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THE WHITE HOUSE
WASHINGTON

October 27, 1986

MR. PRESIDENT:

Attached for your approval are H.R. 5484, the Anti-Drug Abuse Act of 1986, and an accompanying signing statement.

Approval of the bill is recommended by OMB, the Departments of Justice Education, HHS, State, Transportation, and Interior; OPM, Counsel's Office, NSC, and the Offices of Drug Abuse Policy, Legislative Affairs, Intergovernmental Affairs, and Public Liaison. The Treasury Department has no objection.

The signing statement is recommended by the Counsel's Office.



David L. Chew

LAST DAY FOR ACTION: November 7th
Please note: Legislative Affairs has requested the pen with which you sign this legislation. One is attached for your convenience.

*Ceremony & Remarks
Signed in an Encl. Room
Ceremony at 2:42 PM
Fact Sheet & Statement Issued*



APPROVED
OCT 27 1986

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

OCT 25 1986

Received 9:5
1986 OCT 25 PM 12:4

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5484 - Anti-Drug Abuse Act of 1986
Sponsors - Rep. Wright (D) Texas and 300 others

Last Day for Action

Purpose

To (1) promote excellence in education by promoting a drug-free environment in the Nation's schools; (2) make improvements in substance abuse programs; (3) strengthen drug interdiction efforts; and (4) enhance law enforcement capabilities in the fight against illegal drugs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of Education	Approval
Department of Health and Human Services	Approval
Department of State	Approval
Department of the Interior	Approval
Office of Personnel Management	Approval
Department of Transportation	Approval
Department of the Treasury	No objection

Discussion

-- Background

On September 16, 1986, you forwarded to the Congress a comprehensive set of legislative and related proposals to reduce drug use and drug trafficking in the United States. In so doing, you noted that the Administration had taken a number of important steps to combat drug abuse and drug trafficking. You also acknowledged, however, that much remained to be done if our Nation was to be purged of illegal drugs.

Your initiative was composed of a legislative proposal entitled the "Drug-Free America Act of 1986," several budget amendments, and an Executive Order that underscored your conviction that drug use in the Federal workplace is not to be tolerated. Key components of your legislative proposals would have:

- o Enabled the Federal Government, as the Nation's largest employer, to set an example in assuring a drug-free workplace;
- o Assisted State and local Governments in establishing drug-free environments in elementary and secondary schools;
- o Extended the block grant under which funds are made available to the States for alcohol and drug abuse and mental health programs;
- o Emphasized the need for increased and better international cooperation in the fight against illegal drugs;
- o Enhanced the authorities and resources of drug law enforcement agencies; and
- o Encouraged increased cooperation between the private sector and the Federal Government in educating the public to the hazards of drug abuse.

-- Description of the Enrolled Bill

The enrolled bill, which passed both Houses by voice vote, responds in various and positive ways to each of the Administration's proposals. Its key provisions are highlighted in Attachment "A." A summary of the budget impact of H.R. 5484, including a comparison of the bill to the original 1987 budget request and the Administration's comprehensive drug initiative, is attached to this memorandum at Attachment "B."

-- Conclusion

The enrolled bill is a remarkable achievement and promises to play a major and continuing role in our Nation's fight against the scourge of illegal drugs. For this reason, I join the major departments in recommending approval of H.R. 5484. The Department of Justice has prepared a proposed signing statement, which has been forwarded separately. Justice's proposed signing statement generally (1) explains how a provision of the bill will be interpreted; (2) highlights certain desirable features of the bill; (3) expresses regret about certain omissions (e.g., the death penalty); (4) expresses pleasure that certain provisions are not included in the bill (e.g., creation of a drug "tsar"); and (5) expresses concern about some of the bill's other provisions.

James H. Baker III
Director



Enclosures

SUMMARY OF THE ANTI-DRUG ABUSE ACT OF 1986 - H.R 5484

TITLE I - ANTI-DRUG ENFORCEMENT

Subtitle A - Narcotic Penalties and Enforcement Act of 1986

Subtitle A of title I would generally toughen penalties available in Federal criminal drug cases. In particular, it would: lower the quantity of drugs that the Government would have to show were involved in a drug case in order to sustain a prosecution and impose enhanced penalties; permit the imposition of increased fines for convicted defendants; and increase maximum prison terms in drug cases.

Subtitle B - Drug Possession Penalty Act of 1986

Subtitle B would strengthen Federal sanctions against simple possession of controlled substances. Fines of between \$1,000 and \$5,000 and up to one year imprisonment would be authorized for first offenses, increasing to fines of \$5,000 and \$25,000 and mandatory prison terms of between 90 days and three years for defendants with two or more previous convictions.

Subtitle C - Juvenile Drug Trafficking Act of 1986

Subtitle C would establish additional penalties for persons who employ or use juveniles (i.e., persons under the age of 18) in drug trafficking. A convicted defendant would be subject to an increased prison term and an increased fine (i.e., double the otherwise applicable prison term and fine for a first offender and triple the applicable prison term and fine for repeat offenders). The enrolled bill would also strengthen current law -- which prohibits the distribution of controlled substances within 1,000 feet of a public or private elementary or private school -- to include the manufacture of controlled substances. In addition, institutions of higher learning would be covered for the first time.

Subtitle D - Assets Forfeiture Amendments Act of 1986

Subtitle D would clarify the purposes for which funds deposited in the Justice and Customs forfeiture funds may be employed (e.g., for purchasing or leasing certain computer equipment). It would also permit the forfeiture of substitute assets, if an asset obtained with drug money, or drug money itself, is beyond the Government's reach (e.g., in an offshore bank account).

Subtitle E - Controlled Substance Analogue Enforcement
Act of 1986

Subtitle E would treat a "controlled substance analogue" (i.e., a designer drug) as if it were a schedule I controlled substance under the Controlled Substances Act (i.e., a substance, such as heroin, for which there is no accepted medical use). A "controlled substance analogue" is defined to include a substance the chemical structure of which is substantially similar to the chemical structure of a schedule I or schedule II controlled substance or which is intended to have a substantially similar effect. The bill is intended to address the practice employed by distributors of illicit drugs of slightly altering the chemical structures of drugs on either schedules I or II and producing substantially identical drugs. Because these "cloned" drugs are not on either schedule, their manufacturers and distributors are not subject to prosecution.

Subtitle F - Continuing Drug Enterprise Act of 1986

Subtitle F would permit the imposition of enhanced penalties (e.g., up to life imprisonment) with respect to certain defendants convicted of being the principals in "continuing criminal enterprises" (i.e., major drug traffickers).

Subtitle G - Controlled Substances Import and Export Act
Penalties Enhancement Act of 1986

Subtitle G would generally amend the Controlled Substances Import and Export Act to conform the penalties for import and export offenses to those that would be established by subtitle A of this title for violations of other Federal drug laws. Subtitle G would also conform the specific quantities of controlled substances which trigger the imposition of enhanced penalties to the quantities and substances contained in subtitle A.

Subtitle H - Money Laundering Control Act of 1986

Subtitle H would make money laundering -- the practice by which criminals disguise their illegally obtained funds to hide them from law enforcement authorities -- a Federal criminal offense. (Money laundering is usually accomplished by passing funds through accounts at banks or other depository institutions, or even moving the funds offshore.) The bill would authorize a convicted defendant to be sentenced to up to 20 years imprisonment, as well as the imposition of fines.

Subtitle I - Career Criminals Amendment Act of 1986

Under current law, a "career criminal" (i.e., a person with three or more previous convictions for robbery or burglary) is subject to a penalty of no less than 15 years imprisonment if convicted of the offense which prohibits a previously-convicted felon from carrying firearms. Subtitle I would broaden the class of predicate offenses that qualify an offender as a "career criminal." Included would be offenders with prior convictions for "serious drug offenses" or "violent felonies."

Subtitles J and K - Authorization of Appropriations for Drug Law Enforcement

Subtitle J would authorize additional appropriations for 1987 for the Department of Justice and other agencies and for grants to the States for use in the fight against drug trafficking. In particular, the following amounts would be authorized: \$60 million for the Drug Enforcement Administration; \$124.5 million for the Federal Prison System; \$18 million for the Judiciary for Defender Services; \$7.5 million for the Judiciary for the fees and expenses of jurors and commissioners; \$5 million for the Office of Justice Assistance for a pilot prison capacity study; \$5 million for the support of Federal prisoners in non-Federal facilities; \$31 million for United States Attorneys; \$17 million for the United States Marshals Service; \$7 million for secure voice radios for the Secret Service and the Federal Bureau of Investigation; and \$230 million for each of 1987-1989 for grants to the States for drug law enforcement programs.

Subtitle L - Study on Use of Existing Federal Buildings as Prisons

The Secretary of Defense would be required to report to the Attorney General with respect to which existing Defense Department facilities, if any, which could be used as prisons. Copies of the report would have to be furnished to the Congress.

Subtitle M - Narcotics Traffickers Deportation Act

Subtitle M would eliminate an unnecessary distinction that exists under current law with respect to deportation. At present, a sentencing judge is permitted to make a binding recommendation to the Attorney General that an alien convicted of a variety of criminal offenses not be deported. An exception -- which permits the Attorney General to override such a judicial determination -- exists with respect to offenses involving narcotic drugs, marijuana, or cocaine, but not other controlled substances. Subtitle M would permit deportation for all controlled substance offenses.

Subtitle N - Freedom of Information Reform Act of 1986

Subtitle N would amend the Freedom of Information Act (FOIA) in a number of respects, substantially broadening its law enforcement exemptions. The amendments make clear, for example, that any Federal law enforcement records concerning pending investigations or confidential sources may be withheld if their disclosure could reasonably be expected to cause identifiable harm. This subtitle also amends the FOIA to add special additional exclusions under which certain law enforcement records would no longer be subject to disclosure under particularly sensitive, specified circumstances. In addition, each agency would be required to promulgate a schedule of fees for processing Freedom of Information Act requests. These fee schedules would have to be based on guidelines to be developed by this Office and published in the Federal Register.

Subtitle O - Mail Order Drug Paraphernalia Act

Subtitle O would make it a Federal criminal offense to mail, ship in interstate commerce, import, or export "drug paraphernalia" (e.g., any product whose purpose is to enable the unlawful introduction of controlled substances into the human body). A conviction would carry a fine of up to \$100,000 and a prison term of up to three years.

Subtitle P - Manufacturing Operations

Subtitle P would make it a Federal criminal offense to maintain any place (e.g., a "crack house") for the purpose of manufacturing, distributing, or using of controlled substance. A conviction would carry a fine of up to \$500,000 (\$2 million if the defendant is other than an individual) and a prison term of up to 20 years.

Subtitle Q - Controlled Substances Technical Amendments

Subtitle Q would make a number of minor technical amendments related to controlled substances. It would also give the Administrative Office of the United States Courts permanent authority to contract for aftercare (e.g., counseling and medical services) for drug dependent offenders and would expand the program to include alcohol-dependent offenders. The bill would authorize appropriations of \$12 million in 1987, \$14 million in 1988, and \$16 million in 1989 for the aftercare program.

