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**DRAFT**

REPORT OF THE  
WORKING GROUP ON  
DRUG ABUSE POLICY  
TO THE  
DOMESTIC POLICY COUNCIL

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**DRAFT WORKING PAPERS**

**SEPTEMBER 4, 1986**

**DRAFT**

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## I. INTRODUCTION

### The Illegal Drug Problem

In the 1960's and 1970's, the use of illegal drugs in the United States spread into every segment of our society. The public lacked accurate information about the hazards of some of the most widely used drugs, and government efforts to combat the use of illicit drugs lacked credibility. National programs were focused against a single drug -- heroin -- and on one strategy -- supply reduction. The moral confusion surrounding drug abuse weakened our resolve to stop illegal drugs coming from overseas. The United States became a major drug producing country. Drug trafficking and organized crime became the Nation's number one crime problem; and the use of illegal drugs expanded, especially among our young people. There was a feeling of inevitability regarding illegal drugs and uncertainty over what was the right thing to do.

### The President's Strategy

Early in his Administration President Reagan launched a comprehensive national campaign to stop drug abuse and drug trafficking. The President stated, "We're rejecting the helpless attitude that drug abuse is so rampant that we're defenseless to do anything about it. We're taking down the surrender flag that has flown over so many drug efforts; we're running up a battle flag. We can fight the drug problem, and we can win."

The President's Federal Strategy for Prevention of Drug Abuse and Drug Trafficking was published in 1982, and was followed with the publication of a National Strategy in 1984. The Strategy provided a comprehensive plan of action in five areas:

- o International Cooperation
- o Drug Law Enforcement
- o Drug Abuse Prevention
- o Drug Abuse Treatment
- o Research

Also included was a major initiative to rid our military of drug abuse. Now, 37 different federal agencies are working together in the vigorous national effort against illegal drugs.

President Reagan implemented a tough foreign policy to cut off drugs at their source.

- o In 1981, one country was eradicating narcotic plants. Today, 14 countries and all 50 states within the United States are eradicating.

- o Aggressive enforcement activity against producers in Peru, Colombia and Bolivia is disrupting the flow of cocaine. U.S. helicopters have been aiding the effort in Bolivia.

The United States has a deep commitment to drug law enforcement.

- o Under the Reagan Administration, federal spending for drug law enforcement will virtually triple -- from about \$700 million in 1981 to an anticipated \$2.1 billion in 1987.
- o President Reagan set up the Organized Crime Drug Enforcement Task Forces under the Attorney General in 1982 to attack drug trafficking by major criminal organizations.
- o Also in 1982, the President asked the Vice President to establish a South Florida Task Force to respond to the drug trafficking emergency there. The effort pooled the resources of nine federal agencies, including the military, with state and local authorities.
- o The unprecedented successes of the South Florida Task Force led in 1983 to the creation of the National Narcotics Border Interdiction System -- now a model for coordinating interdiction efforts around all our borders.
- o On August 14, 1986, the Reagan Administration announced Operation Alliance, a major new cooperative drug law enforcement effort along the 2,000-mile border between the United States and Mexico.

The Administration also initiated a national program to increase public awareness and private sector prevention efforts. President Reagan has consistently held that, while intercepting the drugs may be important, the ultimate solution will come from taking the customers away from the drugs.

- o In 1981, Mrs. Reagan began a personal campaign to increase public awareness of the dangers of drug abuse and to get people involved in helping young people "Just Say No" to drugs.
- o Since that time, the First Lady has traveled over 100,000 miles to 28 states and 6 foreign countries in her campaign. She has hosted two international conferences and has become the national leader in the effort to stop drug abuse by young people.

#### **The President's Program Has Made Gains Against Illegal Drugs**

- o Marijuana is now being reported in reduced supply throughout the country, primarily as the result of eradication programs in Colombia and the United States.

- o Enhanced interdiction has increased U.S. seizures of illegal drugs. In 1981, we seized two tons of cocaine. In 1985, we seized 20 tons -- a ten-fold increase.
- o Under the Organized Crime Drug Enforcement Task Forces, over 3,600 drug criminals have been convicted and more than \$300 million of their assets seized.
- o Since the First Lady became involved in 1981, the number of parent groups have grown from 900 to 9,000 groups nationwide. Our school-age children have formed more than 10,000 "Just Say No" Clubs around the country.
- o The number of individuals who are using illegal drugs has stabilized in most categories and decreased in several. Most notably, high school seniors using marijuana on a daily basis has dropped from one in 14 in 1981 to one in 20 in 1984-85.
- o The U.S. military has cut the use of illegal drugs by 67 percent since 1981.
- o Attitudes are changing. In 1985, 73 percent of our teenagers believed that possession of small amounts of marijuana should be treated as a criminal offense, compared to 44 percent in 1979.

Today, there are many people who believe we can stop drug abuse and who have done something about it. Each success story has a common thread -- The use of illegal drugs is unacceptable behavior, and drug abuse will not be tolerated.

- o Aggressive corporate and school measures to end drug abuse, including use of law enforcement, expulsions and firings, have met with strong support from workers, students and the community.
- o An August 1986 New York Times/CBS News Poll indicated that 72 percent of full-time workers would be willing to take a drug test. A March 1986 USA Today poll indicated that 77 percent of the Nation's adults would not object to being tested in the workplace for illegal drug use.

**We have reached a new plateau with a new set of opportunities. We are going to pursue the limits of possibility in eliminating drug abuse. We are going to make it clear that we are no longer willing to tolerate illegal drugs in our society.**

## II. THE PRESIDENT'S NATIONAL CRUSADE AGAINST ILLEGAL DRUGS

On August 4, 1986, President Reagan announced six new goals of a national crusade to build upon what has been accomplished and lead us toward a drug-free America:

- o **Drug-Free Workplaces** for all Americans;
- o **Drug-Free Schools** from elementary to university level;
- o **Expanded Drug Abuse Treatment and Research** to tackle the health dangers posed by drugs;
- o **Improved International Cooperation** to achieve full and active involvement by every country with which the United States must work to defeat international drug trafficking;
- o **Strengthened Drug Law Enforcement** to take additional initiatives which will hit drug traffickers with renewed force.
- o **Increased Public Awareness and Prevention** -- the goal on which success ultimately depends -- to help every citizen understand the stakes and get involved in fighting the drug menace.

President Reagan called for the commitment of all Americans in "taking a stand in every city, town, and village in this country and making certain drug users fully understand their fellow citizens will no longer tolerate drug use."

The President stated, "Our goal is not to throw users in jail, but to free them from drugs. We will offer a helping hand; but we will also...refuse to let drug users blame their behavior on others... And finally, yet first and foremost, we will get the message to the potential user that drug use will no longer be tolerated; that they must learn to "Just say no."

President Reagan believes there is an important role for each American in this effort.

"The time has come for each and every one of us to make a personal and moral commitment to actively oppose the use of illegal drugs -- in all forms and in all places. We must remove all traces of illegal drugs from our Nation."

On August 5, 1986, the Domestic Policy Council established a Working Group on Drug Abuse Policy to develop action plans to

meet the President's goals for eliminating the use of illegal drugs. On August 11, 1986, the Working Group formed task forces to develop recommendations for action in five areas:

- o Legislative Review, chaired by Justice
- o Drug-Free Workplace, chaired by Labor
- o Drug-Free Schools, chaired by Education
- o Treatment, chaired by Health and Human Services
- o Private Sector Initiatives, chaired by ACTION

A sixth task force for Drug-Free Public Housing was established on August 26, 1986. This task force's proposals are included under Goal #6 - Expanded Awareness and Prevention.

The Working Group received the preliminary recommendations from the task forces beginning August 22, 1986 and finalized their report on September 4, 1986. Recommendations for action are presented in four areas:

1. Goal #1 - Drug-Free Workplace
2. Goal #2 - Drug-Free Schools
3. Goal #3 - Expanded Treatment and Research
4. Goal #6 - Awareness and Prevention

Recommendations for Goal #4 - International Cooperation and Goal #5 - Drug Law Enforcement are being prepared by the National Drug Enforcement Policy Board. Legislative recommendations for the overall initiative have been incorporated into a 6-title package which conforms to the President's six goals.



