



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

OCA FILE

*Leg*

OCA 88-2852

August 25, 1988

LEGISLATIVE REFERRAL MEMORANDUM

TO: Department of Justice  
Department of Agriculture  
Department of Education  
Department of Labor  
Department of Housing and Urban Development  
Department of Commerce  
Department of Transportation  
Department of the Treasury  
Department of State  
Department of Health & Human Services  
Department of Defense  
Department of the Interior  
National Drug Policy Board  
Central Intelligence Agency  
Office of Personnel Management  
Environmental Protection Agency  
National Security Council  
U.S. Postal Service  
Veterans Administration

SUBJECT: Drug Bill Analysis Book -- Addendum #4 and  
Request for Talking Points

Last Friday, agency representatives attended a meeting at the Justice Department to resolve the Administration's position on specific provisions in the current drug bills as addressed in Addendum #4 to the Drug Bill Analysis book. As a result of that meeting, some of the previously unresolved issues were resolved. The attached Addendum #4 reflects those decisions (see Attachment A).

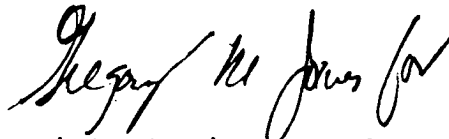
We also discussed and resolved Administration positions on most of the amendments to be offered to the House bill. One-pagers reflecting those decisions are also attached (see Attachment B).

At a subsequent meeting on August 23rd, it was decided that talking points should be prepared on each of the amendments to the House bill to be distributed to Members of Congress. The process for preparing these talking points is described below.

Required Action

- o We have assigned lead agency responsibilities for each of the House bill amendments. These are indicated in the top left-hand corner of the one-pagers.
- o The lead agencies will be responsible for preparing talking points and submitting them to OMB by C.O.B. Wednesday, August 31st. It is important to follow the sample format provided in Attachment C; unless you do so, the completion of the talking points will be delayed needlessly. Completed formats should be delivered to Greg Jones, New Executive Office Building, Room 7220.
- o OMB will then distribute copies of the lead agency talking points to all other interested agencies for comment. Comments will be due back into OMB by C.O.B. Thursday, September 1st.
- o As soon as all the talking points are received, OMB will circulate to all agencies involved a complete package of all the talking points on Friday, September 2nd.

If you have questions about this exercise, please contact either Frank Kalder (395-3914), Lana Hurdle (395-3451), or Greg Jones (395-3454).



Assistant Director for  
Legislative Reference

Attachments

Attachment C

**\*\*Sample\*\***  
House Drug Bill - Talking Points

Gekas Amendment: To provide for the death penalty for those who commit murder in the course of a drug felony.

- o This amendment provides for the death penalty for drug related killings (the first bullet should explain the amendment).
- o The Administration supports this amendment consistent with the President's criminal Justice Reform proposals sent to Congress 10/16/87. (The second bullet should state the Administration's position on the amendment.)
- o In order to attack the drug problem head on, we must take the necessary steps to strengthen our law enforcement efforts. (The remainder of the bullets should be substantive in nature.)
- o etc.
- o etc.
- o etc.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Change to the Presentation of Records to A Grand Jury  
\*\*\*\*\*

Bill: House (H.R. 5210)

Amends the presentation of records to a grand jury requirement in the Right of Financial Privacy Act to allow a description of records in place of the actual presentation of records when actual presentation is impractical.

Sponsor: Wortley

Administration Position

The Administration supports this amendment. This position is supported by DOJ's (Toensing) testimony by 6/8/88, before the House Banking Committee.

August 22, 1988

Lead Agency: DOJ  
Others: TR

Amendment to the House Bill  
Transfer of Records by a Government Agency to the  
Department of Justice for Criminal Investigation  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Wortley

Administration Position

The Administration supports this amendment. This position is supported by DOJ's (Toensing) testimony by 6/8/88, before the House Banking Committee.

August 22, 1988

Lead Agency: HHS  
Others:

Amendment to the House Bill  
Study of Drug Treatment Programs  
\*\*\*\*\*

Bill: House (H.R. 5210)

Requires a study to provide comprehensive statistical data on the effects of drug treatment programs including the number of individuals requesting treatment which was denied because of insufficient capacity, and the number of individuals placed on waiting lists.

Sponsor: Ackerman

Administration Position

The Administration has no objection to this amendment.

August 22, 1988

Lead Agency: DCI, NSC  
Others:

Amendment to the House Bill  
Increased Use of Intelligence Capabilities  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Broomfield

Administration Position

Unresolved.

(The Administration will oppose this amendment. NSC will draft position.)

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Life Imprisonment Penalty for Drug Related Killings  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Rangel

Administration Position

The Administration supports the death penalty and thus would prefer the Gekas amendment. However, if efforts to include the death penalty provisions in the bill fail, the Administration would likely support this amendment. This position is supported by the President's Criminal Justice Reform proposals sent to Congress on 10/16/87.



August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Death Penalty For Drug Related Killings  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Gekas

Administration Position

The Administration supports this amendment. This position is supported by the President's Criminal Justice Reform proposals sent to Congress on 10/16/87.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Prohibition on Death Penalty for the Mentally Retarded  
\*\*\*\*\*

Bill: House (H.R. 5210)

Prohibits death penalty on a person who is mentally retarded.