Subtitle R - Precursor and Essential Chemical Review

Subtitle R would require the Attorney General to conduct a study of the need for legislation, regulations, or other alternative methods to control the diversion of precursor and

essential chemicals (i.e., chemicals that are essential in the manufacture of controlled substances). The report would have to be submitted to the Congress within 90 days of enactment of the enrolled bill.

Subtitle S - White House Conference for a Drug Free America

Subtitle S would require the establishment of a "White House Conference for a Drug Free America," the members of which would be appointed by the President. The Conference would be given a broad charter to review all aspects of drug abuse and drug law enforcement in the United States. The Conference would be required to report to the President with respect to its findings and recommendations within six months of enactment of the enrolled bill, and the President would be required to report to the Congress annually for three years on the status of each of the Conference's recommendations. The enrolled bill would authorize \$2 million for the Conference for 1988.

Subtitle T - Operation of a Common Carrier Under the Influence of Drugs or Alcohol

Subtitle T would make it a Federal criminal offense to operate a transportation common carrier (e.g., a commercial passenger aircraft) under the influence of alcohol or drugs. A conviction would carry a fine of up to \$10,000 and a prison term of up to 5 years, or both.

Subtitle U - Federal Drug Law Enforcement Agent Protection Act of 1986

Subtitle U would authorize the payment of a reward of up to \$100,000 for information leading to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

TITLE II - INTERNATIONAL NARCOTICS CONTROL

Title II would attempt to curb drug trafficking and abuse abroad in a number of ways. Key provisions would make funds available -- including earmarking -- for international narcotics assistance; acquiring aircraft to be used in narcotics control; providing training to those who operate and maintain narcotics control aircraft; protecting judicial and other officials from terrorist attacks; drug education programs; and other programs to increase awareness abroad of the problems associated with drug trafficking and abuse. The title would require that steps be taken in connection with the production of narcotics in certain specified countries (e.g., Mexico and Pakistan).

This title would also: amend the so-called "Mansfield amendment," which prohibits U.S. law enforcement officials from being present when drug traffickers are apprehended abroad, to

permit United States law enforcement officials to engage in arrests pertaining to narcotics control efforts if the Secretary of State, in consultation with the Attorney General, determines that to prohibit such authority would be harmful to the interests of the United States; encourage the State Department in its current practice of issuing diplomatic, rather than official, passports to Drug Enforcement Administration officers stationed abroad; require reports concerning the status of extradition treaties with other countries insofar as they contemplate extradition for narcotics-related offenses; and impose restrictions on providing assistance to certain countries in which illegal drugs are produced.

The bill would authorize new appropriations of \$45 million for international narcotics control activities, which could not be appropriated until and unless the President submits a budget request for it. In addition, \$5 million would be authorized for educational programs abroad.

TITLE III - NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

Subtitle A - Department of Defense Drug Interdiction Activities

Subtitle A would authorize the following appropriations for the Defense Department (DOD): \$138 million for 4 refurbished or upgraded E2-C or similar surveillance aircraft and 4 replacement E2-C or similar aircraft; \$99.5 million for 7 radar aerostats; and \$40 million for 8 Blackhawk helicopters. Two of the upgraded or refurbished aircraft would have to be made available to the Coast Guard and two would have to be made available to the Customs Service. The radars and helicopters would be made available to agencies designated by the Drug Enforcement Policy Board.

Subtitle A would also require that \$15 million be transferred from the Navy to the Coast Guard; add 500 active duty military Coast Guard personnel; and place a floor of 500 on the number of Coast Guard personnel assigned to Navy ships or to law enforcement duties. In addition, \$45 million would be authorized to be appropriated to DOD for 1987 for installation of 360-degree radar systems on Coast Guard aircraft. The enrolled bill would also:

- o Require DOD to report to the Congress on drug education programs in schools operated by DOD;
- o Authorize DOD to assist in the enforcement of the drug laws in certain situations;

- o Require DOD to develop a plan -- subject to the approval of the Armed Services Committees of the House and the Senate -- with respect to rendering assistance to civilian law enforcement agencies;
- o Expand the existing penalties under the Uniform Code of Military Justice for driving under the influence of alcohol to include driving under the influence of a controlled substance; and
- o Authorize appropriations of \$7 million for 1987 for the Civil Air Patrol for use in drug interdiction activities.

Subtitle B - Customs Enforcement Act of 1986

Subtitle B would authorize appropriations for the Customs Service for 1987. It would also generally enhance the enforcement authorities of the Customs Service, create new Customs-related offenses, and increase Customs penalties. The bill would improve Customs' authority to conduct searches and seizures; change the manner in which forfeited property is disposed of; and authorize Customs to conduct commercial cover operations. In addition, Treasury's authority to exchange information with other countries would be clarified, and the laws governing the operation of aircraft in connection with drug trafficking would be strengthened.

Customs would be authorized appropriations of \$1.001 billion for salaries and expenses for 1987, of which: \$749.131 million would be for maintaining current operating levels; \$80.999 million would be for additional drug enforcement personnel; \$171.05 million would be for the air interdiction program; \$93.5 million would be for additional aircraft, communications equipment, and the like; and \$.35 million would be for a study of a low-level radar detection system. In addition, the Customs Forfeiture Fund would be extended for four years, through 1991.

Subtitle C - Maritime Drug Law Enforcement Prosecution Improvements Act of 1986

Subtitle C would enhance the ability of the Government to prosecute maritime drug traffickers. In particular, it would amend the Marijuana on the High Seas Act, under which most Coast Guard drug seizures are prosecuted, to make it a criminal offense for any person on board a vessel to manufacture, distribute, or or to possess a controlled substance with intent to manufacture or distribute. More importantly, a defendant would be prohibited from raising issues of international law jurisdiction at trial (e.g., United States' compliance with international law in seizing a vessel on the high seas or the status -- foreign or stateless -- of a seized vessel). The purpose of this latter

provision is to prohibit the litigation of peripheral issues and to focus prosecutions on whether defendants were, in fact, trafficking in controlled substances.

Subtitle D - Coast Guard Drug Interdiction Enhancement

Subtitle D would authorize additional appropriations for the Coast Guard of \$89 million for acquisition, construction, and improvements and \$39 million for operating expenses, to be used to increase the active duty strength level for Coast Guard personnel to 39,220.

Subtitle E - United States-Bahamas Drug Interdiction Task Force

Subtitle E would establish a joint United States-Bahamas Drug Interdiction Task Force, to be operated jointly by the Governments of the United States and the Bahamas. A total of \$15 million would be authorized to be appropriated for the activities of the Task Force.

Subtitle F - Command, Control, Communications and Intelligence Centers

Subtitle F would authorize appropriations of \$25 million for the Customs Service for the establishment of command, control, communications, and intelligence centers.

Subtitle G - Transportation Safety

Subtitle G would make it clear -- it is not, at present -- that a State is not precluded from enacting a criminal statute prohibiting the use or sale of a fraudulent aircraft registration certificate, the display of false aircraft markings, or similar conduct. The bill would also create a number of new aviation-related Federal criminal offenses (e.g., to operate an aircraft without proper lighting in connection with the transportation of controlled substances). Subtitle G would also require the Department of Transportation to conduct a study of the relationship between substance abuse and highway safety.

Subtitle H - Department of Justice Funds for Drug Interdiction in Hawaii

Subtitle H would authorize appropriations for the Justice Department of \$7 million in 1987 for additional drug interdiction activities in Hawaii.

Subtitle I - Federal Communications Commission

Subtitle I would authorize the Federal Communications Commission to revoke the radio license and seize the radio equipment of any person using such license or equipment for the distribution of controlled substances.

TITLE IV - DEMAND REDUCTION

Subtitle A - Treatment and Rehabilitation

Subtitle A would authorize appropriations of \$241 million for 1987 for (1) drug prevention activities, including the establishment of a new Office of Substance Abuse Prevention in the Department of Health and Human Services (HHS) and (2) special allotments to the States for alcohol and drug abuse treatment and rehabilitation. The enrolled bill would also reauthorize the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) of HHS's Alcohol, Drug Abuse, and Mental Health Administration (ADAHMA), and would authorize appropriations of \$198 million for fiscal year 1987 for ADAHMA's drug research activities, an amount that is \$11 million over the 1987 budget request.

The Secretary of HHS would be required to establish 3 new advisory councils, for NIDA, NIAAA, and the National Institute of Mental Health, respectively. Each advisory council would be required to make recommendations to the Secretary and the Director of the Institute for which it is appointed.

The new Office of Substance Abuse Prevention within ADAHMA, would be required to undertake a number of activities (e.g., sponsoring workshops on the prevention of drug and alcohol abuse, developing effective literature to combat drug and alcohol abuse, and supporting programs of clinical training for drug abuse professionals). The Office would also be required to establish a clearinghouse for information concerning alcohol and drug abuse.

With respect to a matter not directly related to the enrolled bill, HHS would be required to establish quality and manufacturing standards for infant formulas. Additional non-germane provisions of this title include the following, among others:

- o HHS would be required to conduct a study of alkyl nitrites ("poppers") with a view toward determining whether they should be classified as drugs;

- o It would be the "sense of the Congress" that (1) the laws of the States should not be amended to provide that possession or use of a controlled substance is not a criminal offense if such use or possession is a Federal offense; (2) HHS should focus additional attention on the dangers of alcohol abuse; and (3) the entertainment and motion picture industry should refrain from glamourizing or encouraging drug use;
- o HHS would be required to establish guidelines for the proper care of animals used in ADAHMA'S research, with which all recipients of research funds would have to comply; and
- o HHS would be required to arrange for a study by the National Academy of Science regarding alcoholism and alcohol abuse rehabilitation services.

Subtitle B - Drug-Free Schools and Communities Act of 1986

Subtitle B would authorize a new State-administered grant program to assist State and local governments in establishing drug-free learning environments and in preventing drug use among students. Key provisions would:

- o Authorize appropriations of \$200 million for 1987 and \$250 million for each of 1988 and 1989;
- o Require approximately 18 percent of the funds appropriated to be set aside for direct Federal grants to postsecondary institutions, regional training centers, programs for Indians and Hawaiian natives, and other Federal activities;
- o Allocate to States the remaining funds, of which 30 percent would be administered by State governors for broad-based drug education and prevention programs, and 70 percent would be administered by State educational agencies for school-based programs;
- o Require that at least 90 percent of the funds that a State educational agency receives be distributed as grants to local educational agencies; and
- o Require a local agency that applies to a State for funds to include a three-year plan for establishing and implementing a comprehensive drug abuse education plan.