## **GOAL #1 - DRUG-FREE WORKPLACE**

This goal is to protect the public and the workforce and to increase productivity by ensuring that workers are clear minded and free of the effects of illegal drugs.

### **WHY IS THIS GOAL IMPORTANT?**

During the last 25 years, the escalation in illegal drug use has brought drugs to our workplaces, where the combination of modern technology and intoxication or impaired performance and judgement pose significant risks to workers and public safety, security, and the economy.

- o Pre-employment screening by increasing numbers of companies have indicated that between 10 and 20 percent of all applicants are using illegal drugs.
- o Illegal drug use is even higher among the age group (18-25) now entering the workplace -- 27 percent are current marijuana users and 7 percent are current users of cocaine.
- o In a national survey sponsored by the National Institute on Drug Abuse, 8 percent of the young male workers admitted to having been high on marijuana while working, and 2 percent on cocaine.
- o All workplaces are affected, from blue-collar workers to top executives and throughout every segment of society.
- o Drug users are less effective. They are two-thirds as productive and three to four times as likely to be involved in an accident as their fellow workers. We all pay the price for their sloppy workmanship and bad decisions.
- o Even when illegal drugs are used by workers off the job, the effects can last long enough to impair skills and judgment. For example, airline pilots who smoke marijuana may have trouble performing standard landing maneuvers as long as 24 hours after smoking a joint.

### **ACHIEVING THE GOAL:**

Five initiatives are proposed to achieve a drug-free workplace. A balance between strong intolerance of illegal drug use by workers and fair treatment for the individual is fundamental to the goal.

The controversial drug testing and punitive aspects of the proposal are essential to the message that illegal drug use will not be tolerated; however, these measures are only tools within a

comprehensive framework which stresses, first and foremost, providing workers with the necessary awareness, motivation and assistance to quit using illegal drugs and remain in the workplace.

The mood of the country indicates that the public will support a strong program and, further, that the public expects strong leadership from the Federal government.

#### **PROPOSED INITIATIVES:**

##### **1. Accelerate development of a drug-free Federal workplace.**

First, this initiative is critical to public safety and to national security. Second, the American taxpayer deserves the assurance that public servants are performing their duties in the most productive way possible. Finally, the Federal Government, as the Nation's largest single employer, should be a model for dealing constructively with illegal drug use in the workplace.

The Department of Defense has been in the forefront of creating a drug-free workplace for its military and civilian employees. The number of military personnel reporting illegal drug use dropped 67 percent between 1980 and 1985 reflecting the Department's aggressive program of testing, education and rehabilitation. In April 1986, the Department established a civilian drug testing program for employees in critical positions. Several other Federal agencies have begun or are planning similar programs.

**Step A:** Issue an Executive Order implementing a strong policy against illegal drug use by Federal employees, as manifested in the programs discussed in Steps B through F below.

**Step B:** Direct Federal agency heads to expand drug abuse awareness and prevention programs among the Federal workforce, so as to:

- (1) Increase each employee's awareness of the health, economic, and social costs of illegal drug use;
- (2) Ensure that each employee is aware that unauthorized possession of a controlled substance is a crime punishable under the Controlled Substances Act; and

- (3) Increase each employee's awareness of what can be done to identify and combat illegal drug use, not only in the workplace but also in their homes and communities.

Step C: Direct Federal agencies to develop programs to identify illegal drug users among Federal employees.

- (1) OPM would develop training for Federal supervisors to assist them in identifying and addressing illegal drug use in the workplace.
- (2) Agencies would enable any employee to voluntarily submit to drug testing and encourage employee participation in such voluntary programs.
- (3) Agencies would test for illegal drug use under the following circumstances:
  - (a) When there is a reasonable suspicion that an employee uses illegal drugs;
  - (b) In examinations authorized by the agency regarding an accident or unsafe practice; or
  - (c) During or after admission of an employee into a rehabilitation program.
- (4) Agencies would be permitted to test all employees in sensitive positions at the discretion of the head of each agency.

Step D: Direct agency heads to establish guidelines and resources to ensure effective handling of employees who use illegal drugs. The following provisions should be included:

- (1) A "grace period" between notification to employees of mandatory testing program and initiation of actual testing, during which employees may volunteer for counseling and rehabilitation services without penalty;
- (2) Upgraded and re-emphasized availability of Employee Assistance Programs;
- (3) Counseling and rehabilitation, as appropriate, for employees who have been identified as illegal drug users; and

- (4) Suggested actions for correcting and disciplining employees who fail to stop using illegal drugs.

Step E: Direct agency heads to initiate programs to permit illegal drug users from entering Federal employment:

- (1) The Office of Personnel Management would revise Standard Forms 85 and 86 to include questions about prior drug use for applicants to both sensitive and non-sensitive positions with the Federal Government.
- (2) Agency heads would provide for testing of applicants for sensitive positions before appointment or selection.
- (3) Agency heads could test applicants to identify drug users before selection to any position.
- (4) Agency heads may prescribe referral of a drug or alcohol disqualified applicant for counseling and rehabilitation before reconsideration of the applicant.

Step F: The Office of Personnel Management would issue guidance on the use of drug testing. This guidance would be developed in consultation with other agencies and provide for agency discretion, fairness and consistency.

Step G: Propose legislative changes to Title V of the Rehabilitation Act making current illegal drug use a disqualifier for entry into Federal employment and a basis for removal, regardless of a claimed "handicapping" condition or effect on job performance.

**2. Work with government contractors to establish a policy of drug-free work environments.**

Government contractors bear many of the same responsibilities concerning the national security and public safety as does the Federal agency with which they contract.

Step A: Implement Initiative #1 - Accelerate development of a drug-free Federal workplace.

Step B: Develop procurement regulations to provide for a drug-free contractor workplace. Such regulations may include requirements for contractor employee testing and for exclusion of employees who use illegal drugs, on or off duty from performance from any work on or related to the Federal contract.

Step C: Agencies would develop and promulgate guidance to government contractors concerning the philosophy, importance and procedures for achieving a drug-free workplace.

**3. Encourage state and local governments and their contractors to develop drug-free workplaces.**

Citizens should have the same assurances regarding drug-free employees from their state and local governments as they will have from the Federal Government. State and local government employees are responsible for many programs which directly touch individual lives, such as educational systems, health-care systems, highway and worker safety, state and local law enforcement, etc.

Step A: Implement Initiative #1 - Accelerate the development of a drug-free Federal workplace.

Step B: Presidential letter to state and local government officials outlining the President's six goals and asking them to follow his lead. (Already begun)

Step C: Letters from appropriate Cabinet members and agency heads to the heads of their counterpart organizations in state and local governments.

**4. Mobilize management and labor leaders in the private sector to fight drug abuse in the workplace.**

Increasing numbers of private companies are recognizing from experience that illegal drug use by workers is bad business. Aggressive corporate measures to end illegal drug use, including education, rehabilitation, law enforcement, expulsions and/or firings, have met with strong support from workers and the community. These measures have also brought significant gains in productivity and reductions in health costs, on-the-job crime, and accidents.

Step A: Implement Initiatives #1 - Accelerate the development of a drug-free Federal workplace.

Step B: Implement Initiative #2 - Work with government contractors to establish a policy of drug-free work environments.

Step C: Presidential letter to all CEO's of Fortune 500 companies, outlining the President's philosophy and goals, emphasizing their role as leaders of "corporate communities," and asking them to establish a company policy of a drug-free workplace.

Step D: Presidential letter to major labor leaders, outlining the President's philosophy and goals, emphasizing their critical role as protectors of workers' rights, and asking for their action and support to rid the workplace of illegal drug use.

**5. Communicate accurate and credible information about how drug abuse in the workplace can be eliminated.**

The objective of this initiative is to assist in the process which has already begun. Many elements of the private sector have already taken the lead on this issue, and increasing numbers of businesses in this country are looking at ways to eliminate illegal drug use in the workplace. The goal is a drug-free workplace for each American and intolerance of illegal drug use throughout society.

Step A: Implement Initiative #1 -- Accelerate development of a drug-free Federal workplace.

Step B: The President would address the Nation with a general call to arms for each element of society to join the national crusade against illegal drugs, including examples of what various groups can do and specific references under the goal of a drug-free workplace.

Step C: The President would call on all employees to support efforts to make their workplaces drug free.