Sponsor: Levin

Administration Position

The Administration opposes this amendment because case law already addresses the issue of how to handle people who commit crimes but didn't know what they were doing.

Procedural Note: This amendment will presumably not be considered if the Gekas death penalty amendment fails.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Restrictions on Use of the Death Penalty  
\*\*\*\*\*

Bill: House (H.R. 5210)

One amendment consisting of the following:

1. Specifies additional mitigating factors the jury may consider in imposing the death penalty.
2. Requires a study of the costs of imposing and carrying out federal death sentences.
3. Ensures that individuals sentenced to death are accorded full appeal and post-conviction rights.
4. Clarifies that a judge or jury is never required to impose a sentence of death.
5. Provides that a juror's beliefs against capital punishment does not automatically disqualify that person from serving on a jury.
6. Prohibits the execution of a person who is mentally incompetent.

Sponsor: Edwards (Amendment to be offered as on an bloc amendment if Gekas carries)

Administration Position

The Administration opposes these amendments as an unnecessary weakening of the death penalty.

Procedural Note: The provisions will presumably not be offered if the Gekas death penalty amendment fails.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Adequate Representation of Indigent Defendants  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Conyers

Administration Position

The Administration opposes this amendment. Indigent defendants have access to court appointed lawyers.

August 22, 1988

Lead Agency: OMB  
Others: DOJ, TR

Amendment to the House Bill  
Access to Justice and Customs Asset  
Forfeiture Funds by State and Local Governments  
\*\*\*\*\*

Bill: House (H.R. 5210)

Requires that not less than fifty percent of the funds shared with local law enforcement agencies from the federal assets forfeiture funds shared with be used by State and local governments for prison construction, expansion, maintenance and operation.

Sponsor: Ortiz

Administration Position

The Administration opposes. DOJ's current procedures for determining what share the State's receive is equitable and provides needed flexibility to compensate for varying circumstances. The purchases to which the States can apply their share is established by State law.

August 22, 1988

Lead Agency: DOJ  
Others: HUD, ED, HHS, VA, DOT

Amendments to the House Bill  
Ineligibility for Federal Benefits  
\*\*\*\*\*

Bill: House (H.R. 5210)

**Amendments:**

McCollum/Hughes -- User Accountability amendment denying Federal benefits to persons for certain drug related convictions. Depending on conviction, period of ineligibility can be up to 10 years. Federal benefits are defined as grants, contracts, loans, liscrenses, or public housing. Includes veterans benefits but only if the offense consists of the distribution of a controlled substance (except those related to retirement, welfare, health or disability). Does not include retirement, welfare, health, disability or other similar benefits.

Rangel -- Same as above except also excludes social security, are veterans housing, education or training benefits. Suspends ineligibility requirements during any period in which an individual is participating in a drug treatment program or seeking admission to a drug treatment program.

Sponsor: McCollum/Huges/Rangel

Administration Position

Unresolved.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Exclusionary Rule  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Lungren

Administration Position

The Administration strongly supports this amendment. It was included in the President's Criminal Justice reform proposals sent to Congress on October 16, 1987.

August 22, 1988

Lead Agency: HHS  
Others: DOJ, OMB

Amendment to the House Bill  
Deletes Provision for a National Training Center for  
Prison Drug Rehabilitation Program Personnel  
\*\*\*\*\*

Bill: House (H.R. 5210)

Strikes section entitled "National Training Center for Prison Drug Rehabilitation Program personnel." This provision would provide for a special training center for prisons officials running drug rehabilitation programs.

Sponsor: Davis

Administration Position

The Administration supports the deletion of the National Training Center for Prison Drug Rehabilitation Program Personnel since this provision is duplicative and contains inappropriate organizational structures. This position is consistent with the Administration's opposition to a similar provision establishing a National Training Center for prison officials managing drug rehabilitation programs which was included in the D'Amato/DeConcini bill.



August 22, 1988

Lead Agency: DOJ  
Others: TR

Amendment to the House Bill  
Civil Penalties Assessed by the Attorney General  
\*\*\*\*\*

Bill: House (H.R. 5210)

Permits the Attorney General to assess a civil penalty against any person possessing small amounts of certain controlled substances. Provides for judicial review of the individual in question.

Sponsor: Edwards

Administration Position

The Administration supports this amendment as consistent with our zero tolerance policy. (Treasury to confirm this position with Justice.)

August 22, 1988

Lead Agency: DOJ  
Others: HHS

Amendment to the House Bill  
Drug Testing As A Mandatory Condition of Probation  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Shaw/DiGuardi

Administration Position

The Administration supports this amendment.

Lead Agency: DOJ  
Others: DOD, OMB, TR, DOT, DOS, NSC

August 22, 1988

Amendments to the House Bill  
Drug Czar  
\*\*\*\*\*

Bill: House (H.R. 5210)

Amendments: Makes the Chairman of the National Drug Policy Board a member of the cabinet.

