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THE WHITE HOUSE

WASHINGTON

July 28, 1986

MEMORANDUM FOR DONALD T. REGAN

FROM: DENNIS *AT* THOMAS

SUBJECT: Drug Initiative

Issue

What follows is a suggested schedule for kicking off our drug initiative. My concern is that we do not have sign-off on the substance of the initiative. We have not decided whether screening of Federal employees is even legal, let alone good policy. If we are to go forward tomorrow and telegraph the President's intentions to announce a major initiative, we must make a number of policy decisions in the next two days. Otherwise we will again rush forward and give Presidential remarks before the policy debate is concluded.

Schedule

Attached is a possible schedule that would allow the President to kick off his drug initiative next week and as written this approach would have a major address in early September.

DRUG INITIATIVE
Possible Schedule

Wednesday, July 30

Service Organizations remarks by RR "previewing" his intentions to announce program next week

Friday, August 1

RR interview with Newsweek
Feature story on drugs

Monday, August 4

RR announces drug initiative

- 6 point program
- press room

Thursday, August 7

RR meets with Bipartisan Leadership on drugs only

- outlines legislative package
- requests action before adjourn for year

August 11 - 14

RR "Washington Event"

- briefing by Straight Participant
- visit to HHS
- other "Henkelism" (?)

August 13

De la Madrid Visit

- Enforcement statement/Attorney General

August 23 (California)

Radio Address

August 26-29 (California)

RR sign Executive Order implementing action on screening, et al.

September 9 ??

Speech/nationwide as return from summer vacation and go back to school/college/work place -- need to address a national emergency.

September 11

Meeting with leaders of business/labor/education (including Ueberroth)

-- What they doing for drug free work place/school

September 15

Meeting with leaders/political/church/community (including black leaders)

-- How work together to achieve drug free communities/problems we all share

Week of September 22

Recall Ambassadors for consultations (from drug producing countries)

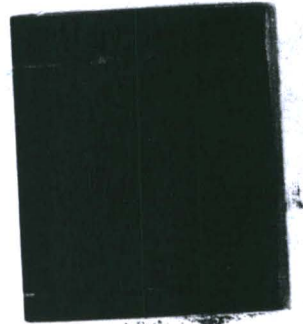
THE WHITE HOUSE
WASHINGTON

July 29, 1986

TO: MR. REGAN

FROM: THOMAS C. DAWSON
Office of the Chief of Staff

Dennis and Jack would like
to meet with you on this.



THE WHITE HOUSE

WASHINGTON

July 29, 1986

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: JOHN A. SVAHN *JAS*

The following questions need to be answered prior to final development of the Drug Initiative. I have outlined them according to each goal of the six point program.

GOAL #1 DRUG FREE WORKPLACE

- A. Does the President want to prescreen applicants for federal jobs for use of illegal drugs?
- Yes By Executive Order
- Seek legislation
- Yes, but only for those applying for sensitive positions, i.e. law enforcement, safety, national security.
- No
- B. We all agree that current federal employees in the above sensitive positions may be tested under current law. Does the President want to require testing for these positions by Executive Order?
- Yes
- No
- No, seek legislation
- C. Does the President want to seek legislation authorizing drug screening of all current federal employees?
- Yes
- No

D. Does the President want to establish a drug testing program for the White House staff?

_____ Yes, we will lead the way.

_____ No, not at this time, wait for the rest of federal employees.

E. Does the President want to require government contractors to initiate drug screening and rehabilitation programs?

_____ Yes, for defense contractors to the extent possible by Executive Order under current law.

_____ Yes, for all federal contractors - seek legislation.

_____ No, prefer to encourage them and the rest of the private sector to work for a drug free workplace.

GOAL #2 DRUG-FREE SCHOOLS

A. Does the President want to extend the existing federal law doubling the penalty for a drug pusher distributing drugs in or near elementary and secondary schools to colleges and universities?

_____ Yes

_____ No

B. Does the President want to seek legislation allowing the Secretary of Education to withhold federal funds from educational institutions which do not establish a drug-free policy for their institutions?

_____ Yes

_____ No

GOAL #3 EXPAND DRUG TREATMENT

A. Does the President want IV drug users (herion, cocaine, others) to be required to seek treatment (to reduce drug use in general and the spread of AIDS in the heterosexual population)?

_____ Yes

_____ Encourage states to adopt such programs and direct the Secretary of HHS to develop ways to provide assistance to states which do so.

_____ Develop a federal requirement and program to do so.

_____ No

B. Does the President want to accelerate health research in the drug area, specifically focusing on new drug screening techniques and cocaine research?