Step D: The Secretary of Health and Human Services would establish and publicize a toll-free "Drug-Free Workplace Helpline" to answer questions about illegal drugs and how to eliminate their use by workers, including referrals to appropriate experts and resources.

Step E: The Secretary of Labor would develop and disseminate a booklet on Workplaces Without Drugs, to provide reliable and practical information

about the problem of illegal drug use in the workplace and what can be done to stop it. This would include examples of effective programs, a summary of issues, technical guidance, and a basic resource guide.

Step F: The Secretary of Labor would establish and make available a team of experts to provide on-site technical assistance and training to businesses and unions developing or expanding programs to get illegal drugs out of the workplace.

#### **WHAT ARE THE EXPECTED RESULTS?**

The proposed initiatives balance intolerance for illegal drug use with fair treatment for the user. The linkage of illegal drug use with unsuitability for employment would have a significant preventive effect for both adults and young people. The workplace will benefit and so will the economy.

Most of the current marijuana users, 54 percent (2.5 million) cocaine users, and 14 percent (73,000) heroin users have only minimal demand and will respond well to social unacceptance, awareness and prevention efforts, and strict "no tolerance for illegal drug use" policies in the workplace and schools, including drug testing where appropriate.

Intervening early in the drug-use cycle will have the added advantages of a safer working environment, improved quality, and more efficient services. It will preclude illegal drug users from advancing to more intensive use and addiction, and will prevent their serving as points of contact between drug suppliers and potential new users.

The following gains are representative for companies which implement programs to stop drug abuse:

- o A 55-60 percent reduction in one firm's paid leave for sickness and accidents;
- o A 71 percent drop in accidents attributed to human error for a large transportation company;
- o A 90 percent reduction in accidents for a major power company; and
- o A 21 percent drop in a fourth company's medical payments.

These programs are effective. They are good for employees, and they are good for business and the economy.

**DECISIONS NEEDED BY THE DOMESTIC POLICY COUNCIL:**

1. Approval of development of an Executive Order to establish a drug-free Federal workplace. Specific issues to be decided pertain to:
  - A. Identification of illegal drug users among current employees;
  - B. Management of illegal drug users among current employees, including disciplinary actions, removal and referral for treatment and rehabilitation;
  - C. Treatment and rehabilitation alternatives for current employees; and
  - D. Screening and selection of applicants for Federal positions.
2. Approval to seek legislation and prepare guidance pertaining to drug-free work environments for Federal contractors.
3. Approval of communications to state and local government elected officials and organization heads.
4. Approval of communications to CEO's, labor leaders and employees.
5. Approval of specific actions to communicate accurate and credible information about the problems of drug abuse in the workplace and how it can be eliminated, including:
  - A. Drug-Free Workplace Helpline;
  - B. Booklet on "Workplaces Without Drugs": and
  - C. Technical advisory team for on-site assistance.



## GOAL #2 - DRUG-FREE SCHOOLS

This goal is to promote excellence in American education by achieving and maintaining a drug-free environment in our Nation's educational institutions, from grade schools through universities.

### WHY IS THIS GOAL IMPORTANT?

Drug use is widespread among American students, not only in secondary schools and universities, but increasingly in elementary schools as well.

- o Although most drug use by young people has been declining since the late 1970's, the use of cocaine by high school seniors has increased since 1983, and 46 percent have used some illegal drug during the past year.
- o Drug use spreads among young people through a peer social-learning process: A person with friends who use an illegal drug will be more likely to be willing to try the drug; and individuals already using a drug are likely to introduce friends to the experience.
- o In the most recent national survey, only two of every five seniors (41 percent) reported no exposure to friends using illegal drugs other than marijuana. Almost one in four (24 percent) reported frequent contact with marijuana users.
- o A 1983 Weekly Reader Survey found that about 25 percent of fourth graders reported pressure among peers to try alcohol and marijuana.
- o Illegal drug use brings property and violent crime into the schools.

A soon-to-be-released Gallup poll indicates that drug abuse has become the most serious problem facing public schools, replacing discipline which had been named as the most serious problem for the past 16 years.

- o 90 percent of the respondents support mandatory anti-drug instruction in the schools;
- o 78 percent favor expelling students caught with drugs on school property; and
- o 67 percent would allow school officials to search lockers and personal effects for drugs.

The use of drugs by students constitutes a grave threat to their physical and mental well-being and significantly impedes the learning process. The tragic consequences are felt not only by the students themselves and their families, but also by their communities and their Nation, which can ill afford to lose their skills, talents and vitality.

#### **ACHIEVING THE GOAL:**

Three initiatives are proposed to achieve drug-free schools. The initiatives are based on the principles that schools, assisted by parents and the community, have a special responsibility to combat the scourge of drug use by adopting and applying firm but fair drug policies, and that prompt action by our Nation's schools can bring us significantly closer to the goal of a drug-free generation.

Individual communities have the primary responsibility for creating drug-free schools. With the help of reliable information on what works, they can initiate effective prevention programs in each school. But, as schools begin to implement such programs, the Federal Government can provide useful assistance and make a contribution to the effort.

A key feature of the proposed initiatives is The Drug-Free Schools Act of 1986 (The Zero Tolerance Act), which has been prepared by the Department of Education to authorize the appropriation of \$100 million for fiscal years 1987 through 1991 for discretionary grants promoting drug-free schools.

#### **PROPOSED INITIATIVES:**

**1. Communicate accurate and credible information on how to achieve a drug-free school.**

Step A: The Secretary of Education would send a letter to all heads of state educational boards outlining the President's six goals, and the important role of school administrators and teachers.

Step B: The Department of Education would issue Schools Without Drugs to provide parents, school officials, students and communities with reliable and practical information about the problem of school-age drug use and what they can do to achieve drug-free schools.

- (1) The booklet would be released in a White House ceremony with Mrs. Reagan. (Tentatively scheduled for September 16, 1986.)

- (2) The booklet would be disseminated to all elementary and secondary schools, and would be available free of charge.

**2. Encourage all schools to establish a policy of being drug free.**

Step A: The Secretary of Education would continue his role as national advocate for drug-free schools.

Step B: The Zero Tolerance Act would be forwarded to Congress to provide \$80 million annually to be used as state discretionary grants to school districts which have a sound plan for getting drugs out of their schools and keeping them out.

- (1) The plan must include tough disciplinary provisions that are developed in conjunction with parents, law enforcement officials and the courts.
- (2) States and localities must demonstrate their own commitment to prevention by providing at least one-third of the cost of the program.
- (3) Grants would be made to individual school districts for up to three years, but funding for each year would depend on a district's demonstration of specific progress in reducing drug use.
- (4) Grants would include a state set-aside for drug prevention activities at the state level. Set-aside funds would support teacher training, technical assistance to local school districts, and development of statewide programs with law enforcement agencies. The set-aside would be limited to no more than 10 percent of the total grant.

Step C: The Department of Education would encourage local school districts to expand their drug abuse education as part of an overall health curriculum.

Step D: The Zero Tolerance Act which would also authorize the Secretary of Education to reserve \$20 million (of the total \$100 million) for national prevention and awareness programs for students.

Step E: The Department of Education would encourage efforts, such as the TARGET project (National Federation of High School Associations), to train

student leaders in developing anti-drug activities.

Step F: The Department of Education would work with the Department of Defense schools to develop a model drug prevention program for those schools.

**3. Ensure that Federal laws against distributing drugs in or near schools are known and enforced in cooperation with local authorities.**

Step A: A joint project by the Attorney General and the Secretary of Education would be carried out to ensure that all appropriate educational and law enforcement officials are aware of this law and are working together to enforce it.

Step B: The Administration would propose legislation extending Federal laws against distributing drugs in or near schools to university and college campuses.

**WHAT ARE THE EXPECTED RESULTS?**

When schools, parents and communities work together, drugs can be stopped. Our short-term goal is a 50 percent reduction in school-age drug use within three years and a drug-free generation in the 1990's. The benefits for the Nation will be significant: excellence in education and a solid future for a generation of young Americans.

**DECISIONS NEEDED BY THE DOMESTIC POLICY COUNCIL:**

1. Approve issuing Schools Without Drugs.
2. Approve forwarding the Zero Tolerance Act to Congress.
3. Approve joint project by the Attorney General and the Secretary of Education, including extending legislation to universities.