- Oxley - Makes the Chairman of the National Drug Policy Board a member of the cabinet.
- Brooks - Establishes an Office of Drug Enforcement Coordination in the Executive Office of the President to establish policies, objectives, and priorities for Federal drug enforcement, to annually promulgate a strategy, to coordinate and oversee performance of drug enforcement by Federal Departments and agencies and to make recommendation to the President. Terminates the National Drug Policy Board.
- Hughes - Same as Brooks amendment but also requires the Director to coordinate with and assist State and local governments with regards to drug related law enforcement and to submit a report to Congress on drug enforcement activities conducted in the preceding year. Includes provisions which would allow for the annual review of budgets submitted to OMB for the Federal Departments engaged in drug enforcement efforts.

Sponsor: Oxley/Brooks/Hughes

Administration Position

Unresolved.

August 22, 1988

Lead Agency: OMB  
Others: DOJ

Amendment to the House Bill  
Authorization for U.S. Attorneys  
\*\*\*\*\*

Bill: Wright (H.R. 5210)

Authorizes to be appropriated \$30 million for the offices of United States Attorneys.  
This would support approximately 275 additional assistant U.S. Attorneys.

Sponsor: Davis

Administration Position

The Administration has taken no position yet regarding funding issues except that we strongly support full funding of the President's Budget. (The House and Senate have cut the President's request for U.S. Attorneys by \$44M and \$33M respectively.)

August 22, 1988

Lead Agency: TR  
Others: DOJ

Amendment to the House Bill  
Purchase of Firearms By Felons  
\*\*\*\*\*

Bill: House (H.R. 5210)

1. Directs the Attorney General to develop a system for the immediate and accurate identification of felons who attempt to purchase firearms available to dealers.
2. Provides for the mandatory revocation of probation for possession of a firearm.

Sponsor: McCollum

Administration Position

No clear Administration position.

(Justice and Treasury are preparing a position.)

August 22, 1988

Lead Agency: TR  
Others: DOJ

Amendment to the House Bill  
Deletes Provision for A Waiting Period for Purchase of A Hand Gun  
\*\*\*\*\*

Bill: House (H.R. 5210)

Strikes the "Brady Amendment" section requiring a waiting period before purchase of a handgun.

Sponsor: Volkmer

Administration Position

Unresolved.

August 22, 1988

Lead Agency TR  
Others: DOT, DOJ

Amendments to the House Bill  
Innocent Owner Provisions  
\*\*\*\*\*

Bill: House (H.R. 5210)

Amendments:

- Shaw -- Provides for an expedited petition procedure involving the Attorney General for certain seized conveyances for drug related offenses.
- Studds -- Prohibits forfeiture of a vessel, vehicle, or aircraft for a drug related offense committed without knowledge or consent of the owner.

Sponsor: Shaw/Studds

Administration Position

The Administration supports the Shaw amendment.

The Administration is vigorously opposed to the Studds amendment which would reduce the impact of the Administration's zero tolerance policy. Secretaries Baker and Burnley each sent letters during the past three weeks to the leadership of the House opposing such provisions.

August 22, 1988

Lead Agency: TR  
Others: DOJ, OMB

Amendment to the House Bill  
Money Laundering  
\*\*\*\*\*

Bill: House (H.R. 5210)

Expands money laundering definition to include funds that have been represented directly or indirectly as proceeds of unlawful activity and therefore, would be presumably subject to the same restrictions applied to "ill-gotten gains."

Sponsor: Oxley \

Administration Position

The Administration supports this amendment based on DOJ testimony of 6/8/88 before the House Judiciary Committee.



August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Increased Penalties for Possession of Crack  
\*\*\*\*\*

Bill: House (H.R. 5210)

Inceases penalties for specified crack possession offenses.

Sponsor: Shaw

Administration Position

The Administration supports this amendment. The Administration has no objections to a similiar provision in the Michel bill but would offer technical corrections.

August 22, 1988

Lead Agency: DOJ  
Others: EPA

Amendment to the House Bill  
Clandestine Drug Laboratories  
\*\*\*\*\*

Bill: House (H.R. 5210)

Establishes a joint federal task force on clandestine drug laboratories.

Sponsor: Dornan

Administration Position

The Administration supports this amendment. The Administration supports a similar provision in the Michel bill which also provides for the establishment of a task force to implement a program for the cleanup and disposal of hazardous waste from clandestine laboratories. In reviewing the anti-drug strategies of the states, we have found that they are often not equipped to handle such situations. The task force would be extremely useful to state and local governments and would aid in reducing the public health hazards caused by chemicals. We recommend, however, that language stating that the Drug Enforcement Administration is not to be considered a generator of hazardous waste be included.

August 22, 1988

Lead Agency: OMB  
Others: DOJ

Amendment to the House Bill  
Voice Privacy Equipment  
\*\*\*\*\*

Bill: House (H.R. 5210)

Strikes section of bill providing \$800,000 for voice privacy equipment from DEA funds.

Sponsor: Hughes

Administration Position

The Administration has taken no position yet regarding funding issues except that we strongly support full funding of the President's Budget.

August 22, 1988

Lead Agency: OMB  
Others: DOJ

Amendment to the House Bill  
Local Police Department Demonstration Grant Program  
\*\*\*\*\*

Bill: House (H.R. 5210)

Authorizes \$11M for demonstration grant programs to provide funds for specified local police departments and local governments in Dade County, Miami, and Miami Beach, Florida for use in drug related law enforcement.