_____ Yes

_____ No

GOAL #4 EXPAND INTERNATIONAL COOPERATION

A. Does the President want to recall his Ambassadors in selected countries that produce illegal drugs or have national drug problems, for consultations?

_____ Yes

_____ No

GOAL #5 STRENGTHEN LAW ENFORCEMENT

A. Does the President want to seek the death penalty for:
1.) All drug traffickers

_____ Yes

_____ No

2.) Drug traffickers who have been convicted three times or more

_____ Yes

_____ No

3.) Drug Traffickers who have been convicted three times or more of selling to children on or near school grounds.

_____ Yes

_____ No

GOAL #6 EXPAND PUBLIC AWARENESS AND PREVENTION

A. Does the President approve of the establishment of a Blue Ribbon panel to lead the effort for a drug-free society in the private sector?

_____ Yes

_____ No

B. Does the President want a White House Conference on Drug Abuse in 1987?

_____ Yes

_____ No, the steps we are taking are adequate.

DOMESTIC POLICY COUNCIL

DRUG ABUSE POLICY

COORDINATION PLAN

THE WHITE HOUSE

WASHINGTON

DRUG ABUSE POLICY

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I. THE PRESIDENT'S PROGRAM - STRATEGY AND GOALS

During the two decades prior to the Administration taking office, the use of illegal drugs in the United States had spread into every segment of our society. Information was lacking, and national programs were focused on one drug - heroin - and on one strategy - supply reduction. Legal, criminal, and moral issues surrounding drug use were confusing to young and old citizens alike. Recognizing this, the President launched a campaign to improve drug law enforcement, strengthen international cooperation, expand drug abuse health functions, reduce drug abuse in the military, and create a nationwide drug abuse awareness effort to strengthen public attitudes against drugs.

The President and Mrs. Reagan have been national and world leaders in fighting drug abuse. The Vice President has coordinated interdiction efforts at our borders, and the Attorney General has directed drug law enforcement policy and activities. The President has carved out the Federal role of providing national leadership and pursuing drug abuse functions which lie beyond the jurisdictions and capabilities of individual states. Federal drug programs have been reoriented to meet specific regional needs, and strong law enforcement actions against drug production and processing laboratories in source countries have increased public awareness of the drug abuse problem.

Mrs. Reagan's leadership and dedication to the youth of America and the world have led to more private sector and government drug abuse awareness and prevention programs and "Just Say No" clubs around the country. The advertising industry, TV networks, high school coaches, the medical profession, the entertainment industry, law enforcement officers and many others have joined in the national effort because of her efforts.

The President's program has been successful, and now is the time to stress that more needs to be done. Compared to 1981, drug use is down in almost all categories. Public attitudes are against the use of illegal drugs and drug awareness is increasing. Drug use and drug problems are front page news, and a new understanding is evident: drug abuse is not a private matter - using illegal drugs is irresponsible behavior - and the costs are paid by all.

The President has said that the time is right to establish a national objective of total eradication of drug abuse and illegal trafficking. He intends that we be half-way toward that objective within three years.

The accompanying strategy will consist of six goals toward which government, industry, schools, and the whole American public can aim their efforts. The Domestic Policy Council has discussed the six goals, as well as the associated issues and options, to help focus efforts by all of the above institutions on the users of illegal drugs.

GOAL #1: DRUG-FREE WORKPLACES

This goal is to protect the public and the workforce, and to increase productivity by ensuring that workers in sensitive occupations are clear-minded and free of the effects of illegal drugs. Four major actions will be proposed:

- o Establish a drug-free Federal workplace.
- o Encourage states and local governments to develop drug-free workplaces.
- o Work with government contractors to ensure drug-free workplaces.
- o Encourage private sector companies to pursue drug-free workplaces.

GOAL #2: DRUG-FREE SCHOOLS

This goal is to have every educational institution drug-free, from grade schools through universities. Four major steps will be explored.

- o Develop ways to communicate accurate and credible information on how to achieve a drug-free school.
- o Seek to make it mandatory that all schools establish a policy of being drug free.
- o Inform heads of all educational institutions about the Federal law on distributing drugs in or near schools.
- o Encourage drug abuse to be taught as part of a health curriculum.

GOAL #3: EXPAND DRUG TREATMENT

The health dangers posed by drug use are more evident than at any time in recent history, and we need to make appropriate treatment available to those experiencing health damage and addiction. Three major actions will be considered.

- o Encourage states to develop and implement programs that treat specific drug-related health problems.
- o Accelerate research in health-related areas, including drug testing.
- o Stimulate development of innovative prevention programs.

