

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Jose Cerda

Subseries:

OA/ID Number: 18931

FolderID:

Folder Title:

Fed. [Federal] Law Enf. [Enforcement] Comm. [Commission] and Approps. [Appropriations]

Stack:

S

Row:

98

Section:

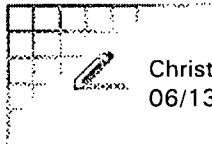
2

Shelf:

4

Position:

2



Christa Robinson
06/13/97 05:50:42 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP, Jose Cerda III/OPD/EOP

cc:

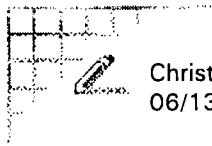
Subject: law enforcement commission

The Flood Relief Bill POTUS signed included \$2 million in funding of the Terrorism Bill law enforcement commission -- better known as the NRA Commission/civilian review board -- that we opposed. Although our veto message explained why we were against this commission and supportive of the Commission to Support Law Enforcement in the Crime Bill, we need to do more now.

Peter Jacoby said it was Obey alone who fought for the funding -- and that Reno called Obey four times about it but he never called her back. Peter is working with OMB to see if there is a way to submit a rescissions request for this item, but he doesn't know if it's a real option. Anyway, we need to figure out how we can deal with.

This is the most immediate problem, but I think we now need to seriously address how far we are pushing the cop groups away because of other stuff too -- no domestic violence brady fix yet, no collective bargaining resolution for FOP and IUPA, no Spurrier at ONDCP which all the LESC fought for, no specific chits to cops in the juvenile crime bill, no consultation or heads up on the new Assoc. AG --- granted it's a DOJ thing, but I faxed out the President's release the day it was put out and got a string of calls asking why the groups never got a heads up.

Anyway, let's figure out how to deal with the Commission first - a good subject for the crime meeting.



Christa Robinson
06/13/97 05:50:42 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: law enforcement commission

The Flood Relief Bill POTUS signed included \$2 million in funding of the Terrorism Bill law enforcement commission -- better known as the NRA Commission/civilian review board -- that we opposed. Although our veto message explained why we were against this commission and supportive of the Commission to Support Law Enforcement in the Crime Bill, we need to do more now.

Peter Jacoby said it was Obey alone who fought for the funding -- and that Reno called Obey four times about it but he never called her back. Peter is working with OMB to see if there is a way to submit a rescissions request for this item, but he doesn't know if it's a real option. Anyway, we need to figure out how we can deal with.

This is the most immediate problem, but I think we now need to seriously address how far we are pushing the cop groups away because of other stuff too -- no domestic violence Brady fix yet, no collective bargaining resolution for FOP and IUPA, no Spurrier at ONDCP which all the LESC fought for, no specific chits to cops in the juvenile crime bill, no consultation or heads up on the new Assoc. AG --- granted it's a DOJ thing, but I faxed out the President's release the day it was put out and got a string of calls asking why the groups never got a heads up.

Anyway, let's figure out how to deal with the Commission first - a good subject for the crime meeting.

THE WHITE HOUSE
WASHINGTON

LETTER
FROM RABIN

* LESS THAN A YEAR

- ⊗ WILLIAM WEBSTER - (CHIEF)
- ⊗ ROBERT STEWART (Dir. SC LAW ENF. DIV)
- ⊗ VICTORIA TOENISNG
 - ↳ JIGENOWA'S WIFE
 - ↳ FORMER PROSECUTOR
- ⊗ DAVID DALEN (South Dakota)
- ⊗ GALEGGOS

* CLOCK ALREADY *
RUNNING

- Exec. Director ⊗

↳ \$25 million yearly 18 months

CHURCH
PERSON
↳ FRIENDLY
TOWARDS
BATT
I - WITNESS

FAX (516) 368-6429

THE WHITE HOUSE
WASHINGTON

Rich:

HERE ARE THE NAMES

FOR THE COMMISSION:

- WILLIAM WEBSTER (RENGUIST)
- ROBERT STEWART (THORNTON)
DIRECTOR, SOUTH CAROLINA
LAW ENFORCEMENT, DIV.
- VICTORIA TENSING (GINGRICH)
(FORMER PROSECUTOR +
J. D'GENOVA'S WIFE)
- DAVID DALEN (DASCHE)
FROM SOUTH DAKOTA
- GIL GALLEGOS (GERARDOT)
FOP

Flood relief

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 9, 1997

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 1469, the "Supplemental Appropriations and Rescissions Act, FY 1997." The congressional majority -- despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters -- has chosen to weigh down this legislation with a series of unacceptable provisions that it knows will draw my veto. The time has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

On March 19, 1997, I sent the Congress a request for emergency disaster assistance and urged the Congress to approve it promptly. Both the House and Senate Appropriations Committees acted expeditiously to approve the legislation. The core of this bill, appropriately, provides \$5.8 billion of much-needed help to people in hard-hit States and, in addition, contains \$1.8 billion for the Department of Defense related to our peacekeeping efforts in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order, consistent with our values and principles. Putting the Government's finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are \$18 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by \$1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children

receiving food and other services through WIC would be cut by an average of 500,000 per month; up to 56,000 fewer children would participate in Head Start; the number of border patrol and FBI agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 Superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States.

more

(OVER)

Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Department of the Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of the Interior can disapprove the commission's recommendations, preventing their submission to the Congress under "fast-track" procedures in the House and Senate. I believe -- and my Administration has stated -- that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If external views about law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and assisting community efforts to make their neighborhoods safer. The Council is in the process of awarding \$1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these

more

grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in higher costs for future defense systems. The projects selected in this year's competition will save the Department of Defense an estimated \$3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption of military training.

I urge the Congress to remove these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need should not have to endure further delay.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 9, 1997.

#

Flood Relief

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 9, 1997

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 1469, the "Supplemental Appropriations and Rescissions Act, FY 1997." The congressional majority -- despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters -- has chosen to weigh down this legislation with a series of unacceptable provisions that it knows will draw my veto. The time has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

On March 19, 1997, I sent the Congress a request for emergency disaster assistance and urged the Congress to approve it promptly. Both the House and Senate Appropriations Committees acted expeditiously to approve the legislation. The core of this bill, appropriately, provides \$5.8 billion of much-needed help to people in hard-hit States and, in addition, contains \$1.8 billion for the Department of Defense related to our peacekeeping efforts in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order, consistent with our values and principles. Putting the Government's finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are \$18 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by \$1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children

receiving food and other services through WIC would be cut by an average of 500,000 per month; up to 56,000 fewer children would participate in Head Start; the number of border patrol and FBI agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 Superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States.

more

(OVER)

Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Department of the Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of the Interior can disapprove the commission's recommendations, preventing their submission to the Congress under "fast-track" procedures in the House and Senate. I believe -- and my Administration has stated -- that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If external views about law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and assisting community efforts to make their neighborhoods safer. The Council is in the process of awarding \$1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these

more

3

grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in higher costs for future defense systems. The projects selected in this year's competition will save the Department of Defense an estimated \$3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption of military training.

I urge the Congress to remove these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need should not have to endure further delay.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 9, 1997.

#

622-7301

PUBLIC LAW 101-647—NOV. 29, 1990

104 STAT. 47

Public Law 101-647
101st Congress

An Act

To control crime.

3082

Nov. 29, 1990
[S. 3266]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Control Act of 1990".

Crime Control
Act of 1990.
18 USC 1 note.

TITLE I—INTERNATIONAL MONEY LAUNDERING

SEC. 101. REPORTS ON USES MADE OF CURRENCY TRANSACTION REPORTS.

31 USC 5311
note.

Not later than 180 days after the effective date of this section, and every 2 years for 4 years, the Secretary of the Treasury shall report to the Congress the following:

(1) the number of each type of report filed pursuant to subchapter II of chapter 53 of title 31, United States Code (or regulations promulgated thereunder) in the previous fiscal year;

(2) the number of reports filed pursuant to section 6050I of the Internal Revenue Code of 1986 (regarding transactions involving currency) in the previous fiscal year;

(3) an estimate of the rate of compliance with the reporting requirements by persons required to file the reports referred to in paragraphs (1) and (2);

(4) the manner in which the Department of the Treasury and other agencies of the United States collect, organize, analyze and use the reports referred to in paragraphs (1) and (2) to support investigations and prosecutions of (A) violations of the criminal laws of the United States, (B) violations of the laws of foreign countries, and (C) civil enforcement of the laws of the United States including the provisions regarding asset forfeiture;

(5) a summary of sanctions imposed in the previous fiscal year against persons who failed to comply with the reporting requirements referred to in paragraphs (1) and (2), and other steps taken to ensure maximum compliance;

(6) a summary of criminal indictments filed in the previous fiscal year which resulted, in large part, from investigations initiated by analysis of the reports referred to in paragraphs (1) and (2); and

(7) a summary of criminal indictments filed in the previous fiscal year which resulted, in large part, from investigations initiated by information regarding suspicious financial transactions provided voluntarily by financial institutions.

TO: DAVID
FR: JOSE
BUT I DO KNOW
\$500,000 WAS RESCINDED
THIS WEEK @ OUR REQUEST

(b) GAO STUDY.—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the disclosure of returns to Federal agencies under paragraph (8) of section 6103(i) of the Internal Revenue Code of 1986. The study shall include an evaluation of—

(A) the Federal agencies requesting disclosure under such paragraph,

(B) the use of the information so disclosed, and

(C) the effect of the use of such information on the administration of Federal criminal statutes.

(2) **REPORT.**—Not later than July 1, 1991, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study required in paragraph (1).

SEC. 3303. FELONY CLASSIFICATION FOR FAILURE TO FILE RETURN ON CERTAIN CASH TRANSACTIONS.

(a) **IN GENERAL.**—The last sentence of section 7203 of the Internal Revenue Code of 1986 (relating to willful failure to file return, etc.) is amended by striking “by substituting” and inserting “by substituting ‘felony’ for ‘misdemeanor’ and”.

(b) GAO STUDY.—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the criminal penalties established under section 7203 of the Internal Revenue Code of 1986 for violations of section 6050I of such Code. The study shall include an evaluation of—

(A) the number of cases in which such penalties have been sought for such violations, and

(B) any change in the effectiveness of such penalties by reason of the amendment made by subsection (a).

(2) **REPORT.**—Not later than July 1, 1991, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study required in paragraph (1).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 3304. CONFIDENTIALITY OF TAX RETURN INFORMATION.

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, no commission established by this Act shall have access to any return or return information, except to the extent authorized by section 6103 of the Internal Revenue Code of 1986.