### GOAL #3 - EXPAND DRUG TREATMENT AND RESEARCH

This goal is to ensure that appropriate treatment is available to illegal drug users who are experiencing health damage and addiction, and that illegal drug users receive the professional assistance they need to quit using illegal drugs.

#### WHY IS THIS GOAL IMPORTANT?

Our goal is a drug-free society. This requires not only that we prevent illegal drug use by potential users, but also that we do what is necessary to have current drug users stop using illegal drugs. While it may improve an individual workplace or school to force an illegal drug user out, it will do little good for society, which loses a potentially productive citizen and gains an unemployed or uneducated drug user.

In the last 25 years, we have seen a spread of illegal drug use from specific, hard core patterns of addiction (the endemic situation), to a more widespread problem involving all age groups and social strata in our society (the epidemic situation). Endemic group members, mainly heroin addicts, show a long and severe history of drug abuse that is typically accompanied by medical, psychological, social, educational and economic problems. In contrast, members of the epidemic group (e.g., marijuana and cocaine users) are more often in the early/experimental stages of drug use and have not yet progressed to the more severe form of drug dependence. While improved mechanisms exist for the treatment of the hard-core drug users, the large number of experimental drug users necessitates that we develop and implement new strategies to halt this epidemic.

#### ACHIEVING THE GOAL:

Several initiatives are proposed to expand and improve drug-related treatment and research in those areas which will have the greatest rehabilitative impact for the largest number of illegal drug users.

To assist in understanding the issues and structuring the initiatives, the Department of Health and Human Services has developed a set of four categories of illegal drug users:

- o Category I consists of those drug users who are least involved, who require limited resources, and who should respond to such limited actions as urine testing programs, admonition of authority figure or peer, some counseling and modest supervision.

- o Category II includes those drug users with modest demand, requiring a range of drug-related treatment including inpatient, outpatient, detoxification, therapeutic community, oral methadone, drug counseling, private therapy, naltrexone or pharmacological supports for cocaine, etc.
- o Category III consists of those drug users with severe dependence or psychopathology requiring special services; but when such services are provided, these individuals ultimately respond by improving.
- o Category IV are those drug users whose social impairment or psychopathology exceeds the level that can be successfully addressed by current methods -- require chronic care and, for some, compulsory confinement.

Category I is typical of the epidemic illegal drug use situation and includes most cocaine and marijuana users. Category IV is typical of the endemic problem and is more typical of heroin addiction.

Since drug use tends to be progressive, our goal is to direct prevention efforts toward schools and the workplace in an effort to intercede during the early stages of drug use, i.e., before severe problems and habits develop. In addition, since initiation to drug use typically occurs via friends, peers and/or siblings who already use drugs, this approach will also minimize the contribution of peer pressure to the drug use epidemic.

This approach has important economic implications. The epidemic group is more likely to have other financial resources including private insurance, personal finances, and employee assistance programs than members of the endemic group. In addition, the epidemic group is more likely to return to full occupational potential following intervention. Finally, resources necessary to treat the epidemic population are considerably less than those required to treat the endemic group of severely addicted individuals, as illustrated by Table 3-A.

Treatment for early stage drug users will involve self-help groups (at little or no cost) or minimal treatment and/or monitoring (at an estimated cost of less than \$500 per person). In contrast, the cost of treating a heroin addict effectively would be at least \$2,000 in conventional outpatient treatment modalities, and much more in residential programs. This is clearly in excess of what will be needed to develop and implement alternative methods for treating early drug use.

Although our principal focus will be on the epidemic group of drug users, we are not ignoring intravenous drug use as a vector for AIDS transmission. The issue of intravenous drug users on

Table 3-A

## ESTIMATED REHABILITATION COSTS

<u>DRUG</u> CATEGORY	<u>USERS</u>		<u>REHABILITATION</u>	
	NUMBER	%	TOTAL COST	%
<b>Total Cocaine</b>	<b>4,662,061</b>	<b>100%</b>	<b>\$7,031,624,137</b>	<b>100%</b>
Category I	3,128,900	67%	\$1,368,894,000	19%
Category II	785,961	17%	\$2,274,309,147	32%
Category III	373,600	8%	\$1,547,731,400	22%
Category IV	373,600	8%	\$1,840,689,840	26%
<b>Total Heroin</b>	<b>515,063</b>	<b>100%</b>	<b>\$854,716,320</b>	<b>100%</b>
Category I	75,375	15%	\$32,818,275	4%
Category II	150,750	29%	\$178,429,208	21%
Category III	150,750	29%	\$310,725,900	36%
Category IV	138,188	27%	\$332,742,938	39%

waiting lists for treatment is also being addressed. Separate budget requests have greatly expanded our efforts in research on AIDS in drug users. Research on methadone and alternatives to methadone in the treatment of heroin addiction will hopefully help curtail the spread of AIDS.

Federal support for drug treatment services comes in a number of ways. Block grant support has increased 15 percent since the original block grant of 1982. Additional support is given through the Veterans' Administration, disability income payments, and food and housing programs. Title XIX funds (Medicaid) match state contributions for treatment for those who qualify -- most heroin addicts do. As cities decide to increase treatment, Federal support will automatically be increased under Title XIX.

#### **PROPOSED INITIATIVES:**

**1. Encourage states and communities to develop programs to treat specific drug-related health problems.**

Fundamental to the goal of a drug-free society is the fact that current drug users must have appropriate treatment and rehabilitation services available. Today, more individuals are seeking treatment for serious problems resulting from illegal drug use than at any time in recent history. Higher potency drugs, increased poly-drug use, more advanced and intensive use, and a number of other complicating factors such as crack cocaine, black tar heroin, and AIDS, have brought increasing numbers of users to treatment centers primarily geared to handling a stable number of traditional opiate users.

Treatment capabilities are often inadequate to the new demand: they cannot handle all the potential clients and the treatment provided may be inappropriate. Although drug abuse treatment is primarily a state and community responsibility, the Federal government can do much to help in the development of adequate community services and can increase the flexibility and appropriateness of Federal grants provided to the states for this purpose.

**Step A:** The Administration would request authorization of \$100 million for emergency expansion of services in treatment centers which have a high demand for services by endemic drug users who could not otherwise afford treatment.

- (1) The funds would be managed by the Secretary of Health and Human Services under a combination of the demonstration authority of Section 516 of the Public Health Services Act in coordination with the Medicaid program.



- (2) The delivery authority would require a 50 percent state match for service dollars.
- (3) The Department of Health and Human Services could ensure pre-screening of every client, referral and evaluation of appropriate treatment, and special treatment programs for AIDS carriers/intravenous drug users.
- (4) The authorization would provide a time-limited influx of Federal service delivery money.

Step B: The Administration would request authorization of \$70 million and 14 FTE's to establish Community Systems Development Projects. The Projects would:

- (1) Provide short-term financial assistance (on a matching basis with a declining Federal share) to communities to assist them in mobilizing comprehensive, integrated treatment and prevention efforts to reduce illegal drug use;
- (2) Build on existing public and private sector institutions to develop a permanent capability which can be sustained by the states and communities themselves;
- (3) Integrate alcohol and drug abuse services into the mainstream of health care;
- (4) Involve all segments of the community in enhancing the local treatment and prevention system; and
- (5) Establish coordinated alcohol and drug abuse prevention and treatment systems nationwide.

Step C: The Administration would propose legislation to remove Congressional quotas on the Alcohol, Drug Abuse and Mental Health Block Grants received by the states and restore the state's spending flexibility as originally intended by the Administration, and extend the Block Grants for an additional five years.

**2. Expand research in health-related areas, including drug testing.**

Increased research emphasis in the areas outlined below is an essential component of the President's program to combat drug abuse. More knowledge and data on epidemiology is essential for targeting resources. More effective knowledge concerning drug screening methods and effective prevention and intervention systems must be made available to communities, schools, and the worksite.

Step A: The Administration would request a supplemental appropriation (\$3 million and 8 FTEs) to develop enhanced epidemiology and surveillance systems which will assure accurate tracking of the incidence and prevalence of alcohol and drug use and improved identification of risk factors and risk groups.

Step B: The Administration would request a supplemental appropriation (\$33 million and 38 FTEs) to expand research which will strengthen resources for preventing, identifying and treating illegal drug use, including:

- (1) More effective methods of preventing, detecting, diagnosing and treating illicit drug use and intervening with high risk children and adolescents;
- (2) Alternative, improved and less costly illegal drug detection mechanisms; and
- (3) National accredited system for laboratory testing.

