senate			House		NDPB	White House Conference	Lead Dept; Others	Category
	<u>Byrd</u>	<u>Dole</u>	<u>DeConcini</u>	<u>Wright</u>	<u>Michel</u>				
I. <u>TREATMENT, EDUCATION & PREVENTION</u> -- HHS									
A. <u>Treatment</u>									
Treatment Grants:									
- Waiting Time Reduction.....	X	X	X	X	X		X	<u>HHS</u> ; OMB	A
- Support Groups.....	X	X		X	X		X	<u>HHS</u> ; OMB, DOJ	A
- High Risk Groups.....	X	X		X	X	X		<u>HHS</u> ; OMB, DOJ	A
- Expectant Mothers.....	X			X	X	X		<u>AG</u> ; HHS, OMB	A
- Penal System.....		X	X	X			X	<u>HHS</u> ; DOJ, OMB	A
- Other.....	X	X	X	X		X	X	<u>HHS</u> ; OMB	A
Evaluation of Treatment Programs.....	X	X		X	X	X	X	<u>HHS</u>	C
Reauthorizes/Amends ADAMHA Block Grant	X			X				HHS; OMB	A

Note: Blanks = no provision X = provision

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

[illegible]

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

	Senate			House			White House	Lead Dept;	
	<u>Byrd</u>	<u>Dole</u>	<u>DeConcini</u>	<u>Wright</u>	<u>Michel</u>	<u>NDPB</u>	<u>Conference</u>	<u>Others</u>	<u>Category</u>
II. <u>USER ACCOUNTABILITY</u> -- HHS									
Ineligibility for Federal Benefits.....	X	X		X	X	X		<u>DOJ</u> ; HUD, ED, HHS, VA, DOT	B
Income and Assets - Civil Penalties....		X			X			<u>DOJ</u>	C
Suspension of Driver's Licenses.....		X		X	X			<u>DOT</u> ; OMB, DOJ	B
Exclusion of Drug Abusers As Handicapped					X			<u>DOL</u>	C
Motor Vehicle Related Crimes.....		X			X			<u>DOT</u> ; DOJ	B

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

	<u>Byrd</u>	<u>Senate</u> <u>Dole</u>	<u>DeConcini</u>	<u>House</u> <u>Wright</u>	<u>Michel</u>	<u>NDPB</u>	<u>White House</u> <u>Conference</u>	<u>Lead Dept;</u> <u>Others</u>	<u>Category</u>
III. <u>CRIMINAL PENALTIES/POST ARREST</u> -- DOJ									
U.S. Prisoners in Non-Federal Institutions	X	X	X		X			DOJ; OMB	A
Death Penalty.....		X			X	X	X	DOJ	C
Exclusionary Rule/Habeas Corpus Reform		X			X	X		DOJ	C
Additional Prisons and Prosecutors.....	X	X		X	X		X	DOJ; OMB	A
Diversity of Citizenship.....					X			DOJ	C
Pollution of Lands.....	X	X		X	X			DOJ; EPA, AG, INT	C
Increased Penalties for Cocaine & Heroin		X		X	X			DOJ	C

Note: Blanks = no provision X = provision

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

	<u>Byrd</u>	<u>Senate</u> <u>Dole</u>	<u>DeConcini</u>	<u>House</u> <u>Wright</u>	<u>Michel</u>	<u>NDPB</u>	<u>White House</u> <u>Conference</u>	<u>Lead Dept;</u> <u>Others</u>	<u>Category</u>
<u>III. CRIMINAL PENALTIES/POST ARREST (Cont.)</u>									
Deportation of Aliens.....	X	X	X		X	X		<u>DOJ</u> ; DOS, TR	C
Alternative Judicial System.....				X	X			<u>DOJ</u> , TR	C
Restrictions Relating to Common Carriers	X	X		X	X		X	<u>DOT</u> ; DOJ, OFPP	B
Use of Juveniles in Drug Related Crime	X	X						<u>DOJ</u>	C
Use of House Probation.....		X						<u>DOJ</u>	C
Life Sentences for Drug Dealers...		X					X	<u>DOJ</u>	C
Drug Offenses Within Prisons.....		X						<u>DOJ</u>	C
User Fees for Prisoners.....		X						<u>DOJ</u> ; OMB	B
Anti-Public Corruption.....	X				X	X		<u>DOJ</u>	C
Prohibition on the Use of Firearms...		X	X		X	X		<u>TR</u> ; DOJ	C
Use of Firearms in Drug Crimes.....				X				<u>TR</u> ; DOJ	C