GOAL #4: EXPAND INTERNATIONAL COOPERATION

The goal will be to obtain cooperation from every country with which the United States must work in drug enforcement and treatment programs. Several actions will be taken:

- o Recall for consultation U.S. Ambassadors in selected countries that produce illegal drugs or that have national drug problems, and support their anti-narcotics activities.
- o Continue to expand appropriate use of Defense resources to support drug interdiction and destruction of illegal refineries.
- o Intensify efforts with other nations to stop drug trafficking and money laundering.

GOAL #5: STRENGTHEN LAW ENFORCEMENT

Strong and visible drug law enforcement is needed to cause disruptions in drug trafficking and in trafficking routes. Law enforcement is also needed to create an environment in which health-related programs can advance. Building on the existing drug enforcement effort, the following actions will be emphasized:

- o Expand sharing of knowledge and prestige of law enforcement personnel with those involved in drug prevention programs, particularly with young people.
- o Provide prompt and strong punishment by the entire criminal justice system for drug dealers operating close to users.
- o Direct Law Enforcement Coordinating Committees and U.S. Attorneys to prosecute violators of statutes against selling illegal drugs in or near school property.
- o Expedite development of a comprehensive Southwest border initiative to stop illegal drug entry into the U.S.

GOAL #6: EXPAND PUBLIC AWARENESS AND PREVENTION

Continued leadership by the President and Mrs. Reagan is vitally needed to achieve more gains in the fight against illegal drugs. Attitudes have changed, awareness has increased, and many people are ready to join in the fight. The President's ongoing efforts will be supported through the following actions:

- o Ask all citizens to join in Mrs. Reagan's drug abuse awareness and prevention campaign.
- o Redouble efforts in all media forms, to stop illegal drugs and to make their use unacceptable in our society.
- o Disseminate accurate and credible information about the health dangers of drug abuse.

II. ORGANIZATION

A. Internal

The organization structure for coordinating the President's drug abuse policy effort must be decided as soon as practicable. At present two organizations play major roles, 1) the National Drug Enforcement Policy Board, chaired by the Attorney General, and 2) the Drug Abuse Policy Office, headed by Carlton Turner and reporting through the Assistant to the President for Policy Development. Both have made presentations to the Domestic Policy Council on their respective efforts.

Several options are available. These include:

1. Expand the Drug Enforcement Policy Board to include the entire drug abuse program.
2. Establish a new drug abuse health policy board, equivalent to the Drug Enforcement Policy Board.
3. Create a new board that would coordinate health and law enforcement policies.
4. Establish the Drug Abuse Policy Office as a separate agency within the EOP, to coordinate all drug abuse policy efforts, including the Drug Enforcement Policy Board.
5. Establish a Working Group on Drug Abuse Policy reporting to the Domestic Policy Council, to coordinate all drug abuse policy efforts.
6. Make no change.

Congress will likely demand some organizational focal point in the Administration for coordination of drug abuse policy. The Domestic Policy Council can provide final policy determination, but some entity is needed to coordinate day to day policy interpretation and interactions with the many organizations that are employed in fighting drug abuse.

There are numerous issues raised by the above goals. These include how to protect individual rights in drug testing and treatment programs; where funding would come from and what funding levels would be needed; how best to obtain cooperation between labor and management; and how to ensure that the Administration's federalism principles are adhered to in the various partnership efforts on drug-free workplaces and in Federal, state and local government drug research, testing and treatment programs. These issues will be more thoroughly addressed and resolved by cooperative efforts of Federal departments and agencies, Congress, private industry, states, local governments, and public and private organizations.

A public relations/communications plan in support of these goals has been developed and will be presented separately.

IV. LEGISLATION

Congress has initiated a major effort to enact legislation that would call for spending large sums on drug abuse efforts. Much of that legislation is unnecessary, and will be spurious in nature.

The Administration has submitted legislative proposals that have not been enacted. Also, additional proposals are being prepared consistent with the President's new goals and directions.

It will be appropriate to work with Congress to ensure that the more desirable and less costly bills are given consideration, and that the unnecessary bills are discarded.

It is recommended that a Legislative Strategy Group session be called to determine the best means for cooperating with Congress on drug abuse legislative proposals. It should include the key organizational participants, in addition to the regular members.

GOALS WORKSHEET -- DRAFT 7/28/86
 Drug Abuse Policy Office

Leader-
 ship Legis-
 lation Funding

AL #1: DRUG-FREE WORKPLACES

1a. Establish a drug-free Federal workplace. (OPM-agencies)

Maximum YES

(\$158M)

FEHB \$129M *all + 10%*
 Test \$24M *all + 25%*

1b. Encourage states and local governments to develop drug-free workplaces.