**3. Bolster medical and health programs aimed at prevention.**

Prevention and early intervention is key to a drug-free society. First, by preventing the first use of an illegal drug, we can eventually create a drug-free society. Secondly, the new user is almost always introduced by a friend, a peer, or a sibling who already a drug user but has not yet begun to show signs of trouble. Finally, intervention in the early stages of use will prevent the experimenter from advancing to more frequent use and addiction.

Step A: The Administration would request authorization for \$15 million and 18 FTE's to establish a Center for Substance Abuse Prevention within the Alcohol, Drug Abuse, and Mental Health Administration. The

Center would carry out a national program of prevention, education and early intervention activities so as to:

- (1) Facilitate, monitor and, as necessary, support Federal activities in cooperation with public and volunteer efforts;
- (2) Disseminate knowledge gained from prevention and treatment research through statewide prevention networks; and
- (3) Provide immediate aid to communities in drug crisis through rapid response technical assistance, needs assessment, and other appropriate strategies.

**4. Support the drug-free Federal workplace initiative (Goal #1) by providing appropriate information and technical assistance.**

Information concerning the effects of illegal drugs and technical assistance are essential to all aspects of achieving a drug-free Federal workplace. This initiative is discussed more fully under Goal #1, Initiative 1; however, the following steps should be noted under treatment and research:

Step A: The Secretary of Health and Human Services would work closely with the Director of the Office of Personnel Management to ensure that Federal drug abuse prevention programs are using the most accurate and effective strategies and materials available.

Step B: The Secretary of Health and Human Services would provide assistance to the Director of the Office of Personnel Management to ensure that agency employee assistance programs are using the most accurate and effective strategies and materials.

Step C: The Director of the Office of Personnel Management, in consultation with the Secretary of Health and Human Services, would develop and issue guidelines on drug testing and rehabilitation programs.

**WHAT ARE THE EXPECTED RESULTS?**

The above initiatives ensure that the largest possible number of individuals have access to accurate and effective prevention and treatment information and services. The immediate result will be

more effective prevention, early intervention and rehabilitation. The ultimate result, in conjunction with other goals, will be significant decreases in the number of individuals who initiate illegal drug use and, equally important, significant increases in the number of current drug users who quit their illegal drug use and resume productive and healthy lives.

**DECISIONS NEEDED BY THE DOMESTIC POLICY COUNCIL:**

1. Approval to seek legislative authorization to encourage states and communities to develop programs to treat specific drug-related health problems. Specific issues to be decided:
  - A. Request for \$100 million to provide additional funds and improved services to treatment centers which have a high demand for services by drug users who could not otherwise afford treatment, on a time-limited basis and with requirement that states match 50 percent of funds.
  - B. Request for \$70 million and 14 FTE's to establish Community Systems Development Projects.
  - C. Request removal of earmarks on ADMS Block Grants and extend for five additional years.
2. Approval to seek supplemental appropriation of \$36 million and 46 FTE's to improve research in health-related areas, including drug testing.
3. Approval to seek authorization for \$15 million and 18 FTE's to establish a Center for Substance Abuse Prevention.

## **GOAL #6 - INCREASE PUBLIC AWARENESS AND PREVENTION**

This goal is primary. We must each get involved in making illegal drug use unacceptable in our society. Attitudes have changed, awareness has increased, and many people are ready to join in the fight.

### **WHY IS THIS GOAL IMPORTANT?**

The most effective weapon we have against illegal drugs is widespread public intolerance of illegal drugs and users. After five years of a massive public awareness campaign, more and more people are willing to take a public stand against drug use, but misconceptions and misunderstandings still exist.

- o The recent shock over the cocaine deaths of Len Bias and Don Rogers indicates that the information is not getting through to many people, or they are not listening.
- o Yes, cocaine can kill. Yes, marijuana is dangerous. No, there is no such thing as "recreational" or "responsible" use of illegal drugs. The young people and the adults whose lives have been ruined are testimony to the real nature of drug abuse.

Essential communication with the public is essential, and the media, the advertising industry, sports and entertainment personalities each have a major role in making illegal drug use unacceptable in our society. We need to expand efforts to increase awareness and encourage action throughout the United States and the world.

### **ACHIEVING THE GOAL:**

The answer to the illegal drug problem will ultimately come from individuals. Whether we are citizen or elected official, parent or professional, teacher or student, worker or employer, each of us must determine the appropriate stand to take against illegal drugs, and then take it.

Our stand may be as simple as not tolerating illegal drug use at a party, or as complex as implementing a strong drug-free policy for a major corporation. Both approaches are effective and both are essential.

Five initiatives are proposed to expand awareness and prevention efforts across the Nation -- to get every citizen involved. The emphasis is on the leadership of the President and First Lady, and the use of government programs as a catalyst for private sector and grassroots action.

## PROPOSED INITIATIVES:

1. **Encourage all citizens and private sector organizations to join the First Lady's drug abuse awareness and prevention campaign.**

Ultimately, the demand for illegal drugs can only be stopped when Americans recognize the personal dangers and societal harms which result from the use of illegal drugs and take action. The leverage of the Federal government is limited, but the President and First Lady's capacity for moral leadership on this issue is unlimited.

Step A: The President's nationally-televised call to arms would challenge and encourage citizens and private organizations to participate in the national crusade to eliminate the use of illegal drugs.

Step B: The President would send a letter to the Chief Executive Officers of the Fortune 500 companies and selected foundations, encouraging their personal and corporate support of the national crusade.

Step C: The President and First Lady would sponsor a series of White House briefings in Washington and around the country, targeting specific networks of individuals, including religious leaders, corporate leaders, youth group leaders, etc.

Step D: The President would establish an "Honor Roll" as an incentive for companies that contribute significant resources in the area of drug abuse prevention.

Step E: The President and First Lady would sponsor a national drug prevention essay and poster contest for the Nation's students, with awards presented at a White House ceremony.

Step F: The Administration would encourage the use of positive peer pressure by adopting the theme of "Just Say No" as the consistent message in all campaigns against the use of illegal drugs.

Step G: The Administration would launch a major media campaign of public service announcements featuring Administration officials, national celebrities and athletes.

**2. Encourage corporations, service organizations and the media to develop prevention programs within their organizations, communities, and our Nation.**

The private sector has a unique capability for communicating accurate information about illegal drugs in a credible way to large segments of the population. For example, in 1982 McNeil Pharmaceutical made a commitment to Mrs. Reagan to begin a national awareness campaign with the local pharmacist as the focal point for information on illegal drug use within the community. The Pharmacists Against Drug Abuse program is now firmly established across the country and has been expanded to several foreign countries.

By working toward the elimination of illegal drug use, the private sector is bringing far more resources to the prevention effort than Federal dollars could ever buy, and is making an important investment in the future of the Nation.

Step A: The President would establish a private sector initiative for a drug-free America, with representative leaders from the media, advertising, business, entertainment, education, youth, labor, and sports. The initiative would promote and identify private sector initiatives and potential sources of support within the private sector for drug prevention activities, and would be encouraged to:

- (1) Identify contacts in corporations, organizations and foundations and develop strategies for encouraging drug prevention support among these contacts;
- (2) Encourage national corporations specializing in children's services or products, such as Mattel, Walt Disney Productions, Shakey's, Wendy's, etc., to review their available resources and assist in launching programs for young people.
- (3) Encourage multi-national corporations to develop prevention programs both within the United States and in foreign countries where they operate, particularly source countries.
- (4) Encourage Employee Assistance Programs to broaden counseling programs to include prevention and education for their employees, their families and their communities.

- (5) Develop incentive and recognition programs for government agency employees who work with the private sector in developing new and innovative programs.

Step B: The President would establish a media advisory board to redouble efforts in all media forms, to stop illegal drugs and to make their use unacceptable in our society.

3. **Ensure that every American has access to accurate and effective information about illegal drugs and strategies for getting drugs out of their homes, schools, workplaces, communities, and Nation.**

The role of the Federal Government is to provide leadership, working as a catalyst in encouraging the efforts of state and local governments and the private sector, and to pursue those drug abuse functions, such as research, which may lie beyond the capabilities of state and local governments or private groups. The need for a coordinated government and private sector effort, which provides a strong, consistent message to the public, is fundamental.