Sponsor: Pepper \

Administration Position

The Administration opposes the creation of this earmarked demonstration grant program.

The Administration has taken no position yet regarding funding issues except that we strongly support the President's Budget. The President requested no funding for such a demonstration program.

August 22, 1988

Lead Agency: DOT  
Others: TR, Commerce

Amendment to the House Bill  
Vessel Identification System  
\*\*\*\*\*

Bill: House (H.R. 5210)

Establishes a Federal vessel identification system to be paid for through user fees. Also extensively revises existing laws relating to maritime commercial instruments and liens.

Sponsor: Davis

Administration Position

The Administration opposes this provision which would rewrite much of the current law on vessel documentation in a technically flawed, vague and confusing way. These proposals would overload the existing system for documenting vessels, increasing the number of vessels from 200,000 to about 9,000,000, and causing problems for the Coast Guard and the maritime industry it serves.

The Administration supports the concept of a mechanism to assist law enforcement officials in readily ascertaining ownership information on vessels, but opposes the provision which would create an incomplete and potentially inaccurate system.

The Administration has opposed the provisions revising maritime instruments and liens which were previously introduced as a stand-alone bill (H.R. 3105). Both DOJ and DOT have objected to H.R. 3105 in reports to Congress on technical and legal grounds.

August 22, 1988

Lead Agency: DOT  
Others: DOJ, OMB

Amendment to the House Bill  
Drunk Driving Enforcement Programs  
\*\*\*\*\*

Bill: House (H.R. 5210)

Establishes drunk driving enforcement programs which require states to adopt proscribed measures to reduce drunk driving in order to be eligible for a two tier system of grants. Authorizes appropriations of \$25 million in FY 89 and \$50 million in FY 90-91.

Sponsor: Johnson/Dorgan

Administration Position

The Administration opposes this amendment. This position is consistent with a DOT letter of 7/13/88 on S. 2367, a similar bill.

August 22, 1988

Lead Agency: DOT  
Others: DOJ, OMB

Amendments to the House Bill  
Suspension of Drivers' Licenses  
\*\*\*\*\*

Bill: House (H.R. 5210)

Amendments:

Anderson -- Authorizes \$25M for 1989 and \$50M for 1990 and 1991, for grants to States which adopt and implement certain drug enforcement programs. Receipt of grants are dependent on establishment of a program which suspends drivers' licenses for drug related offenses.

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

Sponsor: Anderson/McCollum

Administration Position

The Administration opposes the Anderson amendment which would create a new grant program.

The Administration opposes the McCollum amendment which provides for the withholding of apportioned Federal highway funds on Federalism principles.

August 22, 1988

Lead Agency: DOJ  
Others:

Amendment to the House Bill  
Distribution of Anabolic Steroids  
\*\*\*\*\*

Bill: House (H.R. 5210)

Penalties for the illegal distribution of anabolic steroids.

Sponsor: Hughes

Administration Position

The Administration opposes this amendment.



August 22, 1988

Lead Agency: HHS  
Others:

Amendment to the House Bill  
Certification of Laboratories  
\*\*\*\*\*

Bill: House (H.R. 5210)

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

Sponsor: Bliley

Administration Position

The Administration opposes a requirement that private laboratories be certified by the Federal Government. OIRA has indicated that a voluntary certification process is already available in the private sector.

August 22, 1988

Lead Agency: NSC  
Others: DOS

Amendment to the House Bill  
Disclosure of Illegal Foreign Drug Activities  
\*\*\*\*\*

Bill: House (H.R. 5210 -- House Dem.)

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

Sponsor: Alexander

Administration Position

The Administration opposes this amendment as unnecessary. While the anti-drug effort requires close cooperation among executive branch agencies, much of the information pertaining to illegal foreign drug activities derives from sensitive intelligence sources which must be safeguarded in the interests of national security. Procedures to ensure interagency cooperation while protecting national security information already exist within the executive branch. Similarly with regard to the legislative branch, procedures which maintain security are already in place to provide Congress, through the intelligence committees, with all the information necessary for law-making and oversight functions.

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

ADDENDUM #4

Please replace the following pages in your August 17, 1988 version of the Drug Book to reflect decisions made at the August 19th meeting.

1. The Table of Contents
2. One-pagers on issues that have now been resolved:
  - U.S. Prisoners in Non-Federal Institutions
  - Expansion of Postal Service Authority
  - Prohibitions on the Use of Firearms
  - Customs and Justice Forfeiture Funds