All opportunities No

None

1c. Work with government contractors to ensure drug-free workplaces.

Cabinet No

FY88 \$5M

1d. Encourage private sector companies to pursue drug-free workplaces.

All opportunities No

None

GOAL #2: DRUG-FREE SCHOOLS

(\$100M)

2a. Seek to assure that all schools establish a policy of being drug free.

Maximum No

None

2b. Inform heads of all educational institutions about the Federal law on distributing drugs in or near schools.

AG, DOEd No

None

2c. Develop ways to communicate accurate and credible information on how to achieve a drug-free school.

DOEd

2c & 2d FY87&FY88
 Yes, Auth \$100M
 LegFund- 100%
 ing

trade-off-
 within DOEd

2d. Encourage that education on drug abuse to be taught as part of a health curriculum rather than as a special curriculum.

DOEd

	Leader- ship	Legis- lation	Funding
<u>GOAL #3: EXPAND DRUG TREATMENT</u>			87 (\$82.5M) 88 (\$83M)
3a. Encourage states to develop and implement programs that treat specific drug-related health problems.	HHS	?	FY87 \$14M FY88 \$23M
3b. Accelerate research in health-related areas, including drug testing.	HHS	No	FY87 \$3M FY88 \$3M
3c. Stimulate development of innovative prevention programs.	HHS	?	FY87 \$5.5M FY88 \$12M
3new. Community demo grants, integrated drug abuse programs.	HHS	?	FY87 \$60M FY88 \$45M
<u>GOAL #4: EXPAND INTERNATIONAL COOPERATION</u>			(\$62.85M)
Recall for consultation U.S. Ambassadors in selected that produce illegal drugs or that have national drug problems, and support their anti-narcotic activities.	State	No	FY8? \$.1M Travel Support FY88+\$30M (INM & AID)
4b. Continue to expand appropriate use of Defense resources to support drug interdiction and destruction of illegal refineries.	DOD	No	Est. \$20M Cost
4c. Intensify efforts with other nations to stop drug trafficking and money laundering.	?	?	Est. ? \$12.75M

	Leader- ship	Legis- lation	Funding
<u>GOAL #5: STRENGTHEN LAW ENFORCEMENT</u>			(FY86 \$68M) (FY87\$290M)
5a. Expand sharing of knowledge and prestige of law enforcement personnel with those involved in drug prevention programs, particularly with young people.	DOJ, Treas.	No	+\$3M DOJ +\$.15 Treas.
5b. Provide prompt and strong punishment by the entire criminal justice system for drug dealers operating close to users.	DOJ	No	\$281M See OMB paper.
5c. Direct Law Enforcement Coordinating Committees and U.S. Attorneys to prosecute violators of statutes against selling illegal drugs in or near school property.	DOJ	No	FY87 \$6M (in budget)
5d. Expedite development of a comprehensive Southwest border initiative to stop illegal drug entry into the U.S.	DOJ	No	FY86 \$68M -in NDEPB ltr to Hill See OMB paper.
<u>GOAL #6: EXPAND PUBLIC AWARENESS AND PREVENTION</u>			(FY87 \$5M)
6a. Ask all citizens to join in Mrs. Reagan's drug abuse awareness and prevention campaign.	Maximum	No	None.
6b. Redouble efforts in all media forms, to stop illegal drugs and to make their use unacceptable in our society.	Maximum	No	FY86 ? FY87 ? FY88 ?
6c. Disseminate accurate and credible information about the health dangers of drug abuse.	All	No	FY87 \$5M (In budget request- ADAMH)

V. ADMINISTRATION DRUG INITIATIVE FUNDING REVIEW

The Administration's initiative against drug use is creating interest on the part of department and agency heads to develop new programs and to expand existing drug prevention programs. These new and expanded activities will create pressures on an already overburdened federal budget.

Budget pressures can be held to a minimum if adherence to some basic funding principles are maintained.

Principles of Funding

- o There is far too much emphasis on federal funding measures and too little emphasis on private sector initiatives. Government programs must have active participation of the private sector as a top priority.
- o All new programs and initiatives must have offsets for each funding component.
- o This Administrations budget policy will be adhered to throughout the administration of this drug initiative.

The planning stages of this drug initiative will create a wealth of ideas and programs that can be used to combat the use of illegal drugs in our country and the world. Throughout the planning process budget figures will be changing to accommodate respective priorities attached to each program.