Step A: The President would establish an interagency prevention coordinating mechanism to provide the following:

- (1) A point of contact and technical information for the President's Commission on a Drug-Free America;
- (2) A central coordination body, ensuring that Federal programs effectively respond to the needs which exist within communities and that Federal resources are used in coordination with those at other levels of government to assist grassroots organizations;
- (3) A centralized location with a toll-free number for technical assistance, information and general referrals;
- (4) A Speakers' Bureau which consists of expert government and private sector speakers for addressing conferences, meetings and general media requests; and
- (5) A quality control mechanism to review materials for accuracy, credibility and consistency in message.



Step B: Agencies would stimulate development of innovative community-based prevention programs, including:

- (1) Determining and pursuing opportunities to increase drug abuse prevention activities by the constituency groups of each agency through workshops, meetings, special events and material distribution; and
- (2) Developing and distributing training and educational materials specifically geared toward targeted groups, e.g., ethnic groups, physicians, parents, teachers, etc.

Step C: The Administration would sponsor an annual drug abuse prevention symposium for community affairs/public affairs representatives and their foundation counterparts to share materials, films, goals and objectives.

**4. Propose legislative or regulatory changes to remove certain restrictions concerning solicitation of funds, private sector donations, and use of materials developed for foreign audiences.**

Existing regulations restrict the use of certain materials and the formation of public-private partnerships in which the unique resources of business and government are brought together for community-based programs.

Step A: The Administration would prepare and issue government-wide guidelines which enhance the Federal employee's options in seeking corporate support and funds for various programs.

Step B: The Administration would re-evaluate the Competition and Contracting Act of 1984 to provide appropriate exceptions to full and open competition, and request any necessary legislative changes to allow private companies to donate services, e.g., communications, technical advice, film production, etc. for government-funded drug abuse programs with reduced administrative burden.

Step C: The Administration would re-examine the restrictions for limited use of materials developed for foreign consumption by the Department of Defense and the United States Information Agency and propose any necessary legislative changes or exemptions.

**5. Reduce the level of illegal drug activity in Public Housing Authorities.**

In response to the President's announcement of his national crusade to lead us to a drug-free America, the Department of Housing and Urban Development wrote to the 3,100 independent Public Housing Authorities in the United States and asked them what they were doing to combat drugs. Many Public Housing Authorities responded that they were actively involved in getting rid of the drug dealers and stopping illegal drug use -- they were providing information and treatment for their employees and residents, and generally working toward the goal of providing a drug-free environment. Other Public Housing Authorities, however, told of housing developments overrun and controlled by dealers and users.

Step A: The President would send a memorandum to the Secretary of Housing and Urban Development, declaring that drug-free public housing is expected and that, within the limits of regulations and resources, the Federal Government will work with those Public Housing Authorities where illegal drugs are a problem to stop drug trafficking and use. The memorandum will provide the basis for the Secretary of Housing and Urban Development to seek regulation changes to provide incentives for achieving drug-free public housing.

Step B: The Secretary of Housing and Urban Development would form a partnership with the Attorney General, the Secretary of Health and Human Services, and the Secretary of Labor to work with local Public Housing Authorities, state and Federal law enforcement officials, and other relevant local agencies to achieve drug-free public housing.

Step C: The Secretary of Housing and Urban Development and the Attorney General would work with local authorities to identify up to ten public housing developments with major drug problems, in some cases involving organized crime, and:

- (1) Target selected housing developments for increased law enforcement to eliminate illegal drug activity; and
- (2) Prepare training materials for dealing with drug trafficking in public housing.

Step D: The Secretary of Housing and Urban Development would inform all Public Housing Authorities of local agencies affiliated with the Departments of Labor and of Health and Human Services for drug education, drug testing, treatment, job training, and employment opportunities.

Step E: The Secretary of Health and Human Services would assist in the development of drug abuse prevention materials and programs to benefit the employees and tenants of Public Housing Authorities.

Step F: The Secretary of Housing and Urban Development and the Secretary of Labor would ensure that Public Housing Authorities are aware of the availability of Job Training Partnership Act funds to ensure that the housing development does not witness a resurgence of illegal drug activities.

Step G: All Public Housing Authorities would be encouraged to facilitate access to treatment services for tenants and to do everything possible to initiate the formation of parent groups and "Just Say No Clubs" on the premises.

#### WHAT ARE THE EXPECTED RESULTS?

Drug abuse prevention -- through awareness, education and action -- is the key to long term success in stopping illegal drug use and drug-related crime. Prevention must begin with public awareness of the problem, an understanding of what can be done to improve the situation and a willingness to do something about it. Today, individuals from every segment of our society want to know what they can do to end the drug abuse problem. The initiatives under this goal will provide the national leadership which puts citizens to work. A drug-free society is within our grasp.

#### DECISIONS NEEDED BY THE DOMESTIC POLICY COUNCIL:

1. Approval of a Presidential private sector initiative for a drug-free America.
2. Approval of Presidential media advisory board.
3. Approval of developing an interagency prevention coordinating mechanism.
4. Approval to seek legislative or regulatory changes to remove restrictions for public/private partnerships.
5. Approval of initiative to work toward drug-free public housing.

**DRAFT**

This document was created in the DPC deliberative process and may not be circulated, disseminated or released without the approval of the DPC.

9-4-86 4:00 p.m.

Executive Order No. \_\_\_\_\_ of September \_\_, 1986

**Drug Free Federal Workplace**

**WHEREAS** drug use is having serious adverse effects upon a significant proportion of the national workforce and results in billions of dollars of lost productivity each year;

**WHEREAS** the Federal Government, as an employer, is concerned with the well being of its employees, the successful accomplishment of agency missions and the need to maintain employee productivity;

**WHEREAS** the Federal Government as the largest employer in the nation can, and should show the way towards achieving drug free workplaces through a program designed to offer drug users a helping hand and, at the same time, getting the message to drug users and potential drug users that drug use will not be tolerated in the federal workplace;

**WHEREAS** the profits from illegal drugs provide the single greatest source of income for organized crime, fuel violent street crime and otherwise contribute to the breakdown of our society and otherwise increase criminal activity;

**WHEREAS** the use of illegal drugs, on or off duty, by federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust given to such employees as servants of the public;

**WHEREAS** federal employees who use illegal drugs, on or off duty, are less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

**WHEREAS** the use of illegal drugs, on or off duty, by federal employees impairs the efficiency of federal departments and agencies by undermining public confidence in them, and thereby making it more difficult for other employees who do not use illegal drugs to perform their jobs effectively;

**WHEREAS** the use of illegal drugs, on or off duty, by federal employees can pose a serious health or safety threat to members of the public and to other federal employees;

**WHEREAS** the use of illegal drugs, on or off duty, by federal employees in certain positions evidences less than the complete reliability, stability and good judgment that is consistent with access to sensitive information, and creates the possibility of coercion, influence, and irresponsible action under pressure which may pose a serious risk to national security, the public safety, and the effective enforcement of the law;

**WHEREAS** federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves; and

**WHEREAS** standards and procedures should be put in place to ensure fairness in achieving a drug-free federal workplace, and to protect the privacy of federal employees:

**NOW, THEREFORE,** by virtue of the authority vested in me by the Constitution and statutes of the United States, including Section 3301(2) of Title 5 of the United States Code; Section 7301 of Title 5 of the United States Code, Section 290ee-1 of Title 42 United States Code; and as President of the United States, and deeming such action in the best interests of national security, public health and safety, law enforcement and the efficiency of the federal service, it is hereby ordered as follows:

**Section 1:**     *Drug Free Workplace*

- (a) Federal employees are required to refrain from the use of illegal drugs.
- (b) The use of illegal drugs by federal employees, whether on duty or off duty, is contrary to the efficiency of the service.
- (c) Persons who use illegal drugs are not suitable for federal employment.

**Section 2:**     *Agency Responsibilities*

- (a) The head of each agency shall develop a plan for achieving the objective of a drug-free workplace with due consideration of the rights of the Government, the employee and the general public.
- (b) The plan shall include:
  - (i) a statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;

- (ii) employee assistance programs emphasizing high level direction, education, counseling, referral to rehabilitation and coordination with available community resources;
- (iii) supervisory training to assist in identifying and addressing drug abuse in the workplace;
- (iv) provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues;
- (v) provision for identifying users in the workplace, including testing on a controlled and carefully monitored basis in accordance with this order.