Subtitle C - Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986

Subtitle C would respond to problems associated with alcohol and drug abuse among Indians. In particular, the enrolled bill would:

- o Require the Departments of Health and Human Services and the Interior to enter into a memorandum of understanding to determine the scope of alcohol and drug abuse among Indians;
- o Permit Indian tribes to adopt "Tribal Action Plans" to coordinate available resources and programs (authorizing \$1 million for each of 1987, 1988, and 1989);
- o Establish an Office of Alcohol and Substance Abuse in the Bureau of Indian Affairs in the Department of the Interior and require Interior to publish an alcohol and drug abuse newsletter for Indians;
- o Authorize the establishment of pilot programs in schools administered by the Bureau of Indian Affairs concerning the effectiveness of summer youth programs in reducing alcohol and drug abuse among Indians; and
- o Authorize the establishment of emergency shelters and half-way houses for Indian youth who are alcohol or drug abusers (authorizing a total of \$8 million for each of 1987, 1988, and 1989).

Subtitle C would also: expand the authorities of Indian tribal courts by increasing the limitations on the fines that they may impose from 6 months in jail and fine of up to \$500 to one year in jail and a fine of up to \$5,000; authorize funding for training Bureau of Indian Affairs and tribal law enforcement personnel (\$1.5 million for each of 1987, 1988, and 1989); require Interior to construct or renovate juvenile detention centers (authorizing a total of \$15 million for each of 1987, 1988, and 1989); require Interior to provide for the development of a Model Indian Juvenile Code; and require HHS and Interior to take a number of other steps to improve Indian alcohol and drug abuse treatment and rehabilitation (authorizing about \$25 million for each of 1987, 1988, and 1989).

Subtitle D - Miscellaneous

Other miscellaneous provisions of title IV of the enrolled bill would:

- o Authorize ACTION to mobilize and initiate private sector efforts for abuse prevention;
- o Establish a "National Trust for Drug-Free Youth;" and
- o Require the Labor Department to study drug abuse in the workplace and authorize the aggregate sum of \$3 million for 1987 and 1988 for that purpose.

TITLE V - UNITED STATES INSULAR AREAS DRUG ABUSE ACT OF 1986

Subtitle A - Programs in United States Insular Areas

Subtitle A would improve interdiction and the enforcement of drug laws in the Caribbean and Pacific territories and commonwealths of the United States. In particular, the enrolled bill would enhance the Federal law enforcement authorities of local law enforcement personnel in certain jurisdictions (e.g., American Samoa and the Northern Mariana Islands) and would make funds available for the acquisition of law enforcement equipment for these jurisdictions (e.g., \$7.8 million for Puerto Rico for aircraft and vessels and \$4 million for the Virgin Islands for vessels and for narcotics abuse programs).

Subtitle B - National Park Service Programs

Subtitle B would authorize \$1 million for 1987 and for each year thereafter for the National Park Police for training and equipment related to enforcement of the drug laws in the national parks.

TITLE VI - FEDERAL EMPLOYEE SUBSTANCE ABUSE EDUCATION AND TREATMENT ACT OF 1986

Title VI would, in large measure, restate existing law, which requires the Office of Personnel Management (OPM), in consultation with the Secretary of HHS, to establish employee prevention, treatment and rehabilitation programs to combat alcoholism and drug abuse and to report to the Congress on the results of the programs. OPM would also be required to conduct a program to educate Federal employees with respect to the dangers of drug and alcohol abuse, and each agency would be required to establish appropriate drug abuse and prevention programs for its employees, in accordance with guidelines to be issued by OPM. In addition, the Secretary of HHS would be required, by contract with the National Academy of Science, to conduct a study of the sources and adequacy of substance abuse treatment.

TITLE VII - NATIONAL ANTIDRUG REORGANIZATION AND COORDINATION ACT

Title VII would require the President, no later than six months after enactment of the enrolled bill, to submit legislative recommendations to the Congress to reorganize the Executive branch to combat drug trafficking and abuse more effectively. The President would be required to consult with the Comptroller General, State and local authorities, and key Federal agencies with drug-related responsibilities.

TITLE VIII - PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG
ABUSE PREVENTION ACT

Title VIII would establish the "President's Media Commission on Alcohol and Drug Abuse Prevention." The Commission, which would be comprised of 12 members appointed by the President, would be required to undertake a number of actions to assist in the implementation of new programs and national strategies for the dissemination of information about alcohol and drug abuse. The Commission would be required to report to the Congress on an annual basis and would terminate in three years, unless it is extended by the President by Executive Order.

TITLE IX - NARCOTICS CONTROL TRADE ACT

Title IX would require the denial of certain trade preferences under the Generalized System of Preferences, the Caribbean Basin Economic Recovery Act, or any other law extending preferential trade treatment to any country which the President determines has been uncooperative in the fight against the production and transportation of illegal drugs. In addition, the President would not be permitted to allocate any sugar quota to any country which he determines is failing to cooperate with the United States in narcotics enforcement activities or which has a government that is involved in the illicit drug trade.

TITLE X - BALLISTIC KNIFE PROHIBITION ACT OF 1986

Title X would make it a Federal criminal offense to possess, manufacture, sell, import, or mail a "ballistic knife" (i.e., a knife with a detachable blade that is propelled by a spring-operated mechanism). A conviction would carry a prison term of up to 10 years and a fine, or both. Anyone using a ballistic knife in the commission of a crime of violence would be subject to an additional penalty of a fine and imprisonment of between 5 and 10 years.

TITLE XI - HOMELESS ELIGIBILITY CLARIFICATION ACT

Title XI would make a number of amendments unrelated to the remainder of the enrolled bill. In particular, title XI would:

- o Facilitate the participation of the homeless in the Food Stamp program (through September 30, 1990);
- o Clarify that that the homeless are eligible to participate in programs under the Job Training Partnership Act;

- o Ensure that the homeless are not barred from obtaining benefits under the Supplemental Security Income, Medicaid, and Aid to Families with Dependent Children programs, because they do not reside in a permanent dwelling; and
- o Provide that veterans benefits may not be denied an applicant because he or she does not have a mailing address.

TITLE XII - COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Title XII would incorporate the provisions of S. 1903, as reported by the Senate Committee on Commerce, Science, and Transportation, and would also make a series of amendments unrelated to the remainder of H.R. 5484. In general, title XII would prohibit drivers in interstate and intrastate commerce from having more than one commercial driver license and would require the Department of Transportation (DOT) to develop uniform minimum standards for the States to use in licensing commercial drivers. DOT would also be required to ensure that a commercial driver license information system is established so that a State can (1) determine if a license applicant already has another license and (2) exchange driver record information to ensure that unsafe drivers do not operate commercial motor vehicles. \$50 million would be authorized for each of 1987 and 1988 for DOT's Motor Carrier Safety Assistance Program. \$60 million would be authorized for each of 1989, 1990, and 1991.

TITLE XIII - WRONGFUL USE OF CYANIDE

Title XIII would require the Environmental Protection Agency to conduct a study of the manufacturing and distribution processes for cyanide, with a view toward protecting the public from wrongful cyanide use.

TITLE XIV - SENATE POLICY REGARDING FUNDING

Title XIV would announce that it is the sense of the Senate that funds authorized to carry out the provisions of the enrolled bill should be provided as new budget authority in H.J. Res. 738, the recently-enacted Continuing Resolution.

TITLE XV - NATIONAL FOREST SYSTEM DRUG CONTROL ACT OF 1986

Title XV would enhance the law enforcement authorities of the National Forest Service. In particular, not to exceed 500 employees of the Forest Service would be authorized, within the boundaries of the National Forest System, to carry firearms, conduct drug investigations, make arrests, serve warrants and other legal process, and conduct searches and seizures. These authorities would have to be exercised under an agreement between the Secretary of Agriculture and the Attorney General. In

addition, title XV would authorize appropriations of \$10 million "for each fiscal year" to implement the title. Title XV would also make it a Federal criminal offense to place a "boobytrap" on Federal land where controlled substances are being manufactured or dispensed. A first offense would carry a penalty of up to 10 years in prison and a fine of up to \$10,000. Second and subsequent offenses would be punishable by a prison term of up to 20 years and a fine of up to \$20,000.

SUMMARY OF DRUG LEGISLATION
(in millions)

October 24, 1986

Program =====	President 1987 -----		Drug Authori- zation Bill As Enrolled =====	Conference CR -----		
	Request =====	Request + Initiative =====		Title I =====	Title II =====	Total =====
Dept of Justice						
DEA	411	437	60	420	60	480
FBI	117	117	2	117	2	119
US Attorneys	69	75	31	572	31	603
US Marshals	84	84	17	142	17	159
BOP	198	198	125	240	42	282
INS	1	1	0	1	0	1
OJP	44	44	230	191	225	416
Support	0	0	5	18	2	20
Genl. Admin.	0	0	7	0	0	0
TOTAL	924	956	386	1701	379	2080
Dept of Treasury						
Customs	374	384	604	392	147	539
IRS	64	64	0	61	0	61
BATF	7	7	0	7	0	7
Secret Service	0	0	5	0	5	5
Payments to Puerto Rico	0	0	8	0	8	8
TOTAL	445	455	617	460	160	620
Dept of State						
Intl Narcotics Mat	65	65	75	65	53	118
AID	8	8	3	0	3	3
USIA	0	0	2	0	2	2
TOTAL	73	73	80	65	58	123
Dept of Trans						
Coast Guard						
Operations	386	386	39	373	39	412
Capital	59	59	94	45	89	134
Other	0	0	0	0	0	0
Fedl Hvyrs	0	0	50	0	0	0
TOTAL	445	445	183	418	128	546
Dept of Ag						
TOTAL	2	2	10	2	0	2
Dept of Defense						
TOTAL	0	325	345	14	307	321
Dept of HHS						
ADAMHS BG	122	122	14	124	14	138
State Treatment Grants	0	100	170	0	163	163
NIDA SW Border	0	3	0	0	0	0
Community Grants	0	69	0	0	29	29
Research on children	0	34	0	0	0	0
Prevention Network	0	15	0	7	0	7

Risk Factors	0	3	0	0	0	0
Assist DoL, DEd	0	9	0	0	0	0
NIDA	92	92	129	111	27	138
NIAAA	0	0	69	0	3	3
IHS-Services	0	0	16	0	16	16
IHS-Construction	0	0	9	0	6	6
Clearinghouse	0	0	0	0	3	3
Sub Abuse Prev Agency	0	0	45	5	44	49
Athlete Ed Comm	4	4	0	0	0	0
HHS Study	0	0	0	0	1	1
Treatment & Rehab	100	100	0	100	0	100
Transfer to VA	0	0	11	0	10	10
TOTAL	318	551	463	347	316	663
Dept of Labor						
TOTAL	0	0	3	0	3	3
ACTION	10	15	6	10	3	13
Dept of Ed						
TOTAL	3	100	200	3	200	203
Dept of Interior						
BIA-Operations	0	0	10	0	10	10
BIA-Construction	0	0	15	0	13	13
National Park Service	0	0	1	0	1	1
Territorial Affairs	0	0	12	0	0	0
TOTAL	0	0	38	0	24	24
EXDP						
WM Drug Abuse Conf	0	0	2	0	5	5
Govt-wide Test. & Assist.**	62	118	0	62	0	62
Southeast Border	0	100	0	0	0	0
D&M - SM Border	0	33	0	0	0	0
Judiciary						
S & E	0	0	12	0	12	12
Defender Services	0	0	18	0	18	18
Jurors/Commissioners Fees	0	0	7	0	7	7
TOTAL	0	0	37	0	37	37
TOTAL	2282	3173	2370 *	3082	1620	4702

*NOTE: The President's drug initiative proposed \$891,000,000 in addition to the 1987 Budget.
The authorizations in the drug bill total \$2,370,000,000 and include some of the provisions from the President's Budget.