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August 22, 1988

DRUG BILL ANALYSIS SUMMARY

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

Note: Blanks = no provision X = provision

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

|                                        | Senate      |             |                  | House         |               | NDPB | White House<br>Conference | Lead Dept;<br>Others             | Category |
|----------------------------------------|-------------|-------------|------------------|---------------|---------------|------|---------------------------|----------------------------------|----------|
|                                        | <u>Byrd</u> | <u>Dole</u> | <u>DeConcini</u> | <u>Wright</u> | <u>Michel</u> |      |                           |                                  |          |
| <b>B. Education &amp; Prevention</b>   |             |             |                  |               |               |      |                           |                                  |          |
| Drug-Free Workplace.....               | X           | X           | X                | X             | X             | X    | X                         | DOJ; HHS, OFPP,<br>DOL, DOT, DOC | A        |
| Drug-Testing - Criminal Justice System |             | X           |                  | X             | X             | X    | X                         | DOJ; HHS                         | C        |
| Drug-Free Schools.....                 | X           | X           | X                | X             | X             | X    | X                         | ED; OMB, HHS                     | C        |
| Drug-Free Public Housing.....          | X           | X           |                  | X             | X             | X    | X                         | HUD; DOJ, OMB                    | C        |
| Demand-Side Intelligence Collection... | X           | X           |                  | X             | X             | X    |                           | HHS; ED, OMB<br>DOJ              | C        |
| Public Awareness Campaigns.....        | X           | X           |                  |               |               |      | X                         | HHS; DOJ                         | C        |
| Glamorization of Drugs by the Media... |             | X           |                  |               |               |      | X                         | HHS                              | C        |
| Native American Program.....           |             | X           |                  | X             |               |      |                           | HHS; OMB                         | C        |
| Withholding of Mass Transit Funds..... |             | X           |                  |               |               |      |                           | DOT; DOJ                         | C        |
| Increased Research - Demand Side.....  | X           | X           |                  |               |               |      | X                         | HHS; DOJ                         | C        |

Note: Blanks = no provision X = provision

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

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

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

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

Note: Blanks = no provision X = provision

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

|                                                    | <u>Senate</u> |             |                  | <u>House</u>  |               | <u>NDPB</u> | <u>White House<br/>Conference</u> | <u>Lead Dept;<br/>Others</u>          | <u>Category</u> |
|----------------------------------------------------|---------------|-------------|------------------|---------------|---------------|-------------|-----------------------------------|---------------------------------------|-----------------|
|                                                    | <u>Byrd</u>   | <u>Dole</u> | <u>DeConcini</u> | <u>Wright</u> | <u>Michel</u> |             |                                   |                                       |                 |
| <b>III. CRIMINAL PENALTIES/POST ARREST (Cont.)</b> |               |             |                  |               |               |             |                                   |                                       |                 |
| Deportation of Aliens.....                         | X             | X           | X                |               | X             | X           |                                   | <u>DOJ</u> ; <u>DOS</u> , <u>TR</u>   | C               |
| Alternative Judicial System.....                   |               |             |                  | X             | X             |             |                                   | <u>DOJ</u> , <u>TR</u>                | C               |
| Restrictions Relating to Common Carriers           | X             | X           |                  | X             | X             |             | X                                 | <u>DOT</u> ; <u>DOJ</u> , <u>OFPP</u> | C               |
| Use of Juveniles in Drug Related Crime             | X             | X           |                  |               |               |             |                                   | <u>DOJ</u>                            | C               |
| Use of House Probation.....                        |               | X           |                  |               |               |             |                                   | <u>DOJ</u>                            | C               |
| Life Sentences for Drug Dealers...                 |               | X           |                  |               |               |             | X                                 | <u>DOJ</u>                            | C               |
| Drug Offenses Within Prisons.....                  |               | X           |                  |               |               |             |                                   | <u>DOJ</u>                            | C               |
| User Fees for Prisoners.....                       |               | X           |                  |               |               |             |                                   | <u>DOJ</u> ; <u>OMB</u>               | C               |
| Anti-Public Corruption.....                        | X             |             |                  |               | X             | X           |                                   | <u>DOJ</u>                            | C               |
| Prohibition on the Use of Firearms...              |               | X           | X                |               | X             | X           |                                   | <u>TR</u> ; <u>DOJ</u>                | A               |
| Use of Firearms in Drug Crimes.....                |               |             |                  | X             |               |             |                                   | <u>TR</u> ; <u>DOJ</u>                | C               |
| <u>Note: Blanks = no provision X = provision</u>   |               |             |                  |               |               |             |                                   |                                       |                 |



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

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DRUG BILL ANALYSIS SUMMARY

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

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

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DRUG BILL ANALYSIS SUMMARY

|                                          | Senate      |             |                  | House         |               | NDPB | White House<br>Conference | Lead Dept;<br>Others      | Category |
|------------------------------------------|-------------|-------------|------------------|---------------|---------------|------|---------------------------|---------------------------|----------|
|                                          | <u>Byrd</u> | <u>Dole</u> | <u>DeConcini</u> | <u>Wright</u> | <u>Michel</u> |      |                           |                           |          |
| <b>C. State and Local Assistance</b>     |             |             |                  |               |               |      |                           |                           |          |
| State and Local Narcotics Control Assist | X           |             | X                | X             | X             | X    |                           | DOJ; OMB                  | C        |
| Domestic Eradication.....                |             |             |                  | X             |               | X    |                           | DOJ; INT, AG              | C        |
| Use of National Guard for Enforcement    |             | X           |                  | X             | X             | X    |                           | DOD; DOJ, OMB             | C        |
| <b>D. Intelligence</b>                   |             |             |                  |               |               |      |                           |                           |          |
| State Narcotics Report.....              | X           |             | X                |               |               |      |                           | DOS; DOJ, TR              | C        |
| Increased Intelligence Capabilities...   | X           | X           |                  |               | X             |      | X                         | DOJ; NSC, DCI             | C        |
| <b>E. Other</b>                          |             |             |                  |               |               |      |                           |                           |          |
| Increased Research - Supply Side.....    | X           | X           | X                | X             |               |      | X                         | DOD; TR, DOS,<br>DOJ, OMB | C        |
| Personnel Benefits.....                  | X           | X           | X                | X             | X             |      |                           | OPM; DOJ, OMB             | C        |
| Codifying the U.S. Marshals.....         |             | X           |                  |               | X             |      |                           | DOJ                       | C        |
| Narcotics Trafficking on Tribal Lands    |             |             |                  | X             |               |      |                           | INT; OMB, DOJ             | C        |
| Transfer Aircraft to Indiana.....        |             |             |                  | X             |               |      |                           | TR                        | C        |