**Section 3:**      *Drug Testing Programs*

- (a) The head of each agency shall establish and conduct a program to test for the use of illegal drugs by any employee in or applicant to a sensitive position. The extent and criteria for such testing shall be determined by the agency head, based upon the degree of sensitivity of the agency's mission and its employees' duties, the efficient use of agency resources, and a determination by the agency head that the failure of an employee to discharge adequately his or her position might reasonably be deemed likely to endanger public safety or national security.
- (b) The head of each agency shall establish a program for voluntary employee drug testing.
- (c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each agency is authorized to test an employee for illegal drug use under the following circumstances:
  - (i) When there is a reasonable suspicion that any employee uses illegal drugs;
  - (ii) In an examination authorized by the agency regarding an accident or unsafe practice; or
  - (iii) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.

#### Section 4: Drug Testing Procedures

- (a) Agencies shall notify employees 60 days prior to the implementation of a drug testing program pursuant to this order that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and the procedures for obtaining such assistance. Drug testing programs already ongoing in agencies are exempted from the 60 day notice requirement. Agencies may take action under Section 3(a) of this order without reference to the 60 day notice period.
- (b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.
- (c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.
- (d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and once promulgated, agencies shall conduct drug testing programs in accordance with these guidelines.

#### Section 5. Personnel Actions

- (a) Agencies shall refer all employees who are found to use illegal drugs to their Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.
- (b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, *provided that* such action is not required for an employee who:
  - (i) voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order prior to being identified through other means;

- (ii) obtains counseling or rehabilitation through an Employee Assistance Program; and
  - (iii) thereafter refrains from using illegal drugs.
- (c) Agencies must not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, an agency head may, in his discretion, allow an employee to return to duty in a sensitive position if it is determined that such would not pose a danger to public health or safety or the national security.
- (d) Agencies shall initiate action to remove from the service or transfer to a non-sensitive position any employee in a sensitive position who is found to use illegal drugs and:
  - (i) refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or
  - (ii) does not thereafter refrain from using illegal drugs.
- (e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing the adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.
- (f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, conviction of a criminal offense, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.
- (g) Any action to discipline an employee who is using illegal drugs, (including removal from the service, if appropriate), shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.



- (h) Drug testing shall not be conducted pursuant to this order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of title 21, United States Code, received as a result of the operation of drug testing programs established pursuant to this order.

**Section 6: *Coordination of Agency Programs***

- (a) The Director of the Office of Personnel Management shall:
  - (i) Issue government-wide guidance to agencies on the implementation of the terms of this order.
  - (ii) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program.
  - (iii) Develop a model Employee Assistance Program for Federal agencies and assist them in putting strong programs in place.
  - (iv) In consultation with the Secretary of Health and Human Services develop and improve training programs for Federal supervisors and managers on illegal drug use.
  - (v) In cooperation with the Secretary of Health and Human Services and agency heads, mount an intensive drug awareness campaign throughout the Federal workforce.
- (b) The Attorney General shall render legal advice regarding the implementation of this order and must be consulted with regard to all guidelines, regulations and policies proposed to be adopted pursuant to this order.

**Section 7: *Definitions***

- (a) This order applies to all agencies of the Executive Branch.
- (b) For the purposes of this order, the term "agency" means an Executive agency, as defined in 5 U.S.C. § 105; the Uniformed Services as defined in 5 U.S.C. § 2101(3), (but excluding the armed forces as defined by 5 U.S.C. §2101(2)); the United States Postal Service; or any employing unit or authority of the Federal government,

other than those of the judicial and legislative branches.

- (c) For the purpose of this order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21, United States Code, the possession of which is unlawful under chapter 13 of title 21, United States Code. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
- (d) For the purpose of this order, the term "employee in a sensitive position" refers to:
  - (i) an employee in a position which an agency has designated Special Sensitive, Critical-Sensitive or Noncritical-sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position which an agency head has designated or in the future designates as sensitive in accordance with Executive Order 10450 of April 27, 1953 as amended;
  - (ii) an employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order 12356 of April 2, 1982;
  - (iii) individuals serving under Presidential appointments;
  - (iv) members of the Senior Executive Service as defined in Subchapter II of Chapter 31 of Title 5, United States Code;
  - (v) law enforcement officers as defined in 5 U.S.C. § 8331(20);
  - (vi) individuals employed under Schedule C in the excepted service under the authority of section 213.3301 of Title 5, Code of Federal Regulations and Executive Order 10577;
  - (vii) members of the uniformed services as defined in 5 U.S.C. § 2101(3);
  - (viii) air traffic controllers as defined in 5 U.S.C. § 2109; and

- (ix) other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.
- (e) For the purpose of this order the term "employee" means all persons described in 5 U.S.C. § 2105. Additionally, employees of the United States Postal Service and the Postal Rate Commission are employees for the purpose of this order.
- (f) For the purposes of this order, the term "Employee Assistance Program" means agency-based counseling programs which offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs which affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

**Section 8: *Effective Date***

This Order shall become effective on the date of its issuance.

RONALD REAGAN

THE WHITE HOUSE

September \_\_, 1986

**DRAFT**

TITLE I

DRUG FREE WORKPLACE

**DRAFT**

Short Form

September 4, 1986 5:30 p.m.

**A BILL**

To make it clear that there is no federal statutory bar to drug testing in the workplace or in educational institutions

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

**SHORT TITLE**

SEC. 101. This Act may be cited as the "Illegal Drug Use Prevention Act of 1986."

**FINDINGS**

SEC. 102. The Congress finds and declares that --

(a) Drug use is having alarming and tragic effects upon a significant proportion of the national workforce and results in billions of dollars of lost productivity each year.

(b) Employers are concerned with the well being of their employees, and the need to maintain employee productivity.

(c) Drug testing in appropriate circumstances is a diagnostic tool designed to create a healthier work environment, increase productivity, improve public safety, and protect national security.

(d) Experience with drug testing has shown that it can significantly contribute to reducing the demand for illegal drugs while protecting non drug-using coemployees and the public from the harms caused by illegal drug users.

SEC. 103. Technical and Conforming Amendments

(a)(1) Subsection (c) of section 290ee-1 of title 42, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

A person who formerly used, or was addicted to, illegal drugs, but who, has not, in the last five years

used such drugs, may not be denied or deprived of Federal civilian employment or a Federal professional license or right solely on the ground of that prior drug addiction or use.

(2) Subsection (c)(2) of section 290ee-1 of title 42, United States Code, is amended by inserting between "apply" and "to employment" the following: "to persons who use illegal drugs, or".

(b) Subsection (7)(B) of section 706 of title 29, United States Code, is amended:

(i) by striking out "Subject to the second sentence of this subparagraph, the" in the first sentence and inserting in lieu thereof "The", and

(ii) by striking out the second sentence and inserting in lieu thereof the following:

"The term 'handicapped individual' does not include any individual who uses, or is addicted to, illegal drugs, provided however that an individual who is otherwise handicapped shall not be excluded from the protections of this Act if he is also addicted to drugs. For purposes of sections 793 and 794 of this title as such sections relate to employment, the term 'handicapped individual' does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others."

(c) Section 706 of title 29, United State Code, is further amended by adding the following new subsection to the end thereof:

"(16) The term 'illegal drugs' means controlled substances, as defined by section 802(6) of title 21, United State Code, the possession or distribution of which is unlawful under chapter 13 of title 21, United States Code."

(d) The provisions of this Act shall supersede any inconsistent federal law, rule or regulation.

#### SEC. 104. Effective Date

This Act shall become effective on its date of enactment and shall apply to any pending litigation.

September 5, 1986 1000 a.m.

**A BILL**

To prevent the use of, and reduce the demand for, illegal drugs in workplaces by identifying users and holding them accountable for their use of illegal drugs; to ensure that federal law does not prohibit state and local governments, educational institutions, and private employers from conducting drug testing; and for other purposes.

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

**SHORT TITLE**

SEC. 101. This Act may be cited as the "Illegal Drug Use Prevention Act of 1986."

