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MEMORANDUM FOR: Deputy Director for Administration
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Director, Office of Logistics
C/EPS [] DO
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C/L&PD/OGC

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FROM: [] Legislation Division
Office of Congressional Affairs

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SUBJECT: Drug Legislation - Status Report

1. This memorandum summarizes the status of various drug legislation now under consideration in Congress.

House Action

2. The House continues to move towards an omnibus leadership bill with a target date of mid-July but progress remains sporadic. Various House committees are in various stages of completing action on their "pieces" of the omnibus bill, to be "rolled together" later. Specific bills and issues of interest are as follows.

3. Walker "Drug-Free Workplace" Amendments.
Representative Walker continues to attach various versions of his "drug-free workplace" amendment to appropriations and authorization bills coming before the House. Recent versions, however, have been less stringent than the initial version. In each instance, there was a wide margin of support for the effort. While he refrained from attaching it to H.R. 4387, the Fiscal Year 1989 intelligence authorization bill, he did attach the following version to H.R. 4781, the Department of Defense appropriations bill for Fiscal Year 1989:

No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act. Pursuant to this section an applicant for funds to be appropriated under this Act shall be ineligible to receive such funds if such applicant fails to include in its application an assurance that it has, and will administer in good faith, a policy designed to ensure that all of its workplaces are free from the illegal use, possession or distribution of controlled substances by its employees.

H.R. 4781 passed the House on 21 June and is currently awaiting Senate floor action.

4. We would appreciate your views on this provision, especially those of the Office of General Counsel as to whether it would have any effect on funds ultimately transferred to the Agency.

5. Brooks "Drug-Free Workplace" Bill. On 1 June, Representative Brooks, Chairman of the House Government Operations Committee, introduced H.R. 4719, a permanent law version of the various Walker "drug-free workplace" amendments. The Brooks "permanent law" approach obviously parallels and somewhat duplicates the Walker bill-by-bill approach. On 28 June, Government Operations' Subcommittee on Legislation (chaired by Brooks) reported out H.R. 4719 with an amendment in the nature of a substitute (We are circulating it separately for comment). Full committee action is expected in the near future.

6. At this point, it is not clear yet what effect H.R. 4719, if passed, would have on various Walker amendments which have already passed the House. Moreover, as there has been no comparable effort on the Senate side, it is not clear what fate the Walker amendments will meet in conference. There seems, however, to be sufficient support in the House for the concept such that some version of it will find its way into whatever drug bill is ultimately enacted this year.

7. HFAC Bill - Intelligence Exception to Secretary of State "Coordination" of Anti-Drug Assistance. On 16 June, Representative Fascell, Chairman of the House Foreign Affairs Committee (HFAC), introduced H.R. 4841, HFAC's contribution to the omnibus bill. H.R. 4841 was a "clean bill" version of a draft bill HFAC had "marked up" and reported out on 15 June (previously provided to interested components). For the most part, the bill further tightens already existing restrictions

on assistance to foreign countries which do not meet quotas for reducing drug production and trafficking. Section 301 provides that the Secretary of State shall be responsible for "coordinating" all United States Government anti-narcotics assistance but Subsection (c) thereof excludes intelligence-related assistance. Please contact us if you would like a copy of the HFAC report on H.R. 4841.

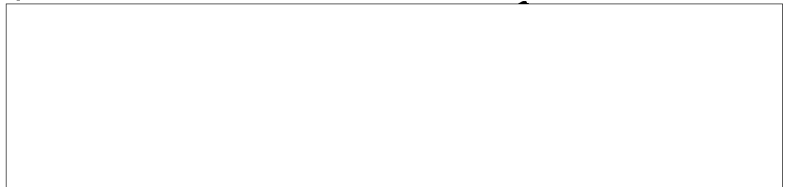
8. House Judiciary: "Drug Czar" With Intelligence Exception. The House Judiciary Committee is in the process of "marking up" H.R. 4916, its contribution to the omnibus bill. The bill increases penalties for drug-related offenses, provides funding for drug treatment, and places tighter controls on drug "precursor" chemicals. The bill would create a "drug czar" for the federal government. It excepts from the czar's jurisdiction, however, the powers and duties of the Director of Central Intelligence. We will keep you informed of the Committee's progress and provide you a copy of the final version when ready.

9. House Republican Bill - H.R. 4842. The House Republican leadership recently introduced its version of omnibus, anti-drug legislation, H.R. 4842. While this bill will not be the primary House vehicle for anti-drug legislation, it is very likely that several of its provisions will find their way into the ultimate version of such a bill, by adoption at either the committee or the leadership level. The bill is being circulated separately for comment in response to a request to us from the Office of Management and Budget for the Agency's views.

Senate Action

10. There is no comparable movement by the various Senate committees nor do any of the existing Senate bills, including Senator DeConcini's omnibus bill, S. 2205, appear to be moving at this time.

11. We will keep you informed as to the progress of legislation in this area. Please forward any comments or questions you may have to this office.



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