August 22, 1988

DRUG BILL ANALYSIS SUMMARY

|                                                      | Senate      |             |                  | House         |               | NDPB | White House<br>Conference | Lead Dept;<br>Others         | Category |
|------------------------------------------------------|-------------|-------------|------------------|---------------|---------------|------|---------------------------|------------------------------|----------|
|                                                      | <u>Byrd</u> | <u>Dole</u> | <u>DeConcini</u> | <u>Wright</u> | <u>Michel</u> |      |                           |                              |          |
| VI. <u>INTERNATIONAL</u> -- DOS                      |             |             |                  |               |               |      |                           |                              |          |
| International Cooperation Efforts....                | X           | X           | X                | X             | X             | X    | X                         | <u>DOS</u> ; DOJ, TR         | A        |
| Limitation on Foreign Aid.....                       | X           |             | X                | X             |               |      |                           | <u>DOS</u> ; DOJ             | C        |
| Use of International Strike Forces...                | X           |             | X                | X             | X             |      | X                         | <u>DOS</u> ; DOJ, DOD        | C        |
| Transfer of Forfeited Property.....                  | X           |             | X                | X             |               |      |                           | <u>DOS</u> ; TR              | C        |
| Ammunition, Training & Other Assistance              | X           |             |                  | X             | X             | X    |                           | <u>DOS</u> ; DOJ             | C        |
| Drugs as a National Security Objective               |             |             | X                | X             | X             |      | X                         | <u>DOS</u> ; NSC             | C        |
| Foreign Interdiction & Eradication Efforts           |             | X           | X                | X             | X             | X    | X                         | <u>DOS</u> ; DOJ, OMB        | C        |
| Extradition and Mutal Leg. Assist. Treaties          |             |             | X                | X             | X             |      | X                         | <u>DOS</u> ; DOJ, TR         | C        |
| Export - Import Bank Assistance.....                 |             |             |                  | X             | X             |      |                           | <u>DOS</u> ; TR, DOD         | C        |
| INTERPOL (International Crime Symposium)             |             |             |                  |               | X             |      |                           | <u>DOJ</u> ; OMB             | C        |
| International Currency Transaction<br>Reporting..... | X           |             |                  |               |               |      |                           | <u>TR</u> ; DOS, DOJ         | C        |
| Certification/Reallocation of AID.....               | X           |             |                  | X             |               |      |                           | <u>DOS</u> ; DOJ, TR,<br>DOT | C        |

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DRUG BILL ANALYSIS SUMMARY

|                                                          | <u>Senate</u> |             |                  | <u>House</u>  |               | <u>NDPB</u> | <u>White House<br/>Conference</u> | <u>Lead Dept;<br/>Others</u> | <u>Category</u> |
|----------------------------------------------------------|---------------|-------------|------------------|---------------|---------------|-------------|-----------------------------------|------------------------------|-----------------|
|                                                          | <u>Byrd</u>   | <u>Dole</u> | <u>DeConcini</u> | <u>Wright</u> | <u>Michel</u> |             |                                   |                              |                 |
| VII. <u>FUNDING/ASSET FORFEITURE FUNDS</u> -- OMB/TR/DOJ |               |             |                  |               |               |             |                                   |                              |                 |
| Funding Issues.....                                      | X             | X           | X                |               |               |             |                                   | <u>OMB;TR</u>                | A               |
| Customs & DOJ Forfeiture Funds.....                      | X             | X           | X                | X             | X             |             | X                                 | <u>OMB; DOJ, TR<br/>DOT</u>  | C               |
| Annual Report on Drug Expenditures                       |               |             |                  | X             | X             |             |                                   | <u>OMB</u>                   | C               |

Note: Blanks = no provision X = provision

August 22, 1988

Lead Agency: DOJ  
Other: OMB

U.S. PRISONERS IN NON-FEDERAL INSTITUTIONS  
\*\*\*\*\*

Bill: D'Amato/DeConcini (S. 2205 -- Senate Dem.)

Authorizes Justice to make payments to support U.S. prisoners in non-Federal institutions (in essence codifying current practice). Requires surpluses in Assets Forfeiture funds to go to prison construction and/or support of prisoners in non-federal institutions.

Bill: Byrd (S. -- Senate Dem.)

Authorizes contracts and unlimited expenditures from U.S. Marshals appropriations related to the support of U.S. prisoners. Also authorizes contracts or cooperative agreements with states or localities for construction, renovation and equipping of facilities for housing federal prisoners. (Sec. 2155,2905)

Attorney General in support of US prisoners in non-federal institutions is authorized to make payments from appropriations available to the US Marshal Service without limitation as to fiscal year. (Sec. 2905)

Bill: Wright (H.R. -- House Dem.)