**FINDINGS**

SEC. 102. The Congress finds and declares that --

(a) Drug use is having alarming and tragic effects upon a significant proportion of the national workforce and results in billions of dollars of lost productivity each year.

(b) The Federal Government, as an employer, is concerned with the well being of its employees, the successful accomplishment of agency missions and the need to maintain employee productivity.

(c) The Federal Government as the largest employer in the nation can, and should show the way towards achieving drug free workplaces through a program designed to offer drug users a helping hand and, at the same time, getting the message to drug users that drug use will not be tolerated in the federal workplace.

(d) The use of illegal drugs by federal employees on or off duty is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special public trust given to such employees as servants of the public.

(e) An individual who uses illegal drugs on or off the job

is less productive, less reliable, prone to greater absenteeism, than those who do not use illegal drugs.

(f) The use of illegal drugs, on or off duty, by federal employees can pose a serious health or safety threat to members of the public and to other employees.

(g) The use of illegal drugs by federal employees on or off duty impairs the efficiency of federal departments and agencies by undermining public confidence in them, and thereby making it more difficult for other employees who do not use illegal drugs to perform their jobs effectively.

(h) The use of illegal drugs on or off duty by federal or private employees in certain positions evidences an unreliability, an instability, and a lack of judgment that is inconsistent with access to sensitive information, and renders such employees susceptible to coercion, influence, and irresponsible action under pressure so as to pose a serious risk to national security, public safety, and the effective enforcement of the law.

(i) The demand for illegal drugs encourages and supports the interstate trafficking in illegal drugs, and generates a range of serious criminal activity that threatens public peace and order and can corrupt public officials.

(j) Considered in the aggregate, the use of illegal drugs by employees reduces the productivity of the economy, undermining the ability of American industry to compete internationally, and causing the loss of jobs and productive capital.

(k) Individuals who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves. Such individuals will only take such steps if made accountable for their irresponsible and illegal use of drugs.

(l) Reducing the demand for illegal drugs will discourage interstate and foreign commerce in illegal drugs.

(m) Employers should establish clear policies to ensure that illegal drug users will be held accountable for their actions.

(n) Drug testing in appropriate circumstances is a diagnostic tool designed to create a healthier work environment, increase productivity, improve public safety, and protect national security.



(o) Experience with drug testing has shown that it can significantly contribute to reducing the demand for illegal drugs while protecting non drug-using coemployees and the public from the harms caused by illegal drug users.

#### DEFINITIONS

SEC. 103. As used in this Act --

(a) "federal employee" includes all members of the Civil Service, the Uniformed Services (but not including the Armed Forces), and other employees as defined by sections 2101, 2105, and 2107 of title 5, United States Code;

(b) "illegal drugs" means controlled substances, as defined by Schedules I and II, section 802(6) of title 21, United States Code, the possession of which is unlawful under chapter 13 of title 21, United States Code. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law;

(c) "drug testing" means any drug testing conducted in accordance with scientific and technical guidelines promulgated by the Secretary of Health and Human Services

#### DRUG PROGRAM

SEC. 104. Drug Free Federal Workforce

(a) All federal employees are required to refrain from the use of illegal drugs.

(b) Drug testing may be conducted of applicants for employment and current employees to determine if they use illegal drugs:

(1) when they have been or may be granted access to classified information;

(2) when they perform tasks relating to, or that may have an effect on, the national security, public safety, the protection of life or property, or the investigation of possible violations of federal law;

(3) serving under Presidential appointments, appointed to the Senior Executive Service as defined in Subchapter II of Chapter 31 of Title 5, United States Code, or appointed to Schedule C positions in the excepted service under the authority of section 213.3301 of Title 5, Code of Federal Regulations and Executive Order 10577; and

(4) in any other position determined by the head of the federal agency or by the appointing authority within the legislative or judicial branches to promote the efficiency of the service or position.

(c) In addition to the testing authorized by subsection (b) of this section, federal employers are authorized to conduct drug testing of any federal employee to determine if that employee uses illegal drugs:

(1) whenever there is a reasonable suspicion that any employee uses illegal drugs;

(2) following an accident in which a federal employee was involved, or in the course of a safety investigation that relates to tasks or responsibilities of a federal employee;

(3) As part of or as a follow-up to an agency approved counseling or rehabilitation program.

(d) Federal employment shall be refused to all applicants who are found to be using illegal drugs.

(e) If it is determined that any federal employee uses illegal drugs the federal employer shall propose discipline for the employee, including, if appropriate, removal from federal service.

(f) The Office of Personnel Management may promulgate government wide regulations to guide agencies in the implementation of these provisions.

#### SEC. 105. Drug Free Private Workforce

(a) It shall not be unlawful under federal law for an employer to require as a condition of hiring or continued employment that employees refrain from the use of illegal drugs.

(b) It shall not be unlawful under federal law for any employer to conduct drug testing of its employees or applicants to determine if they use illegal drugs.

(c) It shall not be unlawful under federal law for an employer to refuse employment to applicants who use illegal drugs.

(d) It shall not be unlawful under federal law for an employer to take disciplinary action against an employee, including removal from employment, who use illegal drugs on or off the job.

#### SEC. 106. Disqualification From Federal Employment Upon Conviction For Drug Offenses

(a) Any officer or employee of the United States in the executive, legislative or judicial branch of the government, or in any agency of the United States, who violates any provision of section 401 of the Controlled Substances Act, 21 U.S.C. § 841 shall, in addition to any other punishment provided by law, be disqualified from ever holding any office of honor, trust or profit under the United States. Such disqualification shall commence at the time a conviction under section 401 becomes final.

(b) Any officer or employee of the United States in the executive, legislative or judicial branch of the government, or in any agency of the United States, who violates any provision of section 404 of the Controlled Substances Act, 21 U.S.C. § 844 during the course of his or her employment or on or in any property, building or conveyance owned or leased by the government of the United States, shall, in addition to any other punishment provided by law, be disqualified from ever holding any office of honor, trust or profit under the United States. Such disqualification shall commence at the time a conviction under section 404 becomes final.

#### SEC. 107. Drug Free Federal Contractor Workplace

(a) Federal agencies are authorized to require government contractors to institute programs to achieve drug-free workplaces, including drug testing of contractor employees and applicants whose duties involve access to classified information or tasks that may have an effect on national security, public safety or the protection of life and property.

#### SEC. 108. Judicial Review

(a) The promulgation of scientific and technical guidelines by the Secretary of Health and Human Services pursuant to section 3(d) of this Act is committed to the exclusive discretion of the

Secretary and shall not be subject to judicial review except for constitutional questions.

(b) The decision to require drug testing of federal employees pursuant to sections 4(b) or (c) of this Act shall not be subject to judicial review except for constitutional questions.

#### SEC. 109. Severability

If any provision of this Act or the application of any provision to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

#### SEC. 110. Technical and Conforming Amendments

(a)(1) Subsection (c) of section 290ee-1 of title 42, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

A person who formerly used, or was addicted to, illegal drugs, but who, has not, in the last five years used such drugs, may not be denied or deprived of Federal civilian employment or a Federal professional license or right solely on the ground of that prior drug addiction or use.

(2) Subsection (c)(2) of section 290ee-1 of title 42, United States Code, is amended by inserting between "apply" and "to employment" the following: "to persons who use illegal drugs, or".

(b) Subsection (7)(B) of section 706 of title 29, United States Code, is amended:

(i) by striking out "Subject to the second sentence of this subparagraph, the" in the first sentence and inserting in lieu thereof "The", and

(ii) by striking out the second sentence and inserting in lieu thereof the following:

"The term 'handicapped individual' does not include any individual who uses, or is addicted to, illegal drugs. For purposes of sections 793 and 794 of this title as such sections relate to employment, the term 'handicapped individual' does not include any individual who is an alcoholic whose current use of

alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others."

(c) Section 706 of title 29, United State Code, is further amended by adding the following new subsection to the end thereof:

"(16) The term 'illegal drugs' means controlled substances, as defined by section 802(6) of title 21, United State Code, the possession or distribution of which is unlawful under chapter 13 of title 21, United States Code."

(d) The provisions of this Act shall supersede any inconsistent federal law, rule or regulation.

#### SEC. 111. Effective Date

This Act shall become effective on its date of enactment and shall apply to any pending litigation.