Memo

To DTR

From D.I.

Re. - Summary of Planning Meeting
7/26/86

The attached reflects the general areas of discussion & those in attendance.

Wills' memo & the Planning Calendar demonstrate the nature of our problem - too many issues over the next 3 weeks & too few in the weeks while R.R. is in California.

There is agreement on the need to bring focus to those issues we are for - drugs, Tax Reform, Arms Control & Control - and away from those that are more problematic - S. Africa, Trade, Deficit, Textiles. To that end we discussed how we might utilize the President's time between now & Labor Day.

Drug Initiative

Recommend speech as early in Aug. as possible. Aug 6th, Weds. would be good. It allows for a follow-up Bi-Partisan meeting on the 7th and it would help remove focus from the Textile veto override scheduled for Aug. 6th.

Tony has been tasked to write a draft for P/Al / Carlton Turner are coordinating the legal package + substantive proposals. You will be receiving a memo from Jack Swahn outlining in detail other post-speech events.

It was felt that on July 30th the Pres. could announce his intention to give a nation-wide address the following week. He would do this in remarks to the Service Organizations Meeting 11:30 next Wed. This "announcing going to announce" approach had worked well in the past + we keep us ahead on the issue.

News Control

It was agreed that on Tues. July 29 we have a Room 450 event where the Pres. could do a drop-by + formally state he has sent a letter to Worshaker + while not getting into the atmosphere characterizing the atmosphere - hopeful - positive etc.

A radio address on Aug 2nd was also recommended. The Democrats otherwise would want to hit us on textile (just before vote on 6th) + this allows us

to speak on "our issues."

Contras

The speech to the K of C ^{Aug 5th} to be teleconferenced from the oval office will have a large portion on Contras. It will point out the need to move quickly to the price of delay. Aug 9th is seen as a target date for a radio address.

S. Africa

If we plan to make any additional announcements recommend we do on Monday. Dege plans make-up on Thurs so we must move quickly if we expect to impact the committee work.

Farm

Bill Hentzel is exploring the possibility of having a visit to the State Fair during our political trip Aug 12th. We may reconsider if we follow the State Dept's thinking on subsidized sale to the Soviets.

Small Business

Plan to meet with leaders of Small Bus. Conf on Aug 15th & have a radio address on the subject Aug 16th

all of the above is contingent upon
your concurrence & approval. I apologize
for this not being typed but thought
it would give an quick-sense of
the thinking of the group.

For DPC

THE WHITE HOUSE

WASHINGTON

PRESIDENTIAL DRUG INITIATIVE
LEGISLATIVE SUMMARY

This is a list of legislative activity recommended by Departments and Agencies in support of the President's drug initiative.

I. Drug Free Workplaces

- o Establish a drug-free Work place.

Department of Justice Proposal

Justice recommends a bill to establish a drug testing program which will provide for a drug-free workplace and allow testing to identify and hold accountable users of illegal drugs.

Office of Personnel Management Proposal

Propose legislative changes to make current illegal drug use an absolute disqualifier for entry into Federal employment and a basis for termination, regardless of a claimed "handicapping" condition or effect on job performance.

- o Encourage states and local governments to develop drug-free work places.
- o Work with government contractors to ensure drug-free workplaces.

The President could:

Seek legislation to (a) require that contractors (at least those whose products have life threatening or national security characteristics) establish comprehensive drug detection, prevention, educational and treatment programs, and (b) establish a program in an appropriate federal agency with sufficient personnel and funding resources to review and approve contractor drug programs, and once approved, to monitor contractor adherence to those programs.

- o Encourage private sector companies to pursue drug-free workplaces.

II. Drug-Free Schools

- o Seek to assure that all schools establish a policy of being drug free.
- o Inform heads of all educational institutions about the Federal law on distributing drugs in or near schools.
- o Develop ways to communicate accurate and credible information on how to achieve a drug-free school.
- o Encourage drug abuse problems to be taught as part of a health curriculum.

The Department of Education has developed proposed legislation in the form of the Zero Tolerance Act. It provides:

Principle No. 1: Federal funds would be provided to help with some of the costs of developing and implementing effective prevention efforts, but would require at least one-third of project funding to be supported by the district itself.

Principle No. 2: School districts are not entitled to funding -- they must compete.

Principle No. 3: In order to compete, they must submit a plan for getting drugs out of their schools that includes tough disciplinary provisions developed in conjunction with parents, law enforcement officials and the courts.

Principle No. 4: Funds can be used for improving school security, as well as educational activities.

Principle No. 5: Grants would be made for