Bill: Michel (H.R. 4842 -- House Rep.)

Also authorizes expenditures related to support of U.S. prisoners and other technical amendments relating to forfeiture (Sec. 2155, 2157).

Bill: Dole (S. -- Senate Rep.)

Authorizes expenditures related to support of U.S. prisoners in non-Federal institutions. Authorizes up to \$35 million in expenditures of which up to \$15,000,000 maybe under the Cooperative Agreement Program. (Section 2105).

Specifies that appropriation must be in addition to President's FY 1989 request and other limitations. (Sec. 2002)

White House Conference for a Drug Free America

National Drug Policy Board

Administration Position

The Administration supports the Dole and Michel bill provisions.

Administration has agreed that surpluses of up to \$100 million may be used for Federal construction and/or the Cooperative Agreement Program (CAP).

Status



August 22, 1988

Lead Agency: DOJ  
Others: Postal Service, DOT

EXPANSION OF POSTAL SERVICE AUTHORITY  
\*\*\*\*\*

Bill: D'Amato/DeConcini (S. 2205 Senate Dem.)

Bill: Byrd (S. Senate Dem.)

Bill: Wright (H.R. 4916 House Dem.)

Provides authority to investigate criminal matters related to the USPS and the mails.  
Establishes a Postal Forfeiture Fund (Sec. 1001).

Bill: Michel (H.R. 4842 House Rep.)

"To the extent provided in an agreement between the Attorney General and the Postal Service", permits Postal Service employees (with authority to make arrests), to perform enforcement functions with respect to illegal drugs involving the mail. Also includes forfeiture provisions. (Sec. 2141)

Bill: Dole (S. Senate Rep.)

Amends 18 USC Section 981 to include U.S. Postal Service. (Section 3501)

White House Conference for a Drug Free America

National Drug Policy Board

Provide for FAA, Postal Service, other federal employees, and airport passenger and baggage screeners who in the course of their normal duties of inspection identify illegal drugs or large amounts of currency that may be related to drug trafficking to report the information to federal law enforcement officers.

#### Administration Position

The Administration supports the Michel bill provision. Relating to the expansion of Postal Service Law enforcement authority.

The Postal Inspection Service and the Department of Justice have entered into an agreement, similar to that developed between the Department of Justice and the Forest Service, whereby the Attorney General would be authorized to delegate drug investigative jurisdiction and administrative forfeiture authority to the Postal Inspection Service. This compromise is fully agreeable both to the Department of Justice and the Postal Inspection Service.

In investigating violations of the Controlled Substances Act by employees who use, or deal in, drugs while on duty, Postal Inspectors often identify drug dealers who operate near postal facilities and sell their wares to postal employees. While some courts have held that the Postal Service has the authority to arrest such dealers, this authority should be made clear and applicable throughout the nation, thereby avoiding possible issues of improper arrest and individual liability of the arresting agent. The Postal Service and the DOJ agree this can be accomplished by authorizing the Attorney General to allow the Postal Service to act in such cases, thereby allowing the use of the particular expertise of the Postal Inspection Service in combatting postal-related drug trafficking.

With regards to the deposition of administrative forfeiture into the postal service fund, the Administration supports this provision with modification. We recommend that all proceeds from seizures be deposited into a Treasury special fund from which USPS would be fully reimbursed for its expenses associated with the seized assets. Thus, any surplus from the seizure would be identified and remain with the Treasury. This is especially important because the USPS operating Fund finances all postal operations and may soon be moved off-budget. Granting USPS carte blanche authority over surpluses from drug forfeitures undermines the integrity of the forfeiture process and sets a bad precedent. In addition to being subject to routine Federal oversight (e.g., budget, policy, and apportionment control), other agencies with forfeiture authority are required to separately account for forfeiture surpluses -- which can only be used for specific law enforcement activities. This position would make proceeds available for USPS drug-related activities and all surpluses would revert to Treasury.

August 22, 1988

Lead Agency: TR  
Others: DOJ

PROHIBITIONS ON THE USE OF FIREARMS  
\*\*\*\*\*

Bill: D'Amato/DeConcini (S. 2205 Senate Dem.)

Makes it unlawful to possess a firearm or other dangerous weapon in a Federal courthouse.  
(Sec. 199A)

Bill: Byrd (S. \_\_\_\_\_ Senate Dem.)

Bill: Wright (H.R. \_\_\_\_\_ House Dem.)

Establishes a 7-day waiting period for sale of handguns by licensees to nonlicensees (Sec. 903).

Bill: Michel (H.R. 4842 House Rep.)

Requires an additional 10 year sentence for those convicted of assaulting a Federal Officer with a firearm.

Prohibits possession of any firearm or dangerous weapon in a Federal courthouse or court facility except by specified public officials and law enforcement personnel.

Includes other provisions to strengthen penalties for possession of firearms and explosives. (Sec. 2081-2088)

Bill: Dole (S. Senate Rep.)

Increases current mandatory sentences for using firearms in the commission of a crime of violence or drug crime.