Note: Blanks = no provision X = provision

July 28, 1988

DRUG BILL ANALYSIS SUMMARY

	<u>Senate</u>			<u>House</u>			<u>White House</u>	<u>Lead Dept;</u>	
	<u>Byrd</u>	<u>Dole</u>	<u>DeConcini</u>	<u>Wright</u>	<u>Michel</u>	<u>NDPB</u>	<u>Conference</u>	<u>Others</u>	<u>Category</u>
IV. <u>ORGANIZATION</u> -- TR									
Reorganization:									
- DOT/Treasury.....			X					<u>DOT</u> ; TR, DOJ	C
- Coast Guard/Maritime Service	X				X			<u>DOT</u> ; DOC, DOJ	C
- DOJ/Create Drug Division	X							<u>DOJ</u> , TR	C
Drug Czar/NDPB Changes.....	X	X	X	X		X	X	<u>DOJ</u> ; DOD, OMB TR, DOT, DOS, NSC	A

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DRUG BILL ANALYSIS SUMMARY

	Senate			House		NDPB	White House Conference	Lead Dept; Others	Category
	Byrd	Dole	DeConcini	Wright	Michel				
V. <u>LAW ENFORCEMENT/INTERDICTION</u> -- TR/DOT									
A. <u>Investigations</u>									
Chemical Diversion/Precursor Chemicals	X	X	X	X	X	X		DOJ, TR	C
Electronic Comm./Financial Privacy....					X	X		DOJ; FCC, DCI, TR	C
Money Laundering.....	X	X	X	X	X	X		TR; DOJ, POSTAL	C
Expansion of Forest Service Authority.	X	X		X	X			DOJ; AG	C
Expansion of Postal Service Authority		X		X	X	X		DOJ; POSTAL, DOT	C
Improvements of Monetary Rewards.....		X	X		X	X		DOJ; DOS, TR	C
Task Force on Clandestine Drug Labs..				X	X			DOJ; EPA	C
Expansion of FAA Authority.....	X			X		X		DOT; DOJ, TR	C
Expansion INS of Authority.....		X	X					DOJ; DOS, TR	C
Programs in Insular Areas.....				X				DOJ; TR, INT, OMB	C

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DRUG BILL ANALYSIS SUMMARY

	Senate			House			White House	Lead Dept;	
	<u>Byrd</u>	<u>Dole</u>	<u>DeConcini</u>	<u>Wright</u>	<u>Michel</u>	<u>NDPB</u>	<u>Conference</u>	<u>Others</u>	<u>Category</u>
B. <u>Interdiction</u>									
Increased Use of DOD.....				X	X	X		<u>DOD</u> , TR, <u>DOT</u> , <u>DOJ</u>	A
Study of Flight Corridors.....				X	X			<u>DOT</u> ; TR	C
Expansion of Coast Guard Authority	X	X		X	X			<u>DOT</u> ; TR, DOD	B
Great Lakes Drug Interdiction.....				X	X			<u>DOT</u> ; TR, DOD, <u>DOS</u>	C
Port of Entry/Cargo Inspection....		X			X	X		<u>TR</u> ; <u>DOT</u>	C
Maritime Drug Smuggling Reform....		X		X		X		<u>DOT</u> ; TR, <u>DOS</u>	C
Expansion of Customs Authority....	X	X	X	X	X			<u>TR</u> ; <u>DOT</u> , <u>DOJ</u>	B
Treasury Enforcement.....	X		X					<u>TR</u> ; <u>DOJ</u>	B
U.S. Vessel Identification.....					X			<u>DOT</u> ; TR	C
Airline Anti-smuggling.....		X						<u>TR</u> ; <u>DOT</u>	C
Passport Restrictions.....	X	X	X			X		<u>DOS</u> ; <u>DOJ</u> , TR	B
U.S. Bahamas Drug Task Force.....	X							<u>DOS</u> ; <u>DOJ</u> , TR, <u>DOT</u>	A
Innocent Owners Seizures.....				X	X			<u>TR</u> ; <u>DOT</u> , <u>DOJ</u>	C
Air Smuggling.....	X	X		X	X			<u>DOT</u> ; TR	C