(b) **DEFINITIONS.**—For purposes of this section, the terms “return” and “return information” have the respective meanings given such terms by section 6103(b) of the Internal Revenue Code of 1986.

TITLE XXXIV—NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

SEC. 3401. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 3402. ESTABLISHMENT.

There is hereby established the National Commission to Support Law Enforcement (hereafter in this title referred to as the “Commission”).

SEC. 3403. DUTIES.

(a) **IN GENERAL.**—The Commission shall study and include in the report made under section 3407 recommendations for changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) **FUNDING.**—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) **EMPLOYMENT.**—The conditions of law enforcement employment.

(3) **INFORMATION.**—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) **RESEARCH AND TRAINING.**—The status of law enforcement research and education and training.

(5) **EQUIPMENT AND RESOURCES.**—The adequacy of equipment, physical resources, and human resources.

(6) **COOPERATION.**—The cooperation among Federal, State, and local law enforcement agencies.

(7) **RESPONSIBILITY.**—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) **IMPACT.**—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) **CONSULTATION.**—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 3404. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 19 members as follows:

(1) 5 individuals from national law enforcement organizations representing law enforcement officers, appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate.

(2) 5 individuals from national law enforcement organizations representing law enforcement management, appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate.

(3) 2 individuals with academic expertise regarding law enforcement issues, appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate.

(4) 2 Members of the House of Representatives, appointed jointly by the Speaker and the minority leader of the House of Representatives.

(5) 2 Members of the Senate, appointed jointly by the majority leader and the minority leader of the Senate.

(6) 1 individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) 1 individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) COMPENSATION.—

(1) **IN GENERAL.**—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of service on the Commission.

(2) **TRAVEL EXPENSES.**—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 3405. EXPERTS AND CONSULTANTS.

(a) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) **ADMINISTRATIVE SUPPORT.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 3406. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) **DELEGATION OF AUTHORITY.**—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) **INFORMATION.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head

of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) **GIFTS AND DONATIONS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 3407. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the enactment of this title, the Commission shall submit to the Congress a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate.

SEC. 3408. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 3407.

TITLE XXXV—TECHNICAL AND MINOR SUBSTANTIVE AMENDMENTS

SEC. 3501. MODIFICATION OF APPROVAL REQUIREMENTS FOR GOVERNMENT SENTENCE APPEALS.

Section 3742(b) of title 18, United States Code, is amended—

(1) by striking “, with the personal approval of the Attorney General or the Solicitor General”; and

(2) by adding at the end the following: “The Government may not further prosecute such appeal without the personal approval of the Attorney General, the Solicitor General, or a deputy solicitor general designated by the Solicitor General.”.

SEC. 3502. PENALTY FOR CERTAIN ACCESSORY AFTER THE FACT OFFENSES.

Section 3 of title 18, United States Code, is amended by striking “10 years” and inserting in lieu thereof “15 years”.

SEC. 3503. DELETION OF REQUIREMENT FOR SOLICITOR GENERAL APPROVAL OF APPEAL TO A DISTRICT COURT FROM A SENTENCE IMPOSED BY A MAGISTRATE.

Section 3742(g) of title 18, United States Code, is amended by inserting “(except for the requirement of approval by the Attorney General or the Solicitor General in the case of a Government appeal)” after “and this section shall apply”.

SEC. 3504. CORRECTION OF TABLE OF SECTIONS FOR CHAPTER 1.

The item relating to section 17 in the table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by striking “Defense” and inserting “defense”.

SEC. 3505. CORRECTION TO SECTION 12.

Section 12 of title 18, United States Code, is amended by striking “every officer and employee of that Service, whether he has taken the oath of office” and inserting “every officer and employee of that



FRATERNAL ORDER OF POLICE

NATIONAL LEGISLATIVE PROGRAM

309 MASSACHUSETTS AVENUE, N.E. • WASHINGTON, DC 20002
PHONE: (202) 547-8189 FAX: (202) 547-8190



GILBERT G. GALLEGOS
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

BERNARD H. TEODORSKI
NATIONAL VICE PRESIDENT
CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE

20 May 1997

The Honorable Peter Domenici
Chairman
Senate Budget Committee
United States Senate
Washington, D.C. 20510

Dear Senator Domenici:

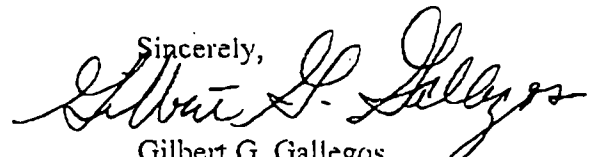
I write this letter on behalf of the 277,000 members of the Fraternal Order of Police to express our confusion and frustration regarding language in H.R. 1469, the supplemental appropriations bill allocating funds for the so-called "Commission on the Advancement of Law Enforcement."

This "Commission" is nothing more than a civilian review board with the power to interfere in on-going investigations and second-guess decisions made by agency administrators. Members of this "Commission" are not drawn from the law enforcement community and do not have the knowledge or experience to make intelligent decisions on matters of importance to law enforcement. As you may recall, the F.O.P. vigorously opposed its creation, and we remain adamant in that opposition.

Furthermore, the creation and funding of this Commission seems at variance with common sense when, in 1994, Congress enacted legislation creating a National Commission to Support Law Enforcement. This National Commission has ample representation from the law enforcement community, enabling it to make informed judgments on law enforcement matters. Though some appointments have yet to be made, I am proud to have been asked to serve on that Commission, which I believe will be of great value to the law enforcement profession. Why is Congress creating yet another commission, when the one it created in 1994 has yet to be utilized?

I would urge you to remove funds allocated to the Commission to Advance Law Enforcement, and instead, take long overdue action to complete the appointments to the National Commission to Support Law Enforcement. If I can be of any further assistance in this matter, please do not hesitate to contact me or Executive Director Jim Pasco at (202) 547-8189.

Sincerely,


Gilbert G. Gallegos
National President



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

May 19, 1997

THE DIRECTOR

The Honorable Robert C. Byrd
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

The purpose of this letter is to provide the Administration's views on H.R. 1469, the FY 1997 Emergency Supplementals and Rescissions bill, as passed by the House and by the Senate. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the prompt action of the House and the Senate on the President's supplemental requests. The bill contains \$5.5 billion in the House version and \$5.6 billion in the Senate version of urgently needed disaster assistance. To ensure an expeditious response to the tragic natural disasters that continue to afflict hundreds of thousands of citizens in 33 States, and for the efficient operation of our troops abroad, it is essential that this bill remain free of extraneous issues that could slow its progress.

The Administration continues to believe that the requested supplemental funding is for matters truly emergency in nature and, therefore, that the requested funding should not be offset with rescissions. However, recognizing that the House and Senate have determined that offsets are to be included in the bill, the Administration has concerns with several of the specific proposed offsets, which are discussed below. In addition, the Administration objects to certain language provisions, described below.

Regrettably, the House and Senate have chosen to include several extraneous provisions that threaten approval of the bill, as detailed below.

"Automatic" Continuing Resolution

Both the House and Senate versions of the bill would create an automatic continuing resolution (CR) for FY 1998 based on the McCain-Hutchison language. While the goal of ensuring that the Government does not shut down again in the absence of enacted appropriations is a worthy one, such a provision is clearly extraneous to this emergency disaster relief legislation. Providing for an automatic CR at 100 percent of the FY 1997 enacted level does

nothing to respond to the Administration's concerns, described more fully in the enclosure. Even with this funding formula, the automatic CR would provide resources approximately \$18 billion below the level contained in the bipartisan budget agreement. If the bill were presented to the President containing the automatic CR, the President would veto the bill.

R.S. 2477

The Administration strongly opposes a provision of the Senate bill that would prevent the Department of the Interior from promulgating rules on "Revised Statute (R.S.) 2477" and also prohibit implementation of the Department's January 1997 policy guidance on that statute. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not reserved for public uses. It was replaced in 1976, subject to "valid, existing rights."

The Department's rules and guidance affected by this provision seek to resolve long-standing disputes involving R.S. 2477 valid, existing rights-of-way claims across Federal lands, including national parks and wilderness areas. The Secretary of the Interior has indicated that he would recommend that the President veto this bill if it were to contain this R.S. 2477 provision and accompanying report language, which directs the Federal Government to defer to State laws on R.S. 2477 right-of-way disputes. A requirement of deference to State law could effectively render the Federal government unable to prevent the unwarranted conversion of footpaths, dog sled trails, jeep tracks, and other primitive transportation routes into paved highways through sensitive public lands and military installations. The Administration believes that Interior's January 1997 policy fairly balances the interests of a right-of-way claimant with Federal land planning and management responsibilities. States should not be permitted now to expand rights granted under a 19th century statute that was repealed by Congress more than 20 years ago.

Bosnia

The Administration urges the exclusion of the provision of the Senate bill that seeks to establish June 30, 1998, as the deadline for withdrawal of U.S. forces from Bosnia. The Administration remains committed to a June 1998 withdrawal. While no funds are contained in this bill for support of Bosnia operations beyond June 30, 1998, we believe it is ill-advised to cut off funding for any contingency operation by a date certain.

The Administration strongly urges the conferees to provide at least the House level of funding to cover the Department of Defense's FY 1997 contingency operations requirements. These funds will cover costs that either have already been incurred or cannot be avoided. Without this funding, Defense will have no alternative but to finance its unbudgeted costs with immediately available funds--namely those for operations, training, exercises, supplies, and maintenance--potentially adversely affecting force readiness.

WIC

The President's budget requests a \$100 million FY 1997 supplemental for WIC to maintain the FY 1996 year-end participation level of 7.4 million. Our most recent information from States suggests that a minimum of \$76 million in new budget authority is necessary to maintain the FY 1996 year-end participation level. The Administration appreciates the House's action to provide \$76 million. The \$58 million funding level provided by the Senate would result in State agencies having to cut participation by 75,000 to 100,000 low-income women, infants, and children by year's end. The Administration remains firmly committed to fully funding the WIC program at a participation level of 7.5 million persons in FY 1998 and strongly supports a supplemental appropriation of \$76 million this year.

Endangered Species Act

The Administration opposes the inclusion in the bill of a waiver of the Endangered Species Act (ESA). Current law already allows Federal agencies to implement effective emergency procedures in order to accommodate the ESA during emergency responses to floods, and these procedures are routinely used and have been used during the recent flood events. While the Administration believes that the February 1997 policy statement issued by the Fish and Wildlife Service adequately addresses emergency situations affected by flooding and that additional legislation is unnecessary, we conclude that the language approved by the House Appropriations Committee, is acceptable because it is consistent with that policy and will provide essential flood protection to the American people while maintaining the capability to protect endangered species. We prefer the House Committee language to the Senate language.