SUMMARY OF DRUG LEGISLATION
(in millions)

October 24, 1986

Program *****	President 1987 -----		Drug Authori- zation Bill As Enrolled -----	Conference CR -----		
	Request *****	Request + Initiative -----		Title I *****	Title II *****	Total *****
Dept of Justice						
DEA	411	437	60	420	60	480
FBI	117	117	2	117	2	119
US Attorneys	69	75	31	44	31	75
US Marshals	84	84	17	58	17	75
BOP	198	198	125	240	42	282
INS	1	1	0	1	0	1
GJP	44	44	230	8	225	233
Support	0	0	5	18	2	20
Genl. Admin.	0	0	7	0	0	0
TOTAL	924	956	386	906	379	1285
Dept of Treasury						
Customs	374	384	604	392	147	539
IRS	64	64	0	61	0	61
BATF	7	7	0	7	0	7
Secret Service	0	0	5	0	5	5
Payments to Puerto Rico	0	0	8	0	8	8
TOTAL	445	455	617	460	160	620
Dept of State						
Intl Marcs Mat	65	65	75	65	53	118
AID	8	8	3	0	3	3
USIA	0	0	2	0	2	2
TOTAL	73	73	80	65	58	123
Dept of Trans						
Coast Guard						
Operations	386	386	39	373	39	412
Capital	59	59	94	45	89	134
Other	0	0	0	0	0	0
Fedl Hwys	0	0	50	0	0	0
TOTAL	445	445	183	418	128	546
Dept of Ag						
TOTAL	2	2	10	2	0	2
Dept of Defense						
TOTAL	0	325	345	14	307	321
Dept of HHS						
ADAMHS BG	122	122	14	124	14	138
State Treatent Grants	0	100	170	0	163	163
NIDA SW Border	0	3	0	0	0	0
Community Grants	0	69	0	0	29	29
Research on children	0	34	0	0	0	0
Prevention Network	0	15	0	7	0	7

Risk Factors	0	3	0	0	0	0
Assist DoL, DED	0	9	0	0	0	0
NIDA	92	92	129	111	27	138
NIAAA	0	0	69	0	3	3
IHS-Services	0	0	16	0	16	16
IHS-Construction	0	0	9	0	6	6
Clearinghouse	0	0	0	0	3	3
Sub Abuse Prev Agency	0	0	45	5	44	49
Athlete Ed Comm	4	4	0	0	0	0
HHS Study	0	0	0	0	1	1
Treatment & Rehab	100	100	0	100	0	100
Transfer to VA	0	0	11	0	10	10
TOTAL	318	551	463	347	316	663
Dept of Labor						
TOTAL	0	0	3	0	3	3
ACTION	10	15	6	10	3	13
Dept of Ed						
TOTAL	3	100	200	3	200	203
Dept of Interior						
BIA-Operations	0	0	10	0	10	10
BIA-Construction	0	0	15	0	13	13
National Park Service	0	0	1	0	1	1
Territorial Affairs	0	0	12	0	0	0
TOTAL	0	0	38	0	24	24
EXOP						
WH Drug Abuse Conf	0	0	2	0	5	5
Govt-wide Test. & Assist.**	62	118	0	62	0	62
Southeast Border	0	100	0	0	0	0
D&M - SW Border	0	33	0	0	0	0
Judiciary						
S & E	0	0	12	0	12	12
Defender Services	0	0	18	0	18	18
Jurors/Commissioners Fees	0	0	7	0	7	7
TOTAL	0	0	37	0	37	37
TOTAL	2282	3173	2370	2287	1620	3907

NOTE: Title 11 in the CR contains appropriations to fund the drug authorization bills.

FOOTNOTES

*NOTE: In the CR, shown is \$15 million of \$300 million of DOD funds added by Congress for the Coast Guard. This \$15 million is earmarked for Coast Guard law enforcement personnel assigned to Navy ships.

**NOTE: Nothing in the Senate or House versions precludes agencies from shifting non-drug resources to drug testing and assistance programs as a result of the Executive Order.

***NOTE: The Customs authorization number includes \$10 million for a joint U.S.-Bahamian Task Force.

****NOTE: All BOP and Support numbers are shown as 1/3 of the actual amount to reflect the percentage of the prison population incarcerated.

SUMMARY OF DRUG LEGISLATION
(in millions)

Program *****	President 1987 -----		Drug Authori- zation Bill As Enrolled *****	Conference CR -----		
	Request *****	Request + Initiative *****		Title I *****	Title II *****	Total *****
Dept of Justice	924	956	386	906	379	1285
Dept of Treasury	445	455	617	460	160	620
Dept of State	73	73	80	65	58	123
Dept of Transportation	445	445	183	418	128	546
Dept of Agriculture	2	2	10	2	0	2
Dept of Defense	0	325	345	14	307	321
Dept of Health and Human Services	318	551*	463	347	316	663
Dept of Labor	0	0	3	0	3	3
ACTION	10	15	6	10	3	13
Dept of Education	3	100	200	3	200	203
Dept of Interior	0	0	38	0	24	24
EXOP	0	0	2	0	5	5
Govt.-wide Testing and Assistance	62	118	0	62	0	62
Southeast Border	0	100	0	0	0	0
O&M - Southwest Border	0	33	0	0	0	0
Judiciary	0	0	37	0	37	37
TOTAL	2282	3173	2370 *	2287	1620	3907

*NOTE: The President's drug initiative proposed \$891,000,000 in addition to the 1987 Budget.
The authorizations in the drug bill total \$2,370,000,000 and include some of the provisions from the President's Budget.

STATEMENT BY THE PRESIDENT

As I stated in my remarks at the signing ceremony for this bill, I am pleased to sign the Anti-Drug Abuse Act of 1986.

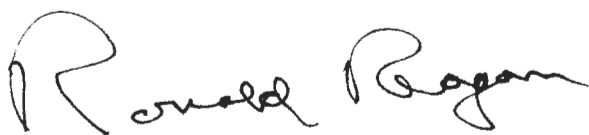
One other matter concerning the Act is worthy of note. This Act contains several important provisions reforming the Freedom of Information Act (FOIA) that will considerably enhance the ability of Federal law enforcement agencies such as the Federal Bureau of Investigation and the Drug Enforcement Administration to combat drug offenders and other criminals. My Administration has been seeking such reforms since 1981.

These FOIA reforms substantially broaden the law enforcement exemptions in that Act, thereby increasing significantly the authority of Federal agencies to withhold sensitive law enforcement documents in their files. The statutory language changes make clear, for example, that any Federal law enforcement information relating to pending investigations or confidential sources may be withheld if its disclosure could reasonably be expected to cause an identified harm. The Act also includes, for the first time, special exclusions whereby certain law enforcement records would no longer be subject to the requirements of the FOIA under particularly sensitive, specified circumstances.

Additionally, this Act makes several changes with respect to the charging of fees under the FOIA. Agencies will now be able to charge and recover the full costs of processing requests for information under the FOIA, consistent with the Federal user fee concept, in the large number of cases in which FOIA requests are made for "commercial" purposes, a term that has been broadly construed in other contexts of the FOIA. At the same time, the Act will somewhat limit the fees

applicable to noncommercial educational or scientific institutions and to bona fide representatives of established news media outlets. It is important that no such special treatment is accorded to organizations engaged in the business of reselling government records or information.

Finally, the bill improves the standard governing the general waiver of FOIA fees, by mandating that such waivers be granted only where it is established that disclosure is in the "public interest" because it is likely to "contribute significantly to public understanding" of the operations or activities of the government. This standard is intended to focus upon benefits to the public at large, rather than upon the interest of a particular segment of the public, and thus clarifies the type of public interest to be advanced.

A handwritten signature in black ink, reading "Ronald Reagan". The signature is fluid and cursive, with the first name "Ronald" and last name "Reagan" clearly distinguishable.

Historical File



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

OCT 27 1986

Received SS

1986 OCT 27 AM 10:46

MEMORANDUM FOR DAVID L. CHEW

FROM: James E. Miller III
Director

SUBJECT: Department of Justice Signing Statement for
Anti-Drug Abuse Act - H.R. 5484

The Department of Justice has submitted a signing statement (attached) for "delivery at the signing ceremony for H.R. 5484, the Anti-Drug Abuse Act of 1986."

The proposed signing statement generally (1) clarifies how a bill provision will be interpreted; (2) highlights certain positive provisions of the bill; (3) expresses regret about certain omissions -- e.g., the death penalty -- from the bill; (4) expresses pleasure that certain provisions are not included in the bill; and (5) expresses concern about some of the bill's other provisions.

With respect to Justice's concerns about some of the bill's provisions, the signing statement objects strenuously to Title XII -- Commercial Motor Vehicle Safety Act of 1986 -- as a nongermane amendment that raises "federalism concerns." It states that "I intend to seek the repeal of the provisions . . . at the earliest possible date."

Generally, Title XII would prohibit drivers in interstate and intrastate commerce from having more than one commercial driver license and would require the Department of Transportation (DOT) to develop uniform minimum standards for the States to use in licensing commercial drivers. DOT advises that, while it would have preferred to address these matters through its existing regulatory authorities, it does not object to Title XII. DOT also advises that, as enrolled, Title XII has been modified to address some of its earlier concerns when the Title was considered as a freestanding bill (S. 1903).

While we should not dismiss Justice's concerns about the federalism issues associated with Title XII, I think it would be inappropriate for the President to state his intention to seek its repeal in connection with a signing ceremony on the anti-drug abuse bill. This would not, of course, preclude the Administration from carefully considering Justice's repeal recommendation. If appropriate, and after consultation with concerned agencies, repeal legislation could be proposed next year.

c: Peter Wallison
Jack Carley

Attachment



U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 24, 1986

Honorable James C. Miller III
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Jim:

Attached please find a revised copy of our draft Presidential signing statement for delivery at the signing ceremony for H.R. 5484, the Anti-Drug Abuse Act of 1986. Of particular importance to the Department is a new paragraph at the bottom of page one relating to the Money Laundering Control Act of 1986, a key element of the overall package, and language appearing on pages five and six relating to Title XII of the bill, the Commercial Motor Vehicle Safety Act of 1986. The latter raises significant federalism issues. Both of these additions have had the personal attention of the Attorney General and are transmitted to you with his personal recommendation that they be included in any formal statement delivered by the President next Monday, October 27.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold I. Burns".