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<u>C. State and Local Assistance</u>									
State and Local Narcotics Control Assist	X		X	X	X	X		<u>DOJ</u> ; OMB	A
Domestic Eradication.....				X		X		<u>DOJ</u> ; INT, AG	C
Use of National Guard for Enforcement		X		X	X	X		<u>DOD</u> ; DOJ, OMB	A
<u>D. Intelligence</u>									
State Narcotics Report.....	X		X					<u>DOS</u> ; DOJ, TR	C
Increased Intelligence Capabilities...	X	X			X		X	<u>DOJ</u> ; NSC, DCI	C
<u>E. Other</u>									
Increased Research - Supply Side.....	X	X	X	X			X	<u>DOD</u> ; TR, DOS, <u>DOJ</u> , OMB	C
Personnel Benefits.....	X	X	X	X	X			<u>OPM</u> ; DOJ, OMB	B
Codifying the U.S. Marshals.....		X			X			<u>DOJ</u>	C
Narcotics Trafficking on Tribal Lands				X				<u>INT</u> ; OMB, DOJ	C
Transfer Aircraft to Indiana.....				X				<u>TR</u>	C

July 28, 1988

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VI. <u>INTERNATIONAL</u> -- DOS									
International Cooperation Efforts....	X	X	X	X	X	X	X	<u>DOS</u> ; DOJ, TR	B
Limitation on Foreign Aid.....	X		X	X				<u>DOS</u> ; DOJ	C
Use of International Strike Forces...	X		X	X	X		X	<u>DOS</u> ; DOJ, DOD	B
Transfer of Forfeited Property.....	X		X	X				<u>DOS</u> ; TR	B
Ammunition, Training & Other Assistance	X			X	X	X		<u>DOS</u> ; DOJ	B
Drugs as a National Security Objective			X	X	X		X	<u>DOS</u> ; NSC	B
Foreign Interdiction & Eradication Efforts		X	X	X	X	X	X	<u>DOS</u> ; DOJ, OMB	A
Extradition and Mutal Leg. Assist. Treaties			X	X	X		X	<u>DOS</u> ; DOJ, TR	C
Export - Import Bank Assistance.....				X	X			<u>DOS</u> ; TR, DOD	C
INTERPOL (International Crime Symposium)					X			<u>DOJ</u> ; OMB	C
International Currency Transaction Reporting.....	X							<u>TR</u> ; DOS, DOJ	B
Rewards.....	X			X				<u>DOS</u> ; OMB	B
Certification/Reallocation of AID.....	X			X				<u>DOS</u> ; DOJ, TR, DOT	B

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VII. <u>FUNDING/ASSET FORFEITURE FUNDS</u> -- OMB/TR/DOJ									
Funding Issues.....	X	X	X					<u>OMB;TR</u>	A
Customs & DOJ Forfeiture Funds.....	X	X	X	X	X		X	<u>OMB; DOJ, TR</u> <u>DOT</u>	B
Annual Report on Drug Expenditures				X	X			<u>OMB</u>	C

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THE WHITE HOUSE

WASHINGTON

August 1, 1988

66

MEETING WITH DRUG STRATEGY GROUP

DATE: AUGUST 2, 1988
LOCATION: CHIEF OF STAFF'S OFFICE
TIME: 3:30 P.M.
FROM: JOHN C. TUCK

I. PURPOSE

To update the Executive branch members of the Executive-Legislative Drug Task Force on the status of drug legislation on the Hill and to coordinate our strategy.

II. BACKGROUND

The Attorney General has asked for a meeting to discuss the Administration's strategy as drug legislation is being formulated on the Hill. This group last met approximately six weeks ago. At that time it was decided that the Administration would continue to seek formation of an Executive Legislative Task Force on the drug issue and that the Administration would not engage in the structuring of specific legislative proposals on the Hill. Things have changed. Following the GOP Leadership meeting of three weeks ago, Minority Leader Dole requested the assistance of the Attorney General in the work of the Senate bipartisan drug working group formulation of its drug package. The Attorney General agreed and directed Frank Keating and Dr. Macdonald to meet with both Senate and House Republicans to insure that they were aware of the recommendations of the National Drug Policy Board and to seek to influence Republicans in the Senate to be sensitive to Administration initiatives. In other words, our tactic has changed to that of constructive engagement through Republicans on the Hill to seek to influence the way drug legislation is finalized. ~~Tuesday's~~ ^{Today's} meeting will permit you and other members of the Executive component of the Task Force to review developments and to endorse continued engagement by the Administration as the bills are being finalized.