Assisted Housing

The President's FY 1998 Budget requests that Congress appropriate funds sufficient to renew all expiring housing assistance contracts in FY 1998 and all future years. The Administration does not object to funding FEMA's Disaster Relief program through the rescission of \$3.8 billion of recaptured excess reserves in HUD's assisted housing program, provided that the Congress approves sufficient resources to renew all expiring housing assistance contracts in FY 1998 and future years, as provided for in the recent bipartisan budget agreement.

Statistical Sampling for the 2000 Decennial Census

It is critical that the conference agreement allow the Department of Commerce to proceed in planning for a 2000 decennial census that uses statistical sampling. The original Senate bill included a provision that would have prohibited the Department from using FY 1997 funds to develop a plan for utilizing statistical sampling techniques in the 2000 decennial census. The Administration strongly opposed this provision, and a compromise amendment was agreed to on the Senate floor. The House bill contains no provision on this issue. Without sampling, the cost

of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, will decrease. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

Concerns with Certain Offsets

The Dual-Use Applications Program (DUAP) helps to develop and incorporate technologies used and test by the cost-conscious commercial sector into military systems. By adopting these dual-use technologies, the Department will be able to take advantage of cost savings that flow from the production efficiencies of larger-scale commercial manufacturing lines. Reducing funding for this program would result in higher costs for future Defense systems. We strongly oppose the use of these funds to offset other DoD costs.

The Administration strongly objects to rescinding \$1 million of unobligated balances from the Ounce of Prevention Council, as proposed by the House. Rescission of these funds, which represent roughly one-third of the Council's total funding, would substantially reduce the work of the Council in coordinating crime prevention efforts at the Federal level and assisting the communities to make their neighborhoods safer. The Council is in the process of awarding \$1.8 million for youth substance use prevention grants and evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants.

The Administration strongly objects to the House's action that would limit FY 1997 spending from the Fund for Rural America to \$80 million, representing a \$20 million, or 20 percent, reduction. The Fund's creation in the 1996 Farm Bill was a significant factor in the President's decision to sign that legislation because of its mandate to aid farmers, ranchers, and rural residents in their transition to reliance on a market economy. This provision would likely result in an over 40 percent reduction in the agricultural research portion of the Fund's activities this year, significantly reducing programs that would enhance needed information and technological assistance to rural areas.

The Administration opposes the proposed rescission of \$849,000 in Federal Family Education Loan Program (FFEL) discretionary administrative funds in the provision of the House bill authorizing the National Commission on the Cost of Higher Education. These funds are essential in enabling the Department of Education to manage its guaranteed student loan default collection system and make payments to lenders and guaranty agencies. This rescission would seriously handicap these program operations.

The Administration supports the Senate proposal to offset the supplemental appropriations provided by this bill partially through the rescission of Department of Transportation contract authority.

U.N. Arrearages

The Administration appreciates the Senate's provision of \$100 million to pay arrearages on past contributions to the United Nations (UN) as it is a positive demonstration of United States willingness toward paying the \$1.021 billion of arrears owed to the UN and other organizations. The budget agreement, announced on Friday May 16, 1997, makes provision for the \$1.021 billion to be funded fully in fiscal years 1998 and 1999. The Administration looks forward to working with the Congress to use this authority as a way to implement a jointly agreed upon plan to achieve reform, meet annual obligations and pay arrears in those fiscal years. The Administration urges the conferees to drop the dual use technology rescission intended to offset this funding, discussed above.

Restrictions on HUD funding

The Administration strongly objects to the Senate's inappropriate and unwise reduction of \$1.5 million in funding for non-career personnel in the Department of Housing and Urban Development (HUD). The reduction, targeted at HUD's top officials, would severely impede and potentially cripple Secretary Cuomo's efforts to reform the management of the Department and rebuild public trust in HUD.

Restoring Benefits for Certain Legalized Aliens

The Administration commends the House and the Senate for providing a simple extension of Supplemental Security Income (SSI) and Medicaid benefits through the end of the fiscal year to all legal immigrants currently receiving SSI. This approach would ensure that the Congress has sufficient time to enact the components of the Administration's legislative proposals, consistent with the recent bipartisan budget agreement.

Commission for the Advancement of Federal Law Enforcement

The Administration strongly objects to the Commission for the Advancement of Federal Law Enforcement, funded at \$2 million in the House bill. The Commission is unnecessary and would not be a constructive aid to Federal law enforcement. If the conferees choose to fund a commission to study law enforcement efforts, the Administration would urge that funds be appropriated for the National Commission to Support Law Enforcement authorized in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). This Commission is intended to support all levels of law enforcement -- Federal, State, and local -- and would better serve those who put their lives on the line every day to keep our communities safe.

Supplementals Not Approved

The Administration urges the conferees to provide the full Administration request of \$3,488 million for FEMA Disaster Relief. These funds are needed to ensure that immediate disaster response and recovery is not hindered, and that requirements for past disasters in 49 States and all U.S. territories can be met.

The Administration has requested a \$22.8 million emergency supplemental appropriation for NOAA to fund both hatchery repair and fishery habitat restoration. We are disappointed with the view of the House and Senate that NOAA's proposed fishery habitat restoration activities are not directly connected to disaster assistance and that only funding for hatchery repair is proposed. The flooding in the Northwest has resulted in direct damage to important fishery habitat. NOAA's proposed habitat restoration activities are intended to address this damage and to mitigate the impact of damage from future floods.

Supplemental funding of \$6.25 million is needed to restore funding for the Nutrition, Education, and Training program of the Department of Agriculture. Neither the House nor the Senate has provided this funding, which was unintentionally eliminated when permanent mandatory funds for the program were deleted after Congress had already passed the FY 1997 appropriations act. These funds help to provide basic nutrition education to teachers, food service workers, parents, and children.

Sincerely,



Franklin D. Raines
Director

Enclosure

Identical Letter Sent to The Honorable Bob Livingston,
The Honorable David R. Obey, The Honorable Ted Stevens,
and The Honorable Robert C. Byrd

Enclosure
(Conference)

**ADDITIONAL CONCERNS
EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR RECOVERY
FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING
EFFORTS, INCLUDING THOSE IN BOSNIA, FY 1997**

(AS PASSED BY THE HOUSE AND BY THE SENATE)

The Administration has the following additional concerns with H.R. 1469 as passed by the House and by the Senate.

Automatic Continuing Resolution for FY 1998

The Administration believes that the provisions of the House and Senate versions of the bill, respectively, that would provide for an automatic continuing resolution (CR) for FY 1998 are extremely ill-advised and clearly extraneous to this bill. The President would veto this bill if it were to contain either of these provisions.

The following are among many unfortunate effects that these provisions would have.

- o Critical services and functions would be reduced, including Veterans Medical Care, food assistance for Women, Infants and Children (WIC), education (e.g., Head Start and Pell Grants), the environment (e.g., cleaning up Superfund sites and maintaining and improving our national parks), and research and technology (NIH).
- o Specific examples of problems that would be created by the automatic CR include the following. (Comparisons are to the FY 1998 Budget.)
 - An average of 500,000 fewer women, infants and children per month would receive food and other services through WIC.
 - College aid would be cut by \$1.7 billion from the FY 1998 request, allowing a maximum Pell grant level of only \$2,660 – compared with the \$3,000 proposed by the President – and eliminating nearly 375,000 students from the program. No new aid would be available to older students.
 - Educational services for over 483,000 children would be cut from grants to local educational agencies.

- GOALS 2000 would be cut \$129 million from the FY 1998 request, eliminating aid to 2,000 school districts across all States.
- NIH would be cut \$337 million (2.6 percent) from the proposed FY 1998 funding level of \$13.1 billion. The number of NIH-funded new research projects could be cut by up to 800 in FY 1998 from the proposed FY 1998 level to enable continuation of research.
- Ryan White AIDS Treatment Grants would be cut four percent from the proposed FY 1998 funding level, cutting resources to provide protease inhibitors, other drugs and medical treatment, and support services to people suffering from AIDS.
- Up to 56,000 fewer children would participate in Head Start (presuming that the quality of the program would be maintained).
- Roughly 7,000 fewer Direct Single Family Rural Housing Loans would be issued, a reduction of 35 percent.
- The Federal crop insurance program would be terminated.
- New national parks and heritage areas authorized in the 1996 Omnibus Parks bill could not move forward in Kansas, Massachusetts, Oklahoma, West Virginia, Virginia, Tennessee, Georgia, Pennsylvania, Iowa, South Carolina, Ohio, and New York.
- Cuts in the Indian Health Service would undermine direct health care services for Native Americans, while cuts in the Bureau of Indian Affairs would impair reservation-based programs -- e.g., elementary and secondary education, law enforcement, child welfare, general assistance, and other social services. These BIA programs are already under significant pressure due to continued three-percent per year school enrollment growth and the effects of welfare reform as tribal members lose State benefits and return to their reservations.
- 40,000 economically disadvantaged adults and 26,000 dislocated workers would be denied employability services and training.
- VA Medical Care would be denied to 60,000 veterans.
- The President's goal of cleaning up 900 Superfund sites by the year 2000 would effectively be precluded.

- o By blindly applying an across-the-board freeze, this CR would undermine our ability to respond to problems that are peculiar to FY 1998 – e.g., preparing for the Decennial Census and correcting the government's computers for the year 2000 transition.
- o Such an automatic CR would make it very unlikely that a Foreign Operations bill could be enacted into law. Funding at a level \$1.4 billion below the request would undermine America's global leadership.
- o Core functions of government would be undermined:
 - Many of the 1,000 new border patrol agents being hired this year would have to be RIFed, and the proposal to hire another 500 in FY 1998 would be blocked.
 - The FAA would be unable to hire the additional 500 air traffic controllers, 258 aviation safety inspectors, and 173 security personnel proposed in the FY 1998 Budget, and the number of existing air traffic controllers would decline to the lowest level since 1988. Aviation safety inspections also would be reduced.
 - Reduced IRS tax law enforcement would result in \$350-\$500 million in lost revenues.
 - The proposed increase of 544 FBI agents would be blocked, and planned prison activations would be curtailed.
 - Social Security processing time for initial disability claims could increase by roughly 24 days (+18 percent) beyond the currently-projected 135 days, and about 31,000 fewer appeals decisions (-5 percent) might be reached.