Arnold I. Burns
Deputy Attorney General

Enclosure

Signing Statement for H.R. 5484, The Anti-Drug Abuse Act of 1986

It is a pleasure to sign into law today the Anti-Drug Abuse Act of 1986, a comprehensive drug control measure which marks a further commitment to attacking the drug epidemic which threatens to undermine our youth and our society itself. In most important respects, this measure corresponds with the Drug Free America Act of 1986 which I submitted to the Congress on September 15. Like that measure, the bill before me today includes strong new enforcement measures based upon prior Administration proposals for tougher penalties, including mandatory sentences, for drug trafficking and drug possession; stronger laws to curb the money laundering associated with drug trafficking; new laws to address the growing problem of controlled substance analogs; forfeiture law improvements; measures to strengthen the ability of the Coast Guard and the Customs Service to interdict drugs being smuggled into the United States; and other overdue international and enforcement related measures. On the demand side, the Anti-Drug Abuse Act includes new funding authority for drug education and drug treatment programs throughout the nation. Taken together these provisions constitute a landmark drug law.

✓ The new Money Laundering Control Act of 1986, in particular, constitutes major criminal legislation. It will help us strike a blow against the money launderers without whom drug traffickers could not reap the profits. This legislation will make money laundering itself a crime, improve our ability to investigate it and previously enacted related crimes, and encourage financial

- 2 -

institutions to cooperate with law enforcement by making it clear that the Right to Financial Privacy Act permits them to volunteer information to the Government of possible wrongdoing in sufficient detail to warrant law enforcement agencies obtaining the necessary grand jury subpoenas or search warrants to get the financial records that will help establish this wrongdoing.

The strong support for the Department of State's narcotic control program is a gratifying endorsement of our policy of bilaterally expanding eradication and interdiction programs while rallying the world community to a global control effort. We have been given major new resources to meet a growing challenge.

Congress has given us another important diplomatic lever; we intend to use the certification process to highlight the accomplishments of cooperating nations and to promote improved efforts where cooperation has been inadequate.

I do regret, however, that Congress has confused the issues by earmarking the eradication budget for Mexico and withholding one million dollars in eradication funds pending the successful prosecution of the murderers of DEA Agent Camarena and the persons who assaulted DEA Agent Cortez. This is a program that benefits the United States, not simply Mexico. We will all lose by this action.

- 3 -

[The "Controlled Substance Analog Enforcement Act of 1986," set forth in Title I, Subtitle E, is worthy of particular note because it addressed the growing problem of synthetic drugs. This provision defines "controlled substance analogs" in three different ways. I sign this bill on the understanding that there are three alternative definitions for this term even though the word "or" is not inserted between the second and third definition. I have been informed that it was the clear intention of the Congress that three separate definitions be provided to insure that this provision could be meaningfully enforced.]

[NOTE: CHECK ENROLLED BILL TO SEE IF WORD "OR" WAS INSERTED. IT DOES NOT APPEAR IN THE CONGRESSIONAL RECORD.]

This bill contains several important provisions reforming the Freedom of Information Act (FOIA), that will considerably enhance the ability of federal law enforcement agencies such as the Federal Bureau of Investigation and the Drug Enforcement Administration to combat drug offenders and other criminals. My Administration has been seeking such reforms since 1981.

These FOIA reforms substantially broaden the law enforcement exemptions in that Act, thereby increasing significantly the authority of federal agencies to withhold sensitive law enforcement documents in their files. The statutory language changes make clear, for example, that any federal law enforcement information relating to pending investigations or confidential

- 4 -

sources may be withheld if its disclosure could reasonably be expected to cause an identified harm. The Act also includes, for the first time, special exclusions whereby certain law enforcement records would no longer be subject to the requirements of the FOIA under particularly sensitive, specified circumstances.

Additionally, this bill makes several changes with respect to the charging of fees under the FOIA. Agencies will now be able to charge and recover the full costs of processing requests for information under the FOIA, consistent with the federal user fee concept, in the large number of cases in which FOIA requests are made for "commercial" purposes, a term which has been broadly construed in other contexts of the FOIA. At the same time, the Act will somewhat limit the fees applicable to noncommercial educational or scientific institutions and to bona fide representatives of established news media outlets. Significantly, no such special treatment is accorded to organizations merely engaged in the business of reselling government records or information.

Finally, the bill improves the standard governing the general waiver of FOIA fees, by mandating that such waivers be granted only where it is established that disclosure is in the "public interest" because it is likely to "contribute significantly to public understanding" of the operations or

- 5 -

activities of the government. This standard appropriately focuses upon the public at large rather than the interest of a particular requester.

I regret that filibuster threats prevented inclusion in the Act of death penalty and exclusionary rule reform provisions which enjoy overwhelming bipartisan majority support in both the House and Senate and among the general population. We must not permit a determined minority to frustrate the will of the people again on these important issues.

✓ As with other bills enacted in the closing days of a Congress, H.R. 5484 became a vehicle for non-germane amendments, some of which raise serious concerns. For example, Title XII, the Commercial Motor Vehicle Safety Act of 1986, effects a significant nationalization of the regulation of operators of commercial motor vehicles through establishment of minimum federal standards for testing and ensuring the fitness of operators, minimum uniform standards for the States' issuance of licenses, and a uniform national standard for defining the offense of driving a commercial motor vehicle while under the influence of alcohol. The States are required to adopt programs and laws embodying these federal standards, or face the loss of federal highway funds.

I share the concerns about safety and fraud that led Congress to pass Title XII. I believe, however, that this legislation represents such a substantial intrusion into traditional state responsibilities as to endanger the fundamental structure of federalism that underlies our system of government. Matters of public safety, including highway safety, are at the core of the States' sovereign interests. Accordingly, the States have always had the primary role in the regulation of the operators of commercial motor vehicles. Title XII goes a long way toward ousting the States from that role. Not only does it preempt a significant amount of state regulatory authority, but it also disregards state sovereignty by ordering the States, on pain of losing federal highway funds, to take specific regulatory actions. I regard this measure as an abuse of the national government's spending power. To the extent there are safety problems common to the States, encouragement of uniform state laws and interstate compacts, rather than national regulatory legislation, is the appropriate course.

Since I am enthusiastically signing the drug legislation of which Title XII is a part, I must accept the Title, albeit over the most strenuous objections. Because of these federalism concerns, however, I intend to seek the repeal of the provisions of Title XII at the earliest possible date.

- 7 -

I am also concerned about certain specific provisions in the Act which constitute attempts by the Congress to mandate certain executive actions. One example is the provision allocating surveillance aircraft to two different agencies even though the National Drug Enforcement Policy Board is in the process of studying this issue now. I sign this legislation on the understanding that specific allocations made in this legislation are subject to change under the terms and mechanisms established by the National Narcotics Act of 1984.

Returning to the more positive side, I am pleased to note that this bill does not include some very bad ideas which were proposed. It is a credit to the Department of Defense that it led the successful fight against the provision which would have involved the military directly into the drug interdiction effort. Such measures, while having obvious superficial appeal, jeopardize two hundred years of American tradition of civilian rule and would not have been effective to stop drug trafficking. Similarly, the so-called "drug czar" provision was not included in this bill. That proposal, while also enjoying superficial appeal, would jeopardize two centuries of cabinet organization of the Executive Branch and is clearly inconsistent with the concept of having a National Drug Enforcement Policy Board just established in 1985.

In sum, this is an important measure that on balance will dramatically enhance our ability to move toward the goal of a drug free America. I salute the Congress for working together in the best bipartisan tradition to make this measure a reality and I give my pledge that the Executive Branch will strive to use these new weapons and resources effectively in seeking to curb our common enemy: the scourge of illegal drugs.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/25/86

ACTION/CONCURRENCE/COMMENT DUE BY:

11:00 AM MONDAY 10/27

ENROLLED BILL H.R. 5484 - Anti-Drug Abuse Act of 1986

SUBJECT:

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER <i>Conlan</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	THOMAS <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON <i>See memo</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	TURNER <i>see note</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	COURTEMANCHE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MASENG <i>fine</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GIBSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

CLERK

Please provide any comments/recommendations on the attached enrolled bill memo directly to my office by 11:00 AM on Monday.

Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



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

October 27, 1986

Received 5:5
1986 OCT 27 PM 1:39

MEMORANDUM FOR DAVID CHEW

FROM: S.A. Steve Tupper

SUBJECT: Enrolled Bill H.R. 5484 -- Anti-Drug Abuse
Act of 1986

OMB has no comments on the subject enrolled bill. However, attached is an updated summary chart which should replace Attachment B to the enrolled bill. We have given a copy of the chart directly to Tom Gibson.

Attachment

SUMMARY OF DRUG LEGISLATION
(in millions)

October 24, 1986

Program *****	President 1987 -----		Drug Authori- zation Bill As Enrolled -----	Conference CR -----		
	Request *****	Request + Initiative *****		Title I *****	Title II *****	Total *****
Dept of Justice						
DEA	411	437	60	420	60	480
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Prevention Network	0	15	0	7	0	7

Risk Factors	0	3	0	0	0	0
Assist DoL, DED	0	9	0	0	0	0
NIDA	92	92	129	111	27	138
NIAAA	0	0	69	0	3	3
IHS-Services	0	0	16	0	16	16
IHS-Construction	0	0	9	0	6	6
Clearinghouse	0	0	0	0	3	3
Sub Abuse Prev Agency	0	0	45	5	44	49
Athlete Ed Comm	4	4	0	0	0	0
MHS Study	0	0	0	0	1	1
Treatment & Rehab	100	100	0	100	0	100
Transfer to VA	0	0	11	0	10	10
TOTAL	318	551	463	347	316	663
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TOTAL	0	0	3	0	3	3
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Dept of Ed						
TOTAL	3	100	200	3	200	203
Dept of Interior						
BIA-Operations	0	0	10	0	10	10
BIA-Construction	0	0	15	0	13	13
National Park Service	0	0	1	0	1	1
Territorial Affairs	0	0	12	0	0	0
TOTAL	0	0	38	0	24	24
EXDP						
MM Drug Abuse Conf	0	0	2	0	5	5
Govt-wide Test. & Assist.**	62	118	0	62	0	62
Southeast Border	0	100	0	0	0	0
DM - SW Border	0	33	0	0	0	0
Judiciary						
S & E	0	0	12	0	12	12
Defender Services	0	0	18	0	18	18
Jurors/Commissioners Fees	0	0	7	0	7	7
TOTAL	0	0	37	0	37	37
TOTAL	2282	3173	2370	2287	1620	3907

NOTE: Title 11 in the CR contains appropriations to fund the drug authorization bills.

FOOTNOTES

*NOTE: In the CR, shown is \$15 million of \$300 million of DOD funds added by Congress for the Coast Guard. This \$15 million is earmarked for Coast Guard law enforcement personnel assigned to Navy ships.

**NOTE: Nothing in the Senate or House versions precludes agencies from shifting non-drug resources to drug testing and assistance programs as a result of the Executive Order.

***NOTE: The Customs authorization number includes \$10 million for a joint U.S.-Bahamian Task Force.

****NOTE: All BDP and Support numbers are shown as 1/3 of the actual amount to reflect the percentage of the prison population incarcerated for drug crimes.



WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/25/86 ACTION/CONCURRENCE/COMMENT DUE BY: 11:00 AM MONDAY 10/27

ENROLLED BILL H.R. 5484 - Anti-Drug Abuse Act of 1986

SUBJECT: _____

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	COURTEMANCHE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GIBSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

CLERK

Please provide any comments/recommendations on the attached enrolled bill memo directly to my office by 11:00 AM on Monday.

Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



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

OCT 25 1986

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5484 - Anti-Drug Abuse Act of 1986
Sponsors - Rep. Wright (D) Texas and 300 others

Last Day for Action

Purpose

To (1) promote excellence in education by promoting a drug-free environment in the Nation's schools; (2) make improvements in substance abuse programs; (3) strengthen drug interdiction efforts; and (4) enhance law enforcement capabilities in the fight against illegal drugs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of Education	Approval
Department of Health and Human Services	Approval
Department of State	Approval
Department of the Interior	Approval
Office of Personnel Management	Approval
Department of Transportation	Approval
Department of the Treasury	No objection

Discussion

-- Background

On September 16, 1986, you forwarded to the Congress a comprehensive set of legislative and related proposals to reduce drug use and drug trafficking in the United States. In so doing, you noted that the Administration had taken a number of important steps to combat drug abuse and drug trafficking. You also acknowledged, however, that much remained to be done if our Nation was to be purged of illegal drugs.

Your initiative was composed of a legislative proposal entitled the "Drug-Free America Act of 1986," several budget amendments, and an Executive Order that underscored your conviction that drug use in the Federal workplace is not to be tolerated. Key components of your legislative proposals would have:

- o Enabled the Federal Government, as the Nation's largest employer, to set an example in assuring a drug-free workplace;
- o Assisted State and local Governments in establishing drug-free environments in elementary and secondary schools;
- o Extended the block grant under which funds are made available to the States for alcohol and drug abuse and mental health programs;
- o Emphasized the need for increased and better international cooperation in the fight against illegal drugs;
- o Enhanced the authorities and resources of drug law enforcement agencies; and
- o Encouraged increased cooperation between the private sector and the Federal Government in educating the public to the hazards of drug abuse.

-- Description of the Enrolled Bill

The enrolled bill, which passed both Houses by voice vote, responds in various and positive ways to each of the Administration's proposals. Its key provisions are highlighted in Attachment "A." A summary of the budget impact of H.R. 5484, including a comparison of the bill to the original 1987 budget request and the Administration's comprehensive drug initiative, is attached to this memorandum at Attachment "B."

-- Conclusion

The enrolled bill is a remarkable achievement and promises to play a major and continuing role in our Nation's fight against the scourge of illegal drugs. For this reason, I join the major departments in recommending approval of H.R. 5484. The Department of Justice has prepared a proposed signing statement, which has been forwarded separately. Justice's proposed signing statement generally (1) explains how a provision of the bill will be interpreted; (2) highlights certain desirable features of the bill; (3) expresses regret about certain omissions (e.g., the death penalty); (4) expresses pleasure that certain provisions are not included in the bill (e.g., creation of a drug "tsar"); and (5) expresses concern about some of the bill's other provisions.

James A. Baker III
Director



Enclosures

SUMMARY OF THE ANTI-DRUG ABUSE ACT OF 1986 - H.R 5484

TITLE I - ANTI-DRUG ENFORCEMENT

Subtitle A - Narcotic Penalties and Enforcement Act of 1986

Subtitle A of title I would generally toughen penalties available in Federal criminal drug cases. In particular, it would: lower the quantity of drugs that the Government would have to show were involved in a drug case in order to sustain a prosecution and impose enhanced penalties; permit the imposition of increased fines for convicted defendants; and increase maximum prison terms in drug cases.

Subtitle B - Drug Possession Penalty Act of 1986

Subtitle B would strengthen Federal sanctions against simple possession of controlled substances. Fines of between \$1,000 and \$5,000 and up to one year imprisonment would be authorized for first offenses, increasing to fines of \$5,000 and \$25,000 and mandatory prison terms of between 90 days and three years for defendants with two or more previous convictions.

Subtitle C - Juvenile Drug Trafficking Act of 1986

Subtitle C would establish additional penalties for persons who employ or use juveniles (i.e., persons under the age of 18) in drug trafficking. A convicted defendant would be subject to an increased prison term and an increased fine (i.e., double the otherwise applicable prison term and fine for a first offender and triple the applicable prison term and fine for repeat offenders). The enrolled bill would also strengthen current law -- which prohibits the distribution of controlled substances within 1,000 feet of a public or private elementary or private school -- to include the manufacture of controlled substances. In addition, institutions of higher learning would be covered for the first time.

Subtitle D - Assets Forfeiture Amendments Act of 1986

Subtitle D would clarify the purposes for which funds deposited in the Justice and Customs forfeiture funds may be employed (e.g., for purchasing or leasing certain computer equipment). It would also permit the forfeiture of substitute assets, if an asset obtained with drug money, or drug money itself, is beyond the Government's reach (e.g., in an offshore bank account).

Subtitle E - Controlled Substance Analogue Enforcement
Act of 1986

Subtitle E would treat a "controlled substance analogue" (i.e., a designer drug) as if it were a schedule I controlled substance under the Controlled Substances Act (i.e., a substance, such as heroin, for which there is no accepted medical use). A "controlled substance analogue" is defined to include a substance the chemical structure of which is substantially similar to the chemical structure of a schedule I or schedule II controlled substance or which is intended to have a substantially similar effect. The bill is intended to address the practice employed by distributors of illicit drugs of slightly altering the chemical structures of drugs on either schedules I or II and producing substantially identical drugs. Because these "cloned" drugs are not on either schedule, their manufacturers and distributors are not subject to prosecution.

Subtitle F - Continuing Drug Enterprise Act of 1986

Subtitle F would permit the imposition of enhanced penalties (e.g., up to life imprisonment) with respect to certain defendants convicted of being the principals in "continuing criminal enterprises" (i.e., major drug traffickers).

Subtitle G - Controlled Substances Import and Export Act
Penalties Enhancement Act of 1986

Subtitle G would generally amend the Controlled Substances Import and Export Act to conform the penalties for import and export offenses to those that would be established by subtitle A of this title for violations of other Federal drug laws. Subtitle G would also conform the specific quantities of controlled substances which trigger the imposition of enhanced penalties to the quantities and substances contained in subtitle A.

Subtitle H - Money Laundering Control Act of 1986

Subtitle H would make money laundering -- the practice by which criminals disguise their illegally obtained funds to hide them from law enforcement authorities -- a Federal criminal offense. (Money laundering is usually accomplished by passing funds through accounts at banks or other depository institutions, or even moving the funds offshore.) The bill would authorize a convicted defendant to be sentenced to up to 20 years imprisonment, as well as the imposition of fines.

Subtitle I - Career Criminals Amendment Act of 1986

Under current law, a "career criminal" (i.e., a person with three or more previous convictions for robbery or burglary) is subject to a penalty of no less than 15 years imprisonment if convicted of the offense which prohibits a previously-convicted felon from carrying firearms. Subtitle I would broaden the class of predicate offenses that qualify an offender as a "career criminal." Included would be offenders with prior convictions for "serious drug offenses" or "violent felonies."

Subtitles J and K - Authorization of Appropriations for Drug Law Enforcement

Subtitle J would authorize additional appropriations for 1987 for the Department of Justice and other agencies and for grants to the States for use in the fight against drug trafficking. In particular, the following amounts would be authorized: \$60 million for the Drug Enforcement Administration; \$124.5 million for the Federal Prison System; \$18 million for the Judiciary for Defender Services; \$7.5 million for the Judiciary for the fees and expenses of jurors and commissioners; \$5 million for the Office of Justice Assistance for a pilot prison capacity study; \$5 million for the support of Federal prisoners in non-Federal facilities; \$31 million for United States Attorneys; \$17 million for the United States Marshals Service; \$7 million for secure voice radios for the Secret Service and the Federal Bureau of Investigation; and \$230 million for each of 1987-1989 for grants to the States for drug law enforcement programs.

Subtitle L - Study on Use of Existing Federal Buildings as Prisons

The Secretary of Defense would be required to report to the Attorney General with respect to which existing Defense Department facilities, if any, which could be used as prisons. Copies of the report would have to be furnished to the Congress.

Subtitle M - Narcotics Traffickers Deportation Act

Subtitle M would eliminate an unnecessary distinction that exists under current law with respect to deportation. At present, a sentencing judge is permitted to make a binding recommendation to the Attorney General that an alien convicted of a variety of criminal offenses not be deported. An exception -- which permits the Attorney General to override such a judicial determination -- exists with respect to offenses involving narcotic drugs, marijuana, or cocaine, but not other controlled substances. Subtitle M would permit deportation for all controlled substance offenses.

Subtitle N - Freedom of Information Reform Act of 1986

Subtitle N would amend the Freedom of Information Act (FOIA) in a number of respects, substantially broadening its law enforcement exemptions. The amendments make clear, for example, that any Federal law enforcement records concerning pending investigations or confidential sources may be withheld if their disclosure could reasonably be expected to cause identifiable harm. This subtitle also amends the FOIA to add special additional exclusions under which certain law enforcement records would no longer be subject to disclosure under particularly sensitive, specified circumstances. In addition, each agency would be required to promulgate a schedule of fees for processing Freedom of Information Act requests. These fee schedules would have to be based on guidelines to be developed by this Office and published in the Federal Register.

Subtitle O - Mail Order Drug Paraphernalia Act

Subtitle O would make it a Federal criminal offense to mail, ship in interstate commerce, import, or export "drug paraphernalia" (e.g., any product whose purpose is to enable the unlawful introduction of controlled substances into the human body). A conviction would carry a fine of up to \$100,000 and a prison term of up to three years.

Subtitle P - Manufacturing Operations

Subtitle P would make it a Federal criminal offense to maintain any place (e.g., a "crack house") for the purpose of manufacturing, distributing, or using of controlled substance. A conviction would carry a fine of up to \$500,000 (\$2 million if the defendant is other than an individual) and a prison term of up to 20 years.

Subtitle Q - Controlled Substances Technical Amendments

Subtitle Q would make a number of minor technical amendments related to controlled substances. It would also give the Administrative Office of the United States Courts permanent authority to contract for aftercare (e.g., counseling and medical services) for drug dependent offenders and would expand the program to include alcohol-dependent offenders. The bill would authorize appropriations of \$12 million in 1987, \$14 million in 1988, and \$16 million in 1989 for the aftercare program.

Subtitle R - Precursor and Essential Chemical Review

Subtitle R would require the Attorney General to conduct a study of the need for legislation, regulations, or other alternative methods to control the diversion of precursor and

essential chemicals (i.e., chemicals that are essential in the manufacture of controlled substances). The report would have to be submitted to the Congress within 90 days of enactment of the enrolled bill.