The objectives of the meeting are:

- Update the principal Executive branch members of the Executive-Legislative Task Force.
- Discuss the coordination activities announced by Keating/Macdonald/Crawford.
- Agree on a strategy to advance Administration initiatives.

III. PARTICIPANTS

Ken Duberstein
 Ed Meese
 Jim Baker
 Colin Powell
 B. Oglesby
 Jim Miller
 Carol Crawford
 John Tuck
 Frank Keating
 Ian Macdonald
 Craig Coy
 Alan Kranowitz
 Brad Reynolds

IV. SEQUENCE OF EVENTS

Duberstein Opening Remarks.
 Attorney General Remarks.
 Alan Kranowitz Legislative Report.
 Jim Miller/Carol Crawford Review of Coordination Efforts.
 General Discussion.



DRAFT

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

*John - Draft we
left - Keating
provided Keating
for your advance
review
Carol*

MEMORANDUM FOR ALAN KRANOWITZ
JOHN TUCK

FROM: FRANCIS KEATING
DONALD MACDONALD
CAROL CRAWFORD

SUBJECT: Drug Bill

*Drug
file*

Pursuant to your request, this memorandum provides a proposed procedure for handling the drug bill as it moves through Congress and identifies issues that require further guidance from the principals. In addition, we have raised two additional questions that require further discussion.

I. Tracking Procedure

It is generally agreed that the process used to coordinate the Administration's position on the trade bill was successful and efficient. While there are many differences between the trade bill and the drug bill, enough similarities exist to warrant using a modified version of the same model to track the drug bill.

In summary, the plan involves tasking the Office of Management and Budget (OMB), working with the National Drug Policy Board (NDPB), to handle initial assignments of responsibilities and the coordination of paper among the agencies and the West Wing. Major elements of the plan are as follows:

1) OMB will catalogue provisions of the various drug bills, write a synopsis of each provision, and assign agency (Department) leads to each provision. OMB will also identify provisions on which further guidance from principals (e.g. Baker, Meese, Powell, Duberstein, Miller) is required.

2) Each lead agency will coordinate with other interested agencies to develop an Administration position on each provision assigned to it. The lead agency will advise OMB of the recommended position. Absent White House or OMB concerns, the recommendation will become the Administration position. Where White House or OMB concerns are raised, the issue will be discussed further and raised to the principals only if consensus is not possible.

3) Lead agencies will communicate the Administration's position to relevant Hill staff and members.

4) Lead agencies will keep OMB informed of the status of their discussions and modifications in the provisions as the effort progresses.

5) OMB will provide, on a regular basis, reports on the status and modifications in each provision.

II. Identification of Issues

OMB will list the provisions of each of the four major bills (Dole, Byrd, Wright, and Michel) and rank each according to its degree of controversy. A ranking of "A" indicates the need for further guidance from the principals in order to develop an Administration position (example: drug czar). A "B" ranking indicates that the Administration's position on the provision can be settled at the working group (senior policy official) level (example: Forest Service authority to investigate drug crimes). A "C" ranking indicates that an Administration position already exists or can be developed at the staff level.

OMB is also ranking the NDPB proposals "A", "B", or "C" and has identified four that require further clarification from the principals. These are DOD involvement, additional funding levels (assuming offsets), funding for international programs, ratio of additional funds for demand versus supply, and private sector workplace requirements.

III. Additional Questions

It is the President's intent, as we understand it, to retain some flexibility in defining the Administration's positions on individual issues. Two questions arise in that context. First, the process described above is intended to result in the development of Administration positions that respond to legislative proposals and that will of necessity be more specific than the NDPB recommendations in many or most cases. To the extent the process succeeds in developing and communicating Administration positions to the Hill, the President's negotiators will by definition lose some flexibility in any subsequent Task Force negotiation. Is this acceptable?

Second, it is understood that agencies are prohibited from sending forward views that purport to represent an Administration position on any of the provisions in the drug bills. In cases where an Administration position has already been cleared, or where an NDPB recommendation is specific and unambiguous in its intent, agencies are authorized to send forward an Administration position. Is this consistent with your intent?