White House Conference for a Drug Free America

National Drug Policy Board

Prohibits the possession of firearms in federal courthouses and of explosives in airports; imposes Federal minimum mandatory prison sentences of 5 years for persons convicted of possession of illegal automatic weapons, and of 10 years for using a firearm in an assault on a Federal officer.

Administration Position

Unresolved.

Status

Letters of support have been sent to the House and Senate Judiciary Committees and the Senate Governmental Affairs Committee.

Phil McGuire, Associate Director, Bureau of Alcohol, Tobacco and Firearms, testified August 2 before the Senate Judiciary Committee.

ATF has provided informal technical assistance to various committee and law enforcement subgroup staff.

August 22, 1988

Lead Agency: OMB  
Other: DOJ, TR, DOT

CUSTOMS AND JUSTICE FORFEITURE FUNDS  
\*\*\*\*\*

Bill: D'Amato/DeConcini (S. 2205 -- Senate Dem.)

Takes DOJ Assets and Customs Forfeiture Funds off-budget; exempts them from all budget controls, including GRH; deletes existing requirement that expenditures from funds are subject to limitations in appropriations Acts; requires surpluses in Justice fund to go to prison construction and/or support of prisoners in non-Federal institutions; and exempts procurements of supplies and services under the Funds from the procurement laws. (Sec. 102). Permits sharing of seized property with State and local law enforcement agencies if agencies "cooperate" with Customs in joint law enforcement operations (compared to "participated directly" in current law); also permits sharing property with foreign governments; permits retention of forfeited property for use by Customs.

Bill: Byrd (S. -- Senate Dem.)

Amends title 28 of United States Code to allow employment of outside contractors by Department of Justice assets forfeiture fund, and establishes a Customs forfeiture fund in the Treasury, to consist of proceeds of seizures by the Customs Service and the U.S. Coast Guard (Sec. 2011-2021). Provisions regarding special and other forfeiture funds (Sec. 2031-2051), Controlled Substances Act is amended, affecting forfeiture (Sec. 2209).

Bill: Wright (H.R. -- House Dem.)

Customs

Provides the United States Coast Guard access to the Customs Forfeiture Fund. Permits reimbursement from the Funds to private citizens for expenses incurred in assisting the U.S. Coast Guard in investigations (H.R. 4658, Sec. 3).

### Justice

Repeals 1986 Drug Bill provisions which allows unobligated monies to carry over fiscal years and requires that excess funds be returned to the Treasury. Allows utilization of the Justice fund for ADP expenditures if the majority of its use is related to seizure/forfeiture. Establishes new provisions directing the Attorney General to assure that State and local sharing is not done to circumvent State law prohibiting forfeiture or limiting uses of forfeited property (H.R. 4916, Sec. 203-207).

Adds provisions which prohibits forfeiture of conveyances unless the owner or person in charge appeared to have knowledge or consent of the possession of a controlled substance (same provisions added to the Tariff Act of 1930 and the Act of August 9, 1939 for conformity). (H.R. 4658, Sec. 7) If a vessel is seized absent this knowledge/consent, the owner must be reimbursed for legal expenses and lost income (H.R. 4658, Sec. 9). When a decision is made the seize the conveyance based on the owner's knowledge/consent, the person in charge of the conveyance must be provided with written notification. If the owner requests a preliminary hearing, the Attorney General must request a magistrates hearing within 72 hours. Within 90 days of the preliminary hearing, the Attorney General must file a complaint for forfeiture or the court can return the property (H.R. 4658, Sec. 8). (H.R. 4916, Sec. 209 includes similar provisions with conflicting timeframes. This bill requires the AG to file with a magistrate within seven days and to file the complaint of forfeiture within 30 days.) Revises the CSA for conformity with the Chemical Diversion and Trafficking Act (H.R. 4916, Sec. 104 through 109).

Bill: Michel (H.R. 4842 -- House Rep.)

Includes provisions providing the Coast Guard with equal access and administrative responsibilities with respect to the Customs Assets forfeiture fund.

Allows Coast Guard to reimburse private citizens for undercover operations.

Unlike Wright bill, contains no proportional distribution of expenses or proceeds.

Allows proceeds of the Fund to be used for payments to innocent owners of commercial vessels seized for Controlled Substance Act violations.

Bill: Dole (S. -- Senate Rep.)

Gives Congress greater control over Assets Forfeiture Fund through increased reporting requirements. (Section 7001).

Increases the amount of the rewards, and allows payment of rewards for information or assistance leading to the seizure of illegal drugs, not to exceed the lesser of \$150,000 or one-fourth the value for the drugs seized. (Section 7002).

White House Conference for a Drug Free America

The process for seizing, liquidating, and distributing the assets of illicit drug offenders must be expedited.

National Drug Policy Board

Administration Position

The Administration opposes Section 203 of the Wright bill (H.R. 4916), eliminating the "Chiles Amendment" which authorizes the use of carryover forfeiture funds for prison construction. The Administration supports the capping of the carryover (which would be applied to prison construction) at \$100 million annually, with excess funds beyond \$100 million to be deposited in the Treasury. Likewise we propose that the authority to use excess funds for prison construction be sunset in 1993 in order to permit a reassessment of this program.

Status

Coast Guard and Customs have developed alternative language and have provided it to the Hill.