Subtitle S - White House Conference for a Drug Free America

Subtitle S would require the establishment of a "White House Conference for a Drug Free America," the members of which would be appointed by the President. The Conference would be given a broad charter to review all aspects of drug abuse and drug law enforcement in the United States. The Conference would be required to report to the President with respect to its findings and recommendations within six months of enactment of the enrolled bill, and the President would be required to report to the Congress annually for three years on the status of each of the Conference's recommendations. The enrolled bill would authorize \$2 million for the Conference for 1988.

Subtitle T - Operation of a Common Carrier Under the Influence of Drugs or Alcohol

Subtitle T would make it a Federal criminal offense to operate a transportation common carrier (e.g., a commercial passenger aircraft) under the influence of alcohol or drugs. A conviction would carry a fine of up to \$10,000 and a prison term of up to 5 years, or both.

Subtitle U - Federal Drug Law Enforcement Agent Protection Act of 1986

Subtitle U would authorize the payment of a reward of up to \$100,000 for information leading to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

TITLE II - INTERNATIONAL NARCOTICS CONTROL

Title II would attempt to curb drug trafficking and abuse abroad in a number of ways. Key provisions would make funds available -- including earmarking -- for international narcotics assistance; acquiring aircraft to be used in narcotics control; providing training to those who operate and maintain narcotics control aircraft; protecting judicial and other officials from terrorist attacks; drug education programs; and other programs to increase awareness abroad of the problems associated with drug trafficking and abuse. The title would require that steps be taken in connection with the production of narcotics in certain specified countries (e.g., Mexico and Pakistan).

This title would also: amend the so-called "Mansfield amendment," which prohibits U.S. law enforcement officials from being present when drug traffickers are apprehended abroad, to

permit United States law enforcement officials to engage in arrests pertaining to narcotics control efforts if the Secretary of State, in consultation with the Attorney General, determines that to prohibit such authority would be harmful to the interests of the United States; encourage the State Department in its current practice of issuing diplomatic, rather than official, passports to Drug Enforcement Administration officers stationed abroad; require reports concerning the status of extradition treaties with other countries insofar as they contemplate extradition for narcotics-related offenses; and impose restrictions on providing assistance to certain countries in which illegal drugs are produced.

The bill would authorize new appropriations of \$45 million for international narcotics control activities, which could not be appropriated until and unless the President submits a budget request for it. In addition, \$5 million would be authorized for educational programs abroad.

TITLE III - NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

Subtitle A - Department of Defense Drug Interdiction Activities

Subtitle A would authorize the following appropriations for the Defense Department (DOD): \$138 million for 4 refurbished or upgraded E2-C or similar surveillance aircraft and 4 replacement E2-C or similar aircraft; \$99.5 million for 7 radar aerostats; and \$40 million for 8 Blackhawk helicopters. Two of the upgraded or refurbished aircraft would have to be made available to the Coast Guard and two would have to be made available to the Customs Service. The radars and helicopters would be made available to agencies designated by the Drug Enforcement Policy Board.

Subtitle A would also require that \$15 million be transferred from the Navy to the Coast Guard; add 500 active duty military Coast Guard personnel; and place a floor of 500 on the number of Coast Guard personnel assigned to Navy ships or to law enforcement duties. In addition, \$45 million would be authorized to be appropriated to DOD for 1987 for installation of 360-degree radar systems on Coast Guard aircraft. The enrolled bill would also:

- o Require DOD to report to the Congress on drug education programs in schools operated by DOD;
- o Authorize DOD to assist in the enforcement of the drug laws in certain situations;

- o Require DOD to develop a plan -- subject to the approval of the Armed Services Committees of the House and the Senate -- with respect to rendering assistance to civilian law enforcement agencies;
- o Expand the existing penalties under the Uniform Code of Military Justice for driving under the influence of alcohol to include driving under the influence of a controlled substance; and
- o Authorize appropriations of \$7 million for 1987 for the Civil Air Patrol for use in drug interdiction activities.

Subtitle B - Customs Enforcement Act of 1986

Subtitle B would authorize appropriations for the Customs Service for 1987. It would also generally enhance the enforcement authorities of the Customs Service, create new Customs-related offenses, and increase Customs penalties. The bill would improve Customs' authority to conduct searches and seizures; change the manner in which forfeited property is disposed of; and authorize Customs to conduct commercial cover operations. In addition, Treasury's authority to exchange information with other countries would be clarified, and the laws governing the operation of aircraft in connection with drug trafficking would be strengthened.

Customs would be authorized appropriations of \$1.001 billion for salaries and expenses for 1987, of which: \$749.131 million would be for maintaining current operating levels; \$80.999 million would be for additional drug enforcement personnel; \$171.05 million would be for the air interdiction program; \$93.5 million would be for additional aircraft, communications equipment, and the like; and \$.35 million would be for a study of a low-level radar detection system. In addition, the Customs Forfeiture Fund would be extended for four years, through 1991.

Subtitle C - Maritime Drug Law Enforcement Prosecution Improvements Act of 1986

Subtitle C would enhance the ability of the Government to prosecute maritime drug traffickers. In particular, it would amend the Marijuana on the High Seas Act, under which most Coast Guard drug seizures are prosecuted, to make it a criminal offense for any person on board a vessel to manufacture, distribute, or or to possess a controlled substance with intent to manufacture or distribute. More importantly, a defendant would be prohibited from raising issues of international law jurisdiction at trial (e.g., United States' compliance with international law in seizing a vessel on the high seas or the status -- foreign or stateless -- of a seized vessel). The purpose of this latter

provision is to prohibit the litigation of peripheral issues and to focus prosecutions on whether defendants were, in fact, trafficking in controlled substances.

Subtitle D - Coast Guard Drug Interdiction Enhancement

Subtitle D would authorize additional appropriations for the Coast Guard of \$89 million for acquisition, construction, and improvements and \$39 million for operating expenses, to be used to increase the active duty strength level for Coast Guard personnel to 39,220.

Subtitle E - United States-Bahamas Drug Interdiction Task Force

Subtitle E would establish a joint United States-Bahamas Drug Interdiction Task Force, to be operated jointly by the Governments of the United States and the Bahamas. A total of \$15 million would be authorized to be appropriated for the activities of the Task Force.

Subtitle F - Command, Control, Communications and Intelligence Centers

Subtitle F would authorize appropriations of \$25 million for the Customs Service for the establishment of command, control, communications, and intelligence centers.

Subtitle G - Transportation Safety

Subtitle G would make it clear -- it is not, at present -- that a State is not precluded from enacting a criminal statute prohibiting the use or sale of a fraudulent aircraft registration certificate, the display of false aircraft markings, or similar conduct. The bill would also create a number of new aviation-related Federal criminal offenses (e.g., to operate an aircraft without proper lighting in connection with the transportation of controlled substances). Subtitle G would also require the Department of Transportation to conduct a study of the relationship between substance abuse and highway safety.

Subtitle H - Department of Justice Funds for Drug Interdiction in Hawaii

Subtitle H would authorize appropriations for the Justice Department of \$7 million in 1987 for additional drug interdiction activities in Hawaii.

Subtitle I - Federal Communications Commission

Subtitle I would authorize the Federal Communications Commission to revoke the radio license and seize the radio equipment of any person using such license or equipment for the distribution of controlled substances.

TITLE IV - DEMAND REDUCTION

Subtitle A - Treatment and Rehabilitation

Subtitle A would authorize appropriations of \$241 million for 1987 for (1) drug prevention activities, including the establishment of a new Office of Substance Abuse Prevention in the Department of Health and Human Services (HHS) and (2) special allotments to the States for alcohol and drug abuse treatment and rehabilitation. The enrolled bill would also reauthorize the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) of HHS's Alcohol, Drug Abuse, and Mental Health Administration (ADAHMA), and would authorize appropriations of \$198 million for fiscal year 1987 for ADAHMA's drug research activities, an amount that is \$11 million over the 1987 budget request.

The Secretary of HHS would be required to establish 3 new advisory councils, for NIDA, NIAAA, and the National Institute of Mental Health, respectively. Each advisory council would be required to make recommendations to the Secretary and the Director of the Institute for which it is appointed.

The new Office of Substance Abuse Prevention within ADAHMA, would be required to undertake a number of activities (e.g., sponsoring workshops on the prevention of drug and alcohol abuse, developing effective literature to combat drug and alcohol abuse, and supporting programs of clinical training for drug abuse professionals). The Office would also be required to establish a clearinghouse for information concerning alcohol and drug abuse.

With respect to a matter not directly related to the enrolled bill, HHS would be required to establish quality and manufacturing standards for infant formulas. Additional non-germane provisions of this title include the following, among others:

- o HHS would be required to conduct a study of alkyl nitrites ("poppers") with a view toward determining whether they should be classified as drugs;

- o It would be the "sense of the Congress" that (1) the laws of the States should not be amended to provide that possession or use of a controlled substance is not a criminal offense if such use or possession is a Federal offense; (2) HHS should focus additional attention on the dangers of alcohol abuse; and (3) the entertainment and motion picture industry should refrain from glamourizing or encouraging drug use;
- o HHS would be required to establish guidelines for the proper care of animals used in ADAHMA'S research, with which all recipients of research funds would have to comply; and
- o HHS would be required to arrange for a study by the National Academy of Science regarding alcoholism and alcohol abuse rehabilitation services.

Subtitle B - Drug-Free Schools and Communities Act of 1986

Subtitle B would authorize a new State-administered grant program to assist State and local governments in establishing drug-free learning environments and in preventing drug use among students. Key provisions would:

- o Authorize appropriations of \$200 million for 1987 and \$250 million for each of 1988 and 1989;
- o Require approximately 18 percent of the funds appropriated to be set aside for direct Federal grants to postsecondary institutions, regional training centers, programs for Indians and Hawaiian natives, and other Federal activities;
- o Allocate to States the remaining funds, of which 30 percent would be administered by State governors for broad-based drug education and prevention programs, and 70 percent would be administered by State educational agencies for school-based programs;
- o Require that at least 90 percent of the funds that a State educational agency receives be distributed as grants to local educational agencies; and
- o Require a local agency that applies to a State for funds to include a three-year plan for establishing and implementing a comprehensive drug abuse education plan.

Subtitle C - Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986

Subtitle C would respond to problems associated with alcohol and drug abuse among Indians. In particular, the enrolled bill would:

- o Require the Departments of Health and Human Services and the Interior to enter into a memorandum of understanding to determine the scope of alcohol and drug abuse among Indians;
- o Permit Indian tribes to adopt "Tribal Action Plans" to coordinate available resources and programs (authorizing \$1 million for each of 1987, 1988, and 1989);
- o Establish an Office of Alcohol and Substance Abuse in the Bureau of Indian Affairs in the Department of the Interior and require Interior to publish an alcohol and drug abuse newsletter for Indians;
- o Authorize the establishment of pilot programs in schools administered by the Bureau of Indian Affairs concerning the effectiveness of summer youth programs in reducing alcohol and drug abuse among Indians; and
- o Authorize the establishment of emergency shelters and half-way houses for Indian youth who are alcohol or drug abusers (authorizing a total of \$8 million for each of 1987, 1988, and 1989).