Department of Agriculture

Disaster Reserve Assistance Program. The Administration urges the conferees to limit livestock indemnity payment eligibility to producers in designated emergency disaster areas. The open-ended eligibility period provided by the Senate bill would likely require USDA to withhold full payments to qualifying producers in order to determine if payments need to be pro-rated at the end of the fiscal year.

Army Corps of Engineers

Devils Lake. The Administration strongly urges the conferees to adopt the Senate position and to include \$5 million for design work related to the construction of an emergency outlet at Devils Lake, North Dakota. The Administration urges the Congress to support his vital project in the FY 1998 Energy/Water Development appropriations bill.

Department of Energy

Brookhaven National Laboratory. On April 23rd, the President proposed \$19.7 million for the Department of Energy's Brookhaven National Laboratory for activities relating to remediation of groundwater contamination. Appropriate offsets were included in the proposal. The Administration encourages the conferees to support this proposal.

Department of Transportation

Overflight Fees. The Administration objects to the Senate's proposal to exempt general aviation operations from the overflight user fee that was authorized last year. The Administration has strongly supported a user fee-financed Federal Aviation Administration (FAA). To achieve this goal, all users must pay a fair share of the FAA's costs. In addition, the Administration has some concerns regarding the exemption of Canada-to-Canada overflights. Canada is expected to implement a Canadian en route charge based, in part, on distance flown in Canadian air space, by November 1, 1997. To the extent that this charge makes it less expensive to fly in U.S. airspace than Canadian airspace, the U.S. could end up subsidizing Canadian carriers which are presently flying entirely in Canada.

Federal Emergency Management Agency

The Administration opposes the Senate's proposed rescission of \$5 million from the Federal Emergency Management Agency's (FEMA's) Salaries and Expenses account. Rescission of these funds would have a severe, adverse impact on FEMA's ability to manage its continuing disaster operations, which are now ongoing in 49 States and every U.S. territory.

Funding for TWA Flight 800 Investigation

The Administration requests that the conferees adopt the House position and fully fund the Administration's \$20.2 million supplemental request for the TWA Flight 800 investigation and recovery efforts. Since July 1996, the National Transportation Safety Board (NTSB), the FBI, Navy, and other agencies have worked together on the investigation of the crash. All of these agencies have incurred costs to support this effort.

Failure to fund the Administration's request would force the Navy to absorb costs that are unrelated to its core mission, result in other activities being canceled or deferred to cover these unanticipated costs, and hamper the NTSB's efforts to bring closure to this investigation.

Other Concerns

Restrictions on Navy Financial Management. The Administration strongly urges the conferees to drop section 2105 of the House bill, which would place extreme restrictions on the Navy's financial management. This provision takes the unprecedented step of requiring congressional approval for the hiring of civil service employees within the Department of the Navy, a clear infringement on the Executive Branch's authority to manage its employees. Further, this provision would condition the President's authority -- and the authority of certain agency officials -- to use funds appropriated by this Act on the approval of Congressional committees. The Administration would interpret such provisions to require notification only, since any other interpretation of such provisos would contradict the Supreme Court Ruling in *INS vs. Chadha*.

River Basin Appointments. The Administration is pleased that the House and Senate bills include language to allow continued Federal participation on the Susquehanna and Delaware River Basin Commissions. However, the Administration opposes the House and Senate requirements that the Federal representatives to these Commissions be from specific agencies. These requirements are overly prescriptive. The President should have the discretion, as he does under the existing compacts, to choose the Federal representative on these Commissions.

Ban on Studying Medical Use of Marijuana. The House-passed bill includes a provision that would prohibit the use of any of the funds appropriated by the Act for any study of the medicinal use of marijuana. Although this amendment has no practical effect in this legislation, the Administration is concerned about limitations on research activities. While the Administration remains opposed to marijuana legalization efforts, drug policy must be based on scientific findings. As such, the Administration is opposed to the inclusion of such additional legislated limitations on research activities.

General Provisions. The conferees are urged to delete from the final bill the following provisions of the Senate-passed bill.

Medicare -- Denver Waiver. The Administration objects to the provision in the Senate bill that would prohibit the Health Care Financing Administration (HCFA) from implementing or administering the managed care competitive pricing demonstration in Denver in FY 1997. The Administration strongly believes that no delay is warranted in testing an

important alternative payment methodology for Medicare managed care plans. This demonstration will yield important information to empower Medicare to contract more effectively for managed care services and it is consistent with the FY 1998 Budget policies to require competitive bidding for various other Medicare items. The Administration believes that the project is well designed and has taken into consideration constructive comments from the managed care industry and other concerned parties.

Restriction on Funds Used to Enforce Electronic Tax Transfer System.

The Administration objects to the provision of the Senate bill that would place restrictions on the use of funds for enforcing the electronic tax transfer system. This provision is unnecessary as IRS has successfully implemented the Electronic Federal Tax Payment System (EFTPS), which allows Federal tax deposits to be made over the phone or by personal computer. Under section 6302 (h) of the Internal Revenue Code, 1.2 million employers were required to file through EFTPS by July 1, 1997, and as of April 26, 1997, over 995,000 are enrolled. The IRS will not impose penalties on businesses that are simply trying to become acclimated to EFTPS and are trying to comply with the filing requirements.

Cooperative Purchasing. The Administration opposes the provision of the Senate bill that would repeal section 1555 of the Federal Acquisition Streamlining Act (FASA) of 1994. This section of FASA would allow State and local governments, non-profit organizations, and Indian tribes, if they choose to do so, to buy products that are currently available to Federal agencies under contracts negotiated between the General Services Administration (GSA) and private suppliers. Often, GSA is able to leverage the buying power of the Federal Government to obtain very advantageous prices from suppliers, and section 1555 allows these other entities to take advantage of those lower prices. Participation by suppliers in the program would be entirely voluntary. Since there would be no requirement for these other entities to buy off the GSA contracts, they would only do so if they felt they were getting a better deal than currently obtainable. Repeal would harm taxpayers in order to protect certain local suppliers who fear this new source of competition. The Administration is working on a compromise approach to this issue and urges the conferees to support a constructive compromise. The Administration is also very concerned that this provision could reduce future access to discounted prices, thus increasing the price of drugs for public health clinics and hospitals, eroding their ability to provide important new AIDS treatments, such as protease inhibitors, to people with HIV/AIDS.

PETER G. JACOBY

05/21/97 03:40:14 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Michelle Crisci/WHO/EOP, Elisa Millsap/WHO/EOP
Subject: Update on the supplemental bill's inclusion of \$2 million for the Commission for the Advancement of Federal Law Enforcement

The House and Senate conferees for the supplemental appropriations bill have met yesterday and will meet this afternoon and possibly this evening. So far, while conferees are aware of the Administration's opposition to the \$2 million in funding for the Federal Law Enforcement Commission in the House bill, they have not agreed to delete this funding from the conference report. Many of the key conferees have traditionally been NRA supporters and the Federal Law Enforcement Commission is strongly supported by the NRA. Also, conferees believe that the President will not veto the measure over this provision.

Consequently, Andy Fois will try to have AG Reno call Senator Gregg and Congressman Rogers (the chairmen of the Commerce, State, Justice appropriations subcommittees) to enlist their support for deleting the funding provision. Treasury is also exploring whether Secretary Rubin should call Congressman Rogers and other conferees. Additionally, letters from the FOP and other police organizations have gone to the conferees expressing their opposition to the measure. Finally, any negotiations over the larger issues in the bill should be linked to deletion of this measure which we believe would hurt, rather than help, law enforcement.

Any other ideas?

Message Sent To:

John L. Hilley/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Jose Cerda III/OPD/EOP
Christa Robinson/OPD/EOP
Tracey E. Thornton/WHO/EOP
Barbara Chow/WHO/EOP
FOLEY_M @ A1 @ CD @ LNGTWY



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

(House Floor)
May 15, 1997

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1469 – MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

(Sponsor: Livingston (R), Louisiana)

This Statement of Administration Policy provides the Administration's views on H.R. 1469, as reported by the House Appropriations Committee. The Administration appreciates the prompt action of the House Appropriations Committee on the President's supplemental requests. The bill contains \$5.5 billion in urgently needed disaster assistance. To ensure an expeditious response to the tragic natural disasters that continue to afflict hundreds of thousands of citizens in 33 States, and for the efficient operation of our troops abroad, it is essential that this bill remain free of extraneous issues that could slow its progress.

The Administration continues to believe that the requested supplemental funding is for matters truly emergency in nature and, therefore, that the requested funding should not be offset with rescissions. However, recognizing that the House Committee has determined that offsets are to be included in the bill, the Administration has concerns with several of the specific offsets identified in the House Committee bill, which are discussed below. In addition, the Administration objects to certain language provisions, described below.

In the April 23, 1997 letter to the House Appropriations Committee providing the Administration's views on the draft Committee bill, OMB Director Raines described the Administration's concerns with a number of provisions in the Committee bill and urged that the bill be kept free of extraneous provisions. While the Committee bill continues to include a number of objectionable provisions, the Committee addressed several of the Administration's concerns and is free of provisions that would threaten approval of the bill. Regrettably, the rule makes in order an amendment, that if approved, would result in the President vetoing the bill.

"Automatic" Continuing Resolution

It is the Administration's understanding that an amendment will be offered that would create an automatic continuing resolution for FY 1998 based on the McCain-Hutchison language. While the goal of ensuring that the Government does not shut down again in the absence of enacted appropriations is a worthy one, such a provision is clearly extraneous to this emergency disaster relief legislation. The President has indicated that he would veto the bill if such a provision were included in it.

WIC

The President's budget requests a \$100 million FY 1997 supplemental for WIC to maintain the FY 1996 year-end participation level of 7.4 million. Our most recent information from States suggests that a minimum of \$76 million in new budget authority is necessary to maintain the FY 1996 year-end participation level. The funding level proposed by the House Committee would result in State agencies having to cut participation by 150,000 to 200,000 low-income women, infants, and children by year's end. The Administration remains firmly committed to fully funding the WIC program at a participation level of 7.5 million persons in FY 1998 and strongly supports the bipartisan amendment to provide the full \$76 million this year.

Reductions to FEMA Disaster Relief and Other Non-Defense Programs

The Administration would oppose the amendment made in order in the rule which would eliminate \$2.4 billion of FEMA Disaster Relief funds and require the President to reduce non-defense discretionary spending by \$3.6 billion (-1.5%). Enactment of such a reduction two-thirds of the way through the fiscal year would result in reductions of nearly 5% in the final four months of the fiscal year.

Contingent Emergency Fund

On April 23rd, the President requested \$300 million for funding additional emergency expenses arising from the consequences of the devastating flooding in North Dakota, South Dakota, and Minnesota. The President requested that \$200 million of this amount be provided to the Unanticipated Needs account within Funds Appropriated to the President. The Administration appreciates the quick action of the House Committee in providing funding. However, in rejecting the Administration's proposal to provide the \$200 million as a contingency fund in the Unanticipated Needs account, the Committee has failed to provide the flexibility that is essential for the President to respond appropriately to a variety of funding requirements that continue to emerge from the unfolding disaster. We urge the House to adopt the Administration's proposal, which recognizes the substantial uncertainty surrounding the Upper Midwest's enormous needs.

Community Development Block Grant Program

The Administration encourages the House to provide requested supplemental funding for the Community Development Block Grant (CDBG) program. These funds would enable CDBG to repeat its past successes of working in concert with FEMA and other agencies to help victims of disasters rebuild their lives and their homes. The complementary programs of CDBG, FEMA, and SBA hastened the recovery from the 1993 Midwest floods and many other disasters. CDBG programs serve different purposes than SBA and FEMA programs.

The Department of Housing and Urban Development and OMB will work together to establish administrative procedures ensuring that CDBG funds are used to redevelop the affected communities to be viable and disaster-resistant, in a manner that complements other relief and recovery spending. For example, the additional funds could be used to buy out properties as part of a relocation effort and/or elevate structures out of the flood hazard; to relocate lower-income families from flood plains; and, to provide grants or loans to businesses and families who lack the income, savings, or credit history to qualify for an SBA loan.

Endangered Species Act

The Administration opposes the inclusion in the bill of a waiver of the Endangered Species Act (ESA). Current law already allows Federal agencies to implement effective emergency procedures in order to accommodate the ESA during emergency responses to floods, and these procedures are routinely used and have been used during the recent flood events. While the Administration believes that the February 1997 policy statement issued by the Fish and Wildlife Service adequately addresses emergency situations affected by flooding and that additional legislation is unnecessary, we conclude that the language in the House Bill, as revised in the version of the bill reported by the House Appropriations Committee, is acceptable because it is consistent with that policy and will provide essential flood protection to the American people while maintaining the capability to protect endangered species.

Conservation Reserve Program (CRP)

The Administration objects to language that would restrict CRP sign-ups in FY 1997 to 14 million acres. This action would deny willing landowners the opportunity to enroll land for which the environmental benefits exceed their agricultural production value. In light of the 25 million acres recently offered for CRP enrollment, the provision would at best delay the ability to enroll the optimum number of acres. This provision is also misplaced in this bill because it would not result in any FY 1997 savings. Federal payments on FY 1997-enrolled CRP acres would not begin until FY 1998.

Assisted Housing

The President's FY 1998 Budget requests that Congress appropriate funds sufficient to renew all expiring housing assistance contracts in FY 1998 and all future years. The Administration does not object to funding FEMA's Disaster Relief program through the rescission of \$3.8 billion of recaptured excess reserves in HUD's assisted housing program, provided that the Congress is committed to approving sufficient resources to renew all expiring housing assistance contracts in FY 1998 and future years.

Concerns with Certain Offsets

The Dual Use Applications Program helps to develop and incorporate technologies used and tested by the cost-conscious commercial sector into military systems. By adopting these dual-use technologies, the Department will be able to take advantage of cost savings that flow from the production efficiencies of larger-scale commercial manufacturing lines. Reducing funding for this program would result in higher costs for future defense systems. This is an Administration priority, and the Administration strongly opposes the rescission contained in the Committee bill.

The Administration strongly objects to rescinding \$1 million of unobligated balances from the Ounce of Prevention Council. Rescission of these funds, which represent roughly one-third of the Council's total funding, would substantially reduce the work of the Council in coordinating crime prevention efforts at the Federal level and assisting the communities to make their neighborhoods safer. The Council is in the process of awarding \$1.8 million for youth substance use prevention grants and evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants.

The Administration strongly objects to the House Committee action that would limit FY 1997 spending from the Fund for Rural America to \$80 million, representing a \$20 million, or 20 percent, reduction. The Fund's creation in the 1996 Farm Bill was a significant factor in the President's decision to sign that legislation because of its mandate to aid farmers, ranchers, and rural residents in their transition to reliance on a market economy. This provision would likely result in an over 40 percent reduction in the agricultural research portion of the Fund's activities this year, significantly reducing programs that would enhance needed information and technological assistance to rural areas.

Restoring Benefits for Certain Legalized Aliens.

The Administration has proposed legislation to restore SSI and Medicaid benefits for disabled legal immigrants and children of legal immigrants. To ensure that benefits for needy legal immigrants are not abruptly curtailed, the Administration would strongly support a simple extension of benefits through the end of the fiscal year to all legal immigrants currently receiving SSI. This approach would ensure that the Congress has sufficient time to enact the components of the Administration's legislative proposals, consistent with the recent bipartisan budget agreement, and that SSA has sufficient time to implement the legislation. The Administration supports the amendment made in order in the rule.

Federal Election Commission.

The Administration appreciates the provision of \$1.7 million in additional funding for the Federal Election Commission (FEC) in the House Committee version of the bill and would oppose the elimination of these funds. The Administration encourages the House to remove the restrictions on these funds that would require their expenditure on automated data processing systems (ADP). The Administration requested these funds for the express purpose of supporting additional staff and related costs for investigations and audits pursuant to the Federal Election Campaign Act. While additional ADP costs are a component of these investigations, they are not the key purpose of the request.

Supplementals Not Approved

The Administration has requested a \$22.8 million emergency supplemental appropriation for NOAA to fund both hatchery repair and fishery habitat restoration. We are disappointed with the House Committee's view that NOAA's proposed fishery habitat restoration activities are not directly connected to disaster assistance and that only funding for hatchery repair is proposed. The flooding in the Northwest has resulted in direct damage to important fishery habitat. NOAA's proposed habitat restoration activities are intended to address this damage and to mitigate the impact of damage from future floods.

Supplemental funding of \$6.25 million is needed to restore funding for the Nutrition, Education, and Training program of the Department of Agriculture. This funding was unintentionally eliminated when permanent mandatory funds for the program were deleted after Congress had already passed the FY 1997 appropriations act. These funds help to provide basic nutrition education to teachers, food service workers, parents, and children.

Other Issues

- Brookhaven National Laboratory. On April 23rd, the President proposed \$19.7 million for the Department of Energy's Brookhaven National Laboratory for activities relating to remediation of groundwater contamination. Appropriate offsets were included in the proposal. The Administration encourages the House to support this proposal.
- Devils Lake. The Administration strongly urges the House to include the requested authorization language and construction funding for an emergency outlet at Devils Lake, North Dakota. With the lake at unprecedented levels and having the potential to cause high additional damages, an accelerated emergency process is necessary to reduce the risks of potential flood damages.

- Restrictions on Navy Financial Management. The Administration strongly objects to section 2105 of the House Committee bill, which would place extreme restrictions on the conduct of the Navy's financial management. This provision takes the unprecedented step of requiring congressional approval for the hiring of civil service employees within the Department of the Navy, a clear infringement on the Executive Branch's authority to manage its employees. In addition, the provision would require the Navy to submit all reprogrammings for prior approval by the Appropriations Committees, regardless of dollar value. The length of time required to submit such documents and obtain approval would impose an undue burden on the Navy and prevent efficient management of its programs and resources. Further, this provision would condition the President's authority -- and the authority of certain agency officials -- to use funds appropriated by this Act on the approval of Congressional committees. The Administration would interpret such provisions to require notification only, since any other interpretation of such provisos would contradict the Supreme Court Ruling in INS vs. Chadha.
- River Basin Appointments. The Administration is pleased that the House Committee has included language to allow continued Federal participation on the Susquehanna and Delaware River Basin Commissions. However, the Administration opposes the requirement that the Federal representatives to these Commissions be military officers of the Corps of Engineers. This requirement is overly prescriptive. The President should have the discretion, as he does under the existing compacts, to choose the Federal representatives on these Commissions.

EXAMPLES OF PROBLEMS CONTAINED IN THE SENATE-PASSED VERSION OF THE FY 1998 AUTOMATIC CONTINUING RESOLUTION

- It is premature and is inconsistent with the funding levels contained in the bipartisan budget agreement.
- Funding would be reduced by \$25 billion from the President's request and is significantly below the levels in the bipartisan budget agreement.
- It would cut such critical services and functions as Veterans Medical Care, food assistance for Women, Infants and Children (WIC), education (e.g., Head Start and Pell Grants), the environment (e.g., cleaning up Superfund sites and maintaining and improving our national parks), and research and technology (NIH).
- Specific examples of problems follow (compared to President's FY 1998 Budget):
 - An average of 500,000 fewer women, infants and children per month would receive food and other services through WIC.
 - College aid would be cut by \$1.7 billion from the FY 1998 request, allowing a maximum Pell grant level of only \$2,660 — compared with the \$3,000 proposed by the President — and eliminating nearly 375,000 students from the program. No new aid would be available to older students.
 - Educational services for over 483,000 children would be cut from grants to local educational agencies.
 - GOALS 2000 would be cut \$129 million from the FY 1998 request, eliminating aid to 2,000 school districts across all States.
 - NIH would be cut \$337 million (2.6 percent) from the proposed FY 1998 funding level of \$13.1 billion. The number of NIH-funded new research projects could be cut by over 774 in FY 1998 from the proposed FY 1998 funding level.
 - Ryan White AIDS Treatment Grants would be cut 4 percent from the proposed FY 1998 funding level, cutting resources to provide protease inhibitors, other drugs and medical treatment, and support services to people suffering from AIDS.
 - Up to 56,000 fewer children would participate in Head Start (presuming that the quality of the program is maintained).
 - 7,000 fewer Direct Single Family Rural Housing Loans (-35 percent) would be issued.
 - The Federal crop insurance program would be terminated.

-- New national parks and heritage areas authorized in the 1996 Omnibus Parks bill could not move forward in Kansas, Massachusetts, Oklahoma, West Virginia, Virginia, Tennessee, Georgia, Pennsylvania, Iowa, South Carolina, Ohio and New York.

-- Cuts in the Indian Health Service would undermine direct health care services for Native Americans, while cuts in the Bureau of Indian Affairs would impair reservation-based programs -- e.g., elementary and secondary education, law enforcement, child welfare, general assistance, and other social services. These BIA programs are already under significant pressure due to continued three percent per year school enrollment growth and the effects of welfare reform as tribal members lose State benefits and return to their reservations.

--40,000 economically disadvantaged adults and 26,000 dislocated workers would be denied employability services and training.

--VA Medical Care would be denied to 60,000 veterans.

-- The CR would effectively preclude meeting the President's goal to clean up 900 Superfund sites by the year 2000.

- By blindly applying an across-the-board freeze, this CR would undermine our ability to respond to problems that are peculiar to 1998 -- e.g., preparing for the Decennial Census and correcting the government's computers for the year 2000 transition.
- Such an automatic CR would make it very unlikely that a Foreign Operations bill could be enacted into law. Funding at a level \$1.4 billion below the request would undermine America's global leadership.
- It would undermine core functions of government.

-- Many of the 1,000 new border patrol agents being hired this year would have to be RIFed, and the proposal to hire another 500 in FY 1998 would be blocked.

-- The FAA would be unable to hire the additional 500 air traffic controllers, 258 aviation safety inspectors, and 173 security personnel proposed in the FY 1998 budget, and the number of existing air traffic controllers would decline to the lowest level since 1988. Aviation safety inspections also would be reduced.

-- Reduced IRS tax law enforcement would result in \$350-\$500 million in lost revenues.

-- The proposed increase of 544 FBI agents would be blocked, and planned prison activations would be curtailed.

-- Social Security processing time for initial disability claims could increase by roughly 24 days (+18 percent) beyond the currently-projected 135 days -- and about 31,000 fewer appeals decisions (-5 percent) may be reached.

DISASTER RELIEF - NRA VICTORY

Last night, President Bill Clinton signed an emergency appropriations bill after days of contentious political struggle. While chiefly providing relief to flood-stricken states, the bill also provides funding for the National Commission on the Advancement of Federal Law Enforcement -- more than a year after this blue ribbon study group was authorized by law. Funding of this Commission is a great victory for NRA grassroots and the entire NRA team. NRA's aim is stated in the commission's title: advancement. The commission will enhance professionalism and improve the degree of cooperation between federal law enforcement and counterparts at the state and local levels as well as investigate case of abuses and non-professional conduct. Special thanks go to Reps. Bob Barr (R-Ga.), Alan Mollohan (D-W.V.), Hal Rodgers (R-Ky.), and David Obey (D-Wisc.), and Sens. Judd Gregg (R-N.H.) and Lauch Faircloth (R-N.C.).

ACCIDENT PREVENTION?

After careful review of the statements by President Clinton both at a conference on juvenile justice and then in a memo to Treasury Secretary Rubin, it is clear that this Administration is continuing its efforts to use propaganda and half-truths to scare the public into supporting more restrictions on firearms ownership. The Clinton-Gore Administration has asked the Treasury Department to review requiring federally licensed firearms dealers to inform their handgun customers through the use of a "warning card" or sign that a) federal law generally prohibits selling or giving a handgun to anyone over 18; b) violations are punishable by up to five years in prison; c) handguns are the leading cause of deaths among young people; d) safely storing and locking handguns can help ensure compliance with federal law. As NRA-ILA Executive Director Tanya K. Metaksa told USA Today on June 11th, "Cards don't stop juvenile criminals or prevent accidents, the NRA does." Mrs. Metaksa went on to note the award-winning Eddie Eagle program which has reached over 10 million children. Clinton also failed to acknowledge that, according to the National Center for Health Statistics, as well as the National Safety Council, fatal firearms accidents among children have dropped 64% since 1975.

To counter this effort and to shed some light on the truth, you can write a letter-to-the-editor of your local paper to get out the facts on the declining firearms accident rate in this country. Call NRA-ILA Grassroots to receive more information.

Also, the US Senate is still considering S. 10, the Juvenile Justice Reform Act. Please call your on US Senators at 202/224-3121 and urge them to oppose any gun control amendments to S.10.

ANIMAL EXTREMISTS SEEK TAXPAYER SUPPORT

The Washington Times reported Wednesday that the radical group Fund for Animals (FFA) has applied for a lucrative grant from the U.S. Fish and Wildlife Service to fund propaganda it calls "Project Respect: An Educational Program for Young People." A group that admittedly hopes to ban all sport hunting in America, FFA has asked for \$142,000 to fund this "project," which would be used to get their material into public schools. This animal extremist group has already produced an anti-hunting video targeting students featuring Marv Levy, coach of the NFL's Buffalo Bills, and they now want to use Pittman-Robertson money to finance their efforts! Act now: contact the Dept. of the

In: Prior at 202/208-7351 and urge Secretary Babbitt to reject this and any public funding of animal extremist propaganda.

CLINTON CLONE

With the Fourth of July holiday approaching, independence may take on a new meaning considering what's going on in Great Britain. On June 11th, Britain's House of Commons overwhelmingly approved a total ban on the possession of ALL handguns. Steps still remain before the ban becomes law, but the Labor Party's newly-elected Prime Minister Tony Blair, who frequently is called the "Clinton-Clone," appears likely to fulfill his campaign promise of banning all handguns. The agenda of the world-wide gun ban movement has been realized in the U.K.

REPORT FROM THE STATES

NEW JERSEY: New Jersey has joined the growing list of states with "Truth In Sentencing" laws requiring most violent offenders to serve at least 85% of their sentences. Surrounded by crime victims and police officers, Gov. Christie Whitman signed New Jersey's version, the "No Early Release Act," into law in a Burlington County ceremony on Monday. Federal crime legislation encourages states to have in place "Truth-In-Sentencing" laws for violent offenders to qualify for certain federal funds for prison construction.

OHIO: Testimony in support of the NRA-backed Range Protection bill was heard Wednesday in the Senate Judiciary Committee. HB 209, will protect shooting range facilities against certain noise ordinances or nuisance action aimed at shutting down. Members: Please continue calling your State Senators in support of HB 209.

VIRGINIA: Good news for gun owners in the Commonwealth: On Tuesday voters elected pro-gun State Senator Mark Earley for the Republican nomination for Attorney General. Particularly important was the last-place finish of Gil Davis, the one candidate who actively campaigned in support of gun control! Thanks to everyone who made it to the polls and be sure to get your friends registered so they may vote in the general election Nov. 4th.

==+=+=+=+

This information is provided as a service of the National Rifle Association Institute for Legislative Action, Fairfax, VA.

This and other information on the Second Amendment and the NRA is available at: <http://WWW.NRA.Org>



FRATERNAL ORDER OF POLICE

NATIONAL LEGISLATIVE PROGRAM

309 MASSACHUSETTS AVENUE, N.E. • WASHINGTON, DC 20002
PHONE: (202) 547-8189 FAX: (202) 547-8190



GILBERT G. GALLEGOS
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

BERNARD H. TEODORSKI
NATIONAL VICE PRESIDENT
CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE

FOR IMMEDIATE RELEASE
1 July 1997

Contact: James Pasco
(202)547-8189

EXTREMIST COALITION GETS A CIVILIAN REVIEW BOARD, BUT THE FRATERNAL ORDER OF POLICE GETS THE LAST LAUGH.

After a two year legislative battle, an NRA/ACLU coalition got the anti-police commission they were looking for - but the 278,000 member Fraternal Order of Police will get the last laugh.

House Minority Leader Dick Gephardt's appointment of President Gil Gallegos to the "National Commission for the Advancement of Federal Law Enforcement" was something that the NRA and ACLU never counted on. This means that when the "Commission" meets, President Gallegos will be there to protect the rights and reputations of Federal officers. The oldest and largest police organization in the United States, the F.O.P. counts over 25,000 Federal officers among its membership.

The F.O.P. is committed to the ultimate abolition of the commission. Until it is, however, the F.O.P. will be in attendance at all meetings to ensure that the truth is heard. "We cannot allow the national anti-police trend to continue unchallenged"; said Gallegos, "if we aren't careful, the extremists behind this "Commission" will be expanding their anti-law enforcement agenda to include state and local officers."

Gallegos extended thanks to Minority Leader Gephardt, whose actions ensured the rank and file police officers will have a voice on this "Commission". He also thanked the Federal Law Enforcement Officers' Association, and their President, Rich Gallo, for joining in strong opposition to this "Commission".

Funding for the extremely controversial "Commission on the Advancement of Federal Law Enforcement" was included in the final version of H.R. 1469, the primary purpose of which was flood and disaster relief.

The "Commission" is the brainchild of a coalition which included the NRA and ACLU, who lobbied strenuously both for its passage (in 1996) and more recently for its funding. The goal of the NRA/ACLU coalition in seeking this commission is to obtain the authority to revisit Federal cases and investigations with a view to uncovering "past abuses" by Federal officers.

The F.O.P. opposed this legislation very strongly, based on our belief that this "Commission" would be nothing more than a civilian review board for Federal officers. Then argued that Federal officers already answer to civilians in the persons of Cabinet Officers who oversee the Justice Department, Treasury Department, and others. Congress also vigorously oversees law enforcement agency activities - think back to the exhaustive House and Senate hearings on Waco and Ruby Ridge.

The F.O.P. further argued that a commission made up of individuals with no insight into ongoing investigations might well jeopardize those investigations and put law enforcement personnel at risk. In fact the proponents of this "Commission" specifically excluded any Executive Branch representatives from membership.

Date: 07/01/97 Time: 17:11

bFOP: Extremist Coalition Gets Civilian Review Board, But We Get

To: National Desk

Contact: James Pasco of the Fraternal Order of Police,
202-547-8189

WASHINGTON, July 1 /U.S. Newswire/ -- The following was released today by the Fraternal Order of Police:

After a two-year legislative battle, an NRA/ACLU coalition got the anti-police commission they were looking for -- but the 278,000 member Fraternal Order of Police (FOP) will get the last laugh.

House Minority Leader Dick Gephardt's appointment of President Gil Gallegos to the ``National Commission for the Advancement of Federal Law Enforcement'' was something that the NRA and ACLU never counted on. This means that when the ``Commission'' meets, President Gallegos will be there to protect the rights and reputations of federal officers. The oldest and largest police organization in the United States, the FOP counts more than 25,000 federal officers among its membership.

The FOP is committed to the ultimate abolition of the commission. Until it is, however, the FOP will be in attendance at all meetings to ensure that the truth is heard. ``We cannot allow the national anti-police trend to continue unchallenged,'' said Gallegos, ``if we aren't careful, the extremists behind this 'Commission' will be expanding their anti-law enforcement agenda to include state and local officers.''

Gallegos extended thanks to Minority Leader Gephardt, whose actions ensured the rank and file police officers will have a voice on this ``Commission.''

He also thanked the Federal Law Enforcement Officers' Association, and their president, Rich Gallo, for joining in joining strong opposition to this ``Commission.''

Funding for the extremely controversial ``Commission on the Advancement of Federal Law Enforcement'' was included in the final version of H.R. 1469, the primary purpose of which was flood and disaster relief.

The ``Commission'' is the brainchild of a coalition which included the NRA and ACLU, who lobbied strenuously both for its passage (in 1996) and more recently for its funding. The goal of the NRA/ACLU coalition in seeking this commission is to obtain the authority to revisit Federal cases and investigations with a view to uncovering ``past abuses'' by federal officers.

The FOP opposed this legislation very strongly, based on our belief that this ``Commission'' would be nothing more than a civilian review board for federal officers. They argued that federal officers already answer to civilians in the persons of Cabinet Officers who oversee the Justice Department, Treasury Department and others. Congress also vigorously oversees law enforcement agency activities -- think back to the exhaustive House and Senate hearings on Waco and Ruby Ridge.

The FOP further argued that a commission made up of individuals with no insight into ongoing investigations might well jeopardize those investigations and put law enforcement personnel at risk. In fact the proponents of this ``Commission'' specifically excluded any Executive Branch representatives from membership.

-0-

/U.S. Newswire 202-347-2770/

APNP-07-01-97 1728EDT

(d) **HEARINGS.**—Congress shall have not less than 90 days after the submission of the report under subsection (c) to—

(1) review the results of the study; and

(2) hold hearings and receive testimony regarding the recommendations of the Secretary.

(e) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 6 months after the submission of the report required by subsection (c), the Secretary may submit to Congress and publish in the Federal Register draft regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States, of such character and in such quantity as the Secretary may authorize or require, if the results of the study conducted under subsection (a) indicate that the tracer elements—

(A) will not pose a risk to human life or safety;

(B) will substantially assist law enforcement officers in their investigative efforts;

(C) will not substantially impair the quality of the explosive materials for their intended lawful use;

(D) will not have a substantially adverse effect on the environment; and

(E) the costs associated with the addition of the tracers will not outweigh benefits of their inclusion.

(2) **EFFECTIVE DATE.**—The regulations under paragraph (1) shall take effect 270 days after the Secretary submits proposed regulations to Congress pursuant to paragraph (1), except to the extent that the effective date is revised or the regulation is otherwise modified or disapproved by an Act of Congress.

TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

Subtitle A—Resources and Security

SEC. 801. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Attorney General and the Secretary of the Treasury are authorized to support law enforcement training activities in foreign countries, subject to the concurrence of the Secretary of State, for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

SEC. 802. SENSE OF CONGRESS.

It is the sense of the Congress that, whenever practicable, each recipient of any sum authorized to be appropriated by this Act, should use the money to purchase American-made products.

SEC. 803. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdic-

15 sections

tion, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

SEC. 804. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) REQUIREMENT TO PRESERVE EVIDENCE.—

"(1) IN GENERAL.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process.

"(2) PERIOD OF RETENTION.—Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity."

SEC. 805. DETERRENT AGAINST TERRORIST ACTIVITY DAMAGING A FEDERAL INTEREST COMPUTER.

(a) **REVIEW.**—Not later than 60 calendar days after the date of enactment of this Act, the United States Sentencing Commission shall review the deterrent effect of existing guideline levels as they apply to paragraphs (4) and (5) of section 1030(a) of title 18, United States Code.

(b) **REPORT.**—The United States Sentencing Commission shall prepare and transmit a report to the Congress on the findings under the study conducted under subsection (a).

(c) **AMENDMENT OF GUIDELINES.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to ensure any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, is imprisoned for not less than 6 months.

SEC. 806. COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the "Commission on the Advancement of Federal Law Enforcement" (hereinafter in this section referred to as the "Commission").

(b) **DUTIES.**—The Commission shall review, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) The Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States.

(2) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(3) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an

interagency basis, including standards related to the use of deadly force.

(4) The investigation and handling of specific Federal criminal law enforcement cases by the United States Government and the Federal law enforcement agencies therewith, selected at the Commission's discretion.

(5) The necessity for the present number of Federal law enforcement agencies and units.

(6) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(7) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(8) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and to correct Federal law enforcement abuses.

(9) The degree of coordination among law enforcement agencies in the area of international crime and the extent to which deployment of resources overseas diminishes domestic law enforcement.

(10) The extent to which Federal law enforcement agencies coordinate with State and local law enforcement agencies on Federal criminal enforcement operations and programs that directly affect a State or local law enforcement agency's geographical jurisdiction.

(11) Such other related matters as the Commission deems appropriate.

(c) MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(A) 1 member appointed by the President pro tempore of the Senate.

(B) 1 member appointed by the minority leader of the Senate.

(C) 1 member appointed by the Speaker of the House of Representatives.

(D) 1 member appointed by the minority leader of the House of Representatives.

(E) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(2) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(3) TERMS.—Each member shall be appointed for the life of the Commission.

(4) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(6) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall

Transactions

be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(d) STAFFING AND SUPPORT FUNCTIONS.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(2) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission, unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) REPORT.—The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting the report required by this section.

Jose - I think this is
fine. Please let me
know if you have
edits.

-Chris 65765-

EXECUTIVE OFFICE OF THE PRESIDENT



FACSIMILE TRANSMITTAL SHEET

Number of pages including cover 6Date 7/24/97To Christa RobinsonFAX Number 67431Comments Please review the following clearance request and
attached materials regarding a POTUS letter
to Richard GalloFrom Tracy Sisser X65516
X65426 faxOFFICE OF THE DIRECTOR
Presidential Correspondence
The White House
Washington, DC 20500
Phone: 202-456-7610
Fax: 202-456-2993

THE WHITE HOUSE
WASHINGTON

Clearance / Draft Request

7-24-97

Date Requested

To: Christa Robinson / 67431 - fax

Letter Name: Richard Gallo / Federal Law Enforcement Officer's Association

Subject: Commission for the Advancement of Federal Law Enforcement

Please review the attached information to provide :



CLEARANCE: See attached draft and incoming letter



DRAFT: See attached incoming letter and advise how to respond

Comments :

The language for this letter was created by David Haun
& Ed Chase in OMB's Justice Branch. The letter
responds to both the 6/9 and 7/8 correspondence
from Gallo on behalf of the organization

THE WHITE HOUSE
WASHINGTON

Clearance / Draft Request

7-24-97

Date Requested

To: Christa Robinson / 67431-fax

Letter Name: Richard Gallo / Federal Law Enforcement Officer's Association

Subject: Commission for the Advancement of Federal Law Enforcement

Please review the attached information to provide :



CLEARANCE: See attached draft and incoming letter



DRAFT: See attached incoming letter and advise how to respond

Comments :

The language for this letter was created by David Haun
& Ed Chase in OMB's Justice Branch. The letter
responds to both the 6/9 and 7/8 correspondence
from Gallo on behalf of the organization

JUL 24 97 16:30 FROM: PRESIDENTIAL LETTERS 2024353426 10.01431 PAGE 03
POTUS draft for letter to Richard Gallo, President of the Federal Law
Enforcement Officers Association
7-24-97

Thank you for your letters on behalf of the Federal Law Enforcement
Officers Association regarding the Commission for the Advancement of
Federal Law Enforcement.

I share your views about Congress' decision to fund this Commission.
In my veto message to Congress June 9, I identified the Commission as
one of several objectionable provisions that were attached to the
disaster relief legislation. As you know, Congress made substantial
revisions to the legislation but refused to drop the provision funding
the Commission. When I signed the bill June 17, I stated my
disappointment that the final version still included funding for the
Commission for the Advancement of Federal Law Enforcement. While I am
keenly aware of your disappointment that we were not successful in
removing funding for the Commission, I hope you can appreciate the
need to complete action on the disaster relief legislation in order to
provide aid to those areas ravaged by floods and other natural
disasters.

Again, thank you for your comments and the perspective of the Federal
Law Enforcement Officers Association on this important issue. I have
shared your letters with my staff, who will follow closely the
activities of the Commission.

Sincerely,

BC



JC-
I contacted
Tracy Sisser
of your approval!

LS



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

P.O. Box 508, East Northport, NY 11731-0472

July 8, 1997

Representing Members Of:

AGENCY for INTERNATIONAL DEVELOPMENT
AGRICULTURE
OIG & Forest Service
COMMERCE
Custom Enforcement, OIG
& National Marine Fisheries
DEFENSE
Air Force - OSI
Army - CID
Defense Criminal Investigative Service
Naval Criminal Investigative Service
OIG
EDUCATION - OIG
ENERGY - OIG
ENVIRONMENTAL PROTECTION AGENCY - CID & OIG
FEDERAL AVIATION ADMINISTRATION
FEDERAL DEPOSIT INSURANCE CORPORATION - OIG
FEDERAL EMERGENCY MANAGEMENT AGENCY - OIG
GENERAL SERVICES ADMIN.
Federal Protective Service & OIG
HEALTH & HUMAN SERVICES
Food & Drug Administration & OIG
HOUSING & URBAN DEVELOPMENT - OIG
INTERIOR
Bureau of Indian Affairs
Bureau of Land Management
Fish & Wildlife Service
National Park Service
OIG
U.S. Park Police
JUSTICE
Drug Enforcement Administration
Federal Bureau of Investigation
Immigration & Naturalization Service
INS Border Patrol
Marshall Service
OIG
U.S. Attorney's Office
LABOR
OIG & Labor Racketeering
NATIONAL AERONAUTICS & SPACE ADMIN. - OIG
NUCLEAR REGULATORY COMMISSION - OIG
POSTAL INSPECTION SERVICE
RAILROAD RETIREMENT BOARD - OIG
SECURITIES & EXCHANGE COMMISSION - OIG
SMALL BUSINESS ADMINISTRATION - OIG
SOCIAL SECURITY ADMINISTRATION - OIG
STATE DEPARTMENT
Bureau of Diplomatic Security & OIG
TRANSPORTATION
Coast Guard Investigative Service
OIG
TREASURY
Bureau of Alcohol, Tobacco & Firearms
Customs Service
Internal Revenue Service - CID & Inspection
Secret Service
U.S. COURTS (JUDICIAL)
Prisoners, Parole & Probation Services
VETERANS AFFAIRS - OIG

NATIONAL OFFICERS

President

RICHARD J. GALLO

Executive Vice-President

WALTER W. WALLMARK

First Vice-President

JUDITH M. DE SANTIS

Second Vice-President

GAIL PAPURE

Treasurer

THOMAS X. CASEY

Secretary

ANDREW R. RAKOWSKY

General Counsel

LAWRENCE BERGER

Legislative Counsel

JAMES & HOFFMAN

EDGAR N. JAMES

ROGER A. STONE

JULES FERNSTEIN

Honorable William Jefferson Clinton
President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the 13,000 members of the Federal Law Enforcement Officers Association I wish to express our total disappointment and dissatisfaction regarding your signing into law the funding for the Commission on the Advancement of Law Enforcement. This so-called Commission will not advance law enforcement, and in fact will most likely hinder this nation's crime fighters.

In your own words, "this Commission was inspired by special interests who are no friends of our nation's law enforcement officers". To continue in your own words, "Our Nation's resources would be better spent supporting the men and women in law enforcement, not creating a commission that will only get in their way". I can only say I wish your actions would back up your words.

The organizations representing law enforcement vehemently opposed the creation and funding of this commission, and you did too. Yet in the end you gave in to the pressure of a few and have now tightened the noose around law enforcement to the point of complete strangulation. Just recently a high ranking official from the Department of Justice appeared before the National Law Enforcement Steering Committee and expressed hope that the LESC would be successful in their attempts to convince Congress not to fund this Commission.

Federal law enforcement officers on an almost daily basis risk their lives in order to do the job our elected officials have asked us to do. However, as the political winds change, we are penalized so the job cannot be accomplished. The end result will be Federal law enforcement, rather than the criminals, will be seen as the bad guys.

As always we are available to discuss with you, at your convenience, our views and opinions regarding matters of interest to Federal law enforcement. I can be reached during the day at (212) 264-8400, or at home at (908) 889-7114.

Richard J. Gallo

7/7/97



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

P.O. Box 508, East Northport, NY 11731-0472

June 9, 1997

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the over 12,600 federal agents of the Federal Law Enforcement Officers Association (FLEOA), I wish to express our continuing intense opposition to the "Commission for the Advancement of Federal Law Enforcement," funded for two million dollars and attached to the Fiscal Year (FY) 1997 Emergency Supplementals and Rescissions bill. FLEOA believes this Commission will engage in nothing more than politically motivated rhetoric against federal law enforcement, and redundantly visit issues already comprehensively investigated by both houses of Congress. As Office of Management and Budget Director Franklin D. Raines noted in a recent letter to Senator Robert C. Byrd, "The Commission is unnecessary and would not be a constructive aid to Federal law enforcement."

Funding this Commission is opposed not only by FLEOA, but also by the Fraternal Order of Police and the toher member organizations of the Law Enforcement Steering Committee, byt the Department of Justice, and by Director Louis J. Freeh of the Federal Bureau of Investigation.

Our vehement opposition to the Commission for the Advancement of Federal Law Enforcement is not because we do not want oversight, but rather because we are already scrutinized by several lawyers of watchdogs. Each agency has its own Internal Affairs and each Department has its own Inspector General. The Office of Professional Responsibility, the Civil Rights Division of the FBI, and many individual U. S. Attorneys with their own special agents, investigate federal law enforcement and, when appropriate, bring federal agents to trial.

Historically, state and local prosecutors investigate the actions of federal officers involved in shootings or high profile cases of alleged wrong-doing. Additionally federal officers are subject to civil suits in the federal, stare, and local courts. Finally, Congress itself has the power to hold public hearings, cut an agency's budget, and ultimately, close down an agency. No state or local law enforcement group has as many layers of oversight as federal law enforcement.

Representing Members Of:

AGENCY for INTERNATIONAL DEVELOPMENT
AGRICULTURE
OIG & Forest Service
COMMERCE
Export Enforcement, OIG
& National Marine Fisheries
DEFENSE
Air Force - OSI
Army - OIG
Defense Criminal Investigative Service
Naval Criminal Investigation Service
OIG
EDUCATION - OIG
ENERGY - OIG
ENVIRONMENTAL PROTECTION AGENCY - CID & OIG
FEDERAL AVIATION ADMINISTRATION
FEDERAL DEPOSIT INSURANCE CORPORATION - OIG
FEDERAL EMERGENCY MANAGEMENT AGENCY - OIG
GENERAL SERVICES ADMIN.
Federal Protective Service & OIG
HEALTH & HUMAN SERVICES
Food & Drug Administration & OIG
HOUSING & URBAN DEVELOPMENT - OIG
INTERIOR
Bureau of Indian Affairs
Bureau of Land Management
Fish & Wildlife Service
National Park Service
OIG
U.S. Park Police
JUSTICE
Drug Enforcement Administration
Federal Bureau of Investigation
Immigration & Naturalization Service
INS Border Patrol
Marshals Service
OIG
U.S. Attorney's Office
LABOR
OIG & Labor Reengineering
NATIONAL AERONAUTICS & SPACE ADMIN. - OIG
NUCLEAR REGULATORY COMMISSION - OIG
POSTAL INSPECTION SERVICE
RAILROAD RETIREMENT BOARD - OIG
SECURITIES & EXCHANGE COMMISSION - OIG
SMALL BUSINESS ADMINISTRATION - OIG
SOCIAL SECURITY ADMINISTRATION - OIG
STATE DEPARTMENT
Bureau of Diplomatic Security & OIG
TRANSPORTATION
Coast Guard Investigative Service
OIG
TREASURY
Bureau of Alcohol, Tobacco & Firearms
Customs Service
Internal Revenue Service - CID & Inspection
Secret Service
U.S. COURTS (JUDICIAL)
Protection, Parole & Prerial Services
VETERANS AFFAIRS - OIG

NATIONAL OFFICERS

President
RICHARD J. GALLO
Executive Vice-President
WALTER W. WALLMARK
First Vice-President
JUDITH M. DE SANTIS
Second Vice-President
GAIL PAPURE
Treasurer
THOMAS X. CASEY
Secretary
ANDREW R. RAKOWSKY
General Counsel
LAWRENCE BERGER
Legislative Counsel
JAMES A. HOFFMAN
EDGAR N. JAMES
ROGER A. STONE
JULES WEINSTEIN

JUN 10



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

P.O. Box 508, East Northport, NY 11731-0472

Representing Members Of:

AGENCY for INTERNATIONAL DEVELOPMENT
 AGRICULTURE
 OIG & Forest Service
 COMMERCE
 Export Enforcement, OIG
 & National Marine Fisheries
 DEFENSE
 Air Force - OIG
 Army - CID
 Defense Criminal Investigative Service
 Naval Criminal Investigative Service
 OIG
 EDUCATION - OIG
 ENERGY - OIG
 ENVIRONMENTAL PROTECTION AGENCY - CID & OIG
 FEDERAL AVIATION ADMINISTRATION
 FEDERAL DEPOSIT INSURANCE CORPORATION - OIG
 FEDERAL EMERGENCY MANAGEMENT AGENCY - OIG
 GENERAL SERVICES ADMIN.
 Federal Protective Service & OIG
 HEALTH & HUMAN SERVICES
 Food & Drug Administration & OIG
 HOUSING & URBAN DEVELOPMENT - OIG
 INTERIOR
 Bureau of Indian Affairs
 Bureau of Land Management
 Fish & Wildlife Service
 National Park Service
 OIG
 U.S. Park Police
 JUSTICE
 Drug Enforcement Administration
 Federal Bureau of Investigation
 Immigration & Naturalization Service
 INS Border Patrol
 Marshals Service
 OIG
 U.S. Attorney's Office
 LABOUR
 OIG & Labor Racketeering
 NATIONAL AERONAUTICS & SPACE ADMIN. - OIG
 NUCLEAR REGULATORY COMMISSION - OIG
 POSTAL INSPECTION SERVICE
 RAILROAD RETIREMENT BOARD - OIG
 SECURITIES & EXCHANGE COMMISSION - OIG
 SMALL BUSINESS ADMINISTRATION - OIG
 SOCIAL SECURITY ADMINISTRATION - OIG
 STATE DEPARTMENT
 Bureau of Diplomatic Security & OIG
 TRANSPORTATION
 Coast Guard Investigative Service
 OIG
 TREASURY
 Bureau of Alcohol, Tobacco & Firearms
 Customs Service
 Internal Revenue Service - CID & Inspection
 Secret Service
 U.S. COURTS JUDICIAL
 Probation, Parole & Pretrial Services
 VETERANS AFFAIRS - OIG

NATIONAL OFFICERS

President

RICHARD J. GALLO

Executive Vice-President

WALTER W. WALLMARK

First Vice-President

JUDITH M. DE SANTI

Second Vice President

GAIL PAPURE

Treasurer

THOMAS X. CASEY

Secretary

ANDREW R. RAKOWSKY

General Counsel

LAWRENCE BERGER

Legislative Counsel

JAMES & HOFFMAN

EDGAR N. JAMES

ROGER A. STONE

JULIE BERNSTEIN

This is a time when the Executive and Legislative Branches of the government are doing their collective utmost to balance the budget. This is a time when the budgets of all federal agencies (not just federal law enforcement agencies) are being scrutinized and, in many cases, cut. It seems counter-productive to add an unnecessary expense through funding an unnecessary Commission. Two million dollars (for the first year) is not an excessive amount of money compared to the entire federal budget. However, there are any number of programs which could use two million dollars to much greater benefit to the American public: more cops on the street, an increased number of Immigrations and Naturalization Service special agents (who were authorized but not fully funded), training of federal law enforcement officers, or drug abuse prevention and treatment programs are all examples.

Finally, we object to the Commission because of its composition and its charter. Current or past members of the federal law enforcement community are precluded from membership on the Commission. There are no Executive Branch appointees to the Commission. The Commission is tasked to investigate the incidents at Ruby Ridge, Waco, and other instances where federal law enforcement officers have overstepped their authority. This indicates the Commission's findings have already been determined.

In view of the oversight mechanisms already in effect, steadily shrinking resources, and apparent bias in its composition and purpose, the Commission on the Advancement of Federal Law Enforcement should not be funded. FLEOA would fully support a Presidential veto of the 1997 Emergency Supplementals and Rescissions bill, or any other bill containing funding for a commission which will only hinder law enforcement at all levels.

I am available to meet with you or your staff to discuss this matter at your convenience. I can be reached at (212) 264-8400 during business hours or at (908) 889-7114 in the evenings.

Sincerely:

Richard J. Gallo
 National President