Subtitle C would also: expand the authorities of Indian tribal courts by increasing the limitations on the fines that they may impose from 6 months in jail and fine of up to \$500 to one year in jail and a fine of up to \$5,000; authorize funding for training Bureau of Indian Affairs and tribal law enforcement personnel (\$1.5 million for each of 1987, 1988, and 1989); require Interior to construct or renovate juvenile detention centers (authorizing a total of \$15 million for each of 1987, 1988, and 1989); require Interior to provide for the development of a Model Indian Juvenile Code; and require HHS and Interior to take a number of other steps to improve Indian alcohol and drug abuse treatment and rehabilitation (authorizing about \$25 million for each of 1987, 1988, and 1989).

Subtitle D - Miscellaneous

Other miscellaneous provisions of title IV of the enrolled bill would:

- o Authorize ACTION to mobilize and initiate private sector efforts for abuse prevention;
- o Establish a "National Trust for Drug-Free Youth;" and
- o Require the Labor Department to study drug abuse in the workplace and authorize the aggregate sum of \$3 million for 1987 and 1988 for that purpose.

TITLE V - UNITED STATES INSULAR AREAS DRUG ABUSE ACT OF 1986

Subtitle A - Programs in United States Insular Areas

Subtitle A would improve interdiction and the enforcement of drug laws in the Caribbean and Pacific territories and commonwealths of the United States. In particular, the enrolled bill would enhance the Federal law enforcement authorities of local law enforcement personnel in certain jurisdictions (e.g., American Samoa and the Northern Mariana Islands) and would make funds available for the acquisition of law enforcement equipment for these jurisdictions (e.g., \$7.8 million for Puerto Rico for aircraft and vessels and \$4 million for the Virgin Islands for vessels and for narcotics abuse programs).

Subtitle B - National Park Service Programs

Subtitle B would authorize \$1 million for 1987 and for each year thereafter for the National Park Police for training and equipment related to enforcement of the drug laws in the national parks.

TITLE VI - FEDERAL EMPLOYEE SUBSTANCE ABUSE EDUCATION AND TREATMENT ACT OF 1986

Title VI would, in large measure, restate existing law, which requires the Office of Personnel Management (OPM), in consultation with the Secretary of HHS, to establish employee prevention, treatment and rehabilitation programs to combat alcoholism and drug abuse and to report to the Congress on the results of the programs. OPM would also be required to conduct a program to educate Federal employees with respect to the dangers of drug and alcohol abuse, and each agency would be required to establish appropriate drug abuse and prevention programs for its employees, in accordance with guidelines to be issued by OPM. In addition, the Secretary of HHS would be required, by contract with the National Academy of Science, to conduct a study of the sources and adequacy of substance abuse treatment.

TITLE VII - NATIONAL ANTIDRUG REORGANIZATION AND COORDINATION ACT

Title VII would require the President, no later than six months after enactment of the enrolled bill, to submit legislative recommendations to the Congress to reorganize the Executive branch to combat drug trafficking and abuse more effectively. The President would be required to consult with the Comptroller General, State and local authorities, and key Federal agencies with drug-related responsibilities.

TITLE VIII - PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG
ABUSE PREVENTION ACT

Title VIII would establish the "President's Media Commission on Alcohol and Drug Abuse Prevention." The Commission, which would be comprised of 12 members appointed by the President, would be required to undertake a number of actions to assist in the implementation of new programs and national strategies for the dissemination of information about alcohol and drug abuse. The Commission would be required to report to the Congress on an annual basis and would terminate in three years, unless it is extended by the President by Executive Order.

TITLE IX - NARCOTICS CONTROL TRADE ACT

Title IX would require the denial of certain trade preferences under the Generalized System of Preferences, the Caribbean Basin Economic Recovery Act, or any other law extending preferential trade treatment to any country which the President determines has been uncooperative in the fight against the production and transportation of illegal drugs. In addition, the President would not be permitted to allocate any sugar quota to any country which he determines is failing to cooperate with the United States in narcotics enforcement activities or which has a government that is involved in the illicit drug trade.

TITLE X - BALLISTIC KNIFE PROHIBITION ACT OF 1986

Title X would make it a Federal criminal offense to possess, manufacture, sell, import, or mail a "ballistic knife" (i.e., a knife with a detachable blade that is propelled by a spring-operated mechanism). A conviction would carry a prison term of up to 10 years and a fine, or both. Anyone using a ballistic knife in the commission of a crime of violence would be subject to an additional penalty of a fine and imprisonment of between 5 and 10 years.

TITLE XI - HOMELESS ELIGIBILITY CLARIFICATION ACT

Title XI would make a number of amendments unrelated to the remainder of the enrolled bill. In particular, title XI would:

- o Facilitate the participation of the homeless in the Food Stamp program (through September 30, 1990);
- o Clarify that that the homeless are eligible to participate in programs under the Job Training Partnership Act;

- o Ensure that the homeless are not barred from obtaining benefits under the Supplemental Security Income, Medicaid, and Aid to Families with Dependent Children programs, because they do not reside in a permanent dwelling; and
- o Provide that veterans benefits may not be denied an applicant because he or she does not have a mailing address.

TITLE XII - COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Title XII would incorporate the provisions of S. 1903, as reported by the Senate Committee on Commerce, Science, and Transportation, and would also make a series of amendments unrelated to the remainder of H.R. 5484. In general, title XII would prohibit drivers in interstate and intrastate commerce from having more than one commercial driver license and would require the Department of Transportation (DOT) to develop uniform minimum standards for the States to use in licensing commercial drivers. DOT would also be required to ensure that a commercial driver license information system is established so that a State can (1) determine if a license applicant already has another license and (2) exchange driver record information to ensure that unsafe drivers do not operate commercial motor vehicles. \$50 million would be authorized for each of 1987 and 1988 for DOT's Motor Carrier Safety Assistance Program. \$60 million would be authorized for each of 1989, 1990, and 1991.

TITLE XIII - WRONGFUL USE OF CYANIDE

Title XIII would require the Environmental Protection Agency to conduct a study of the manufacturing and distribution processes for cyanide, with a view toward protecting the public from wrongful cyanide use.

TITLE XIV - SENATE POLICY REGARDING FUNDING

Title XIV would announce that it is the sense of the Senate that funds authorized to carry out the provisions of the enrolled bill should be provided as new budget authority in H.J. Res. 738, the recently-enacted Continuing Resolution.

TITLE XV - NATIONAL FOREST SYSTEM DRUG CONTROL ACT OF 1986

Title XV would enhance the law enforcement authorities of the National Forest Service. In particular, not to exceed 500 employees of the Forest Service would be authorized, within the boundaries of the National Forest System, to carry firearms, conduct drug investigations, make arrests, serve warrants and other legal process, and conduct searches and seizures. These authorities would have to be exercised under an agreement between the Secretary of Agriculture and the Attorney General. In

addition, title XV would authorize appropriations of \$10 million "for each fiscal year" to implement the title. Title XV would also make it a Federal criminal offense to place a "boobytrap" on Federal land where controlled substances are being manufactured or dispensed. A first offense would carry a penalty of up to 10 years in prison and a fine of up to \$10,000. Second and subsequent offenses would be punishable by a prison term of up to 20 years and a fine of up to \$20,000.

SUMMARY OF DRUG LEGISLATION
(in millions)

October 24, 1986

Program =====	President 1987 -----		Drug Authori- zation Bill As Enrolled -----	Conference CR -----		
	Request =====	Request + Initiative =====		Title I =====	Title II =====	Total =====
Dept of Justice						
DEA	411	437	60	420	60	480
FBI	117	117	2	117	2	119
US Attorneys	69	75	31	572	31	603
US Marshals	84	84	17	142	17	159
BOP	198	198	125	240	42	282
INS	1	1	0	1	0	1
OJP	44	44	230	191	225	416
Support	0	0	5	18	2	20
Genl. Adm.	0	0	7	0	0	0
TOTAL	924	956	386	1701	379	2080
Dept of Treasury						
Customs	374	384	604	392	147	539
IRS	64	64	0	61	0	61
BATF	7	7	0	7	0	7
Secret Service	0	0	5	0	5	5
Payments to Puerto Rico	0	0	8	0	8	8
TOTAL	445	455	617	460	160	620
Dept of State						
Intl Marco Mat	65	65	75	65	53	118
AID	8	8	3	0	3	3
USIA	0	0	2	0	2	2
TOTAL	73	73	80	65	58	123
Dept of Trans						
Coast Guard						
Operations	386	386	39	373	39	412
Capital	59	59	94	45	89	134
Other	0	0	0	0	0	0
Fedl Hays	0	0	50	0	0	0
TOTAL	445	445	183	418	128	546
Dept of Ag						
TOTAL	2	2	10	2	0	2
Dept of Defense						
TOTAL	0	325	345	14	307	321
Dept of HHS						
ADAMS BG	122	122	14	124	14	138
State Treatment Grants	0	100	170	0	163	163
NIDA SM Border	0	3	0	0	0	0
Community Grants	0	69	0	0	29	29
Research on children	0	34	0	0	0	0
Prevention Network	0	15	0	7	0	7

Risk Factors	0	3	0	0	0	0
Assist DoL, DEd	0	9	0	0	0	0
NIDA	92	92	129	111	27	138
NIAAA	0	0	69	0	3	3
IHS-Services	0	0	16	0	16	16
IHS-Construction	0	0	9	0	6	6
Clearinghouse	0	0	0	0	3	3
Sub Abuse Prev Agency	0	0	45	5	44	49
Athlete Ed Comm	4	4	0	0	0	0
HMS Study	0	0	0	0	1	1
Treatment & Rehab	100	100	0	100	0	100
Transfer to VA	0	0	11	0	10	10
TOTAL	318	351	463	347	316	663
Dept of Labor						
TOTAL	0	0	3	0	3	3
ACTION	10	15	6	10	3	13
Dept of Ed						
TOTAL	3	100	200	3	200	203
Dept of Interior						
BIA-Operations	0	0	10	0	10	10
BIA-Construction	0	0	15	0	13	13
National Park Service	0	0	1	0	1	1
Territorial Affairs	0	0	12	0	0	0
TOTAL	0	0	38	0	24	24
EXOP						
MM Drug Abuse Conf	0	0	2	0	5	5
Govt-wide Test. & Assist.**	62	118	0	62	0	62
Southeast Border	0	100	0	0	0	0
D&M - SM Border	0	33	0	0	0	0
Judiciary						
S & E	0	0	12	0	12	12
Defender Services	0	0	18	0	18	18
Jurors/Commissioners Fees	0	0	7	0	7	7
TOTAL	0	0	37	0	37	37
TOTAL	2282	3173	2370 *	3082	1620	4702

*NOTE: The President's drug initiative proposed \$891,000,000 in addition to the 1987 Budget.

The authorizations in the drug bill total \$2,370,000,000 and include some of the provisions from the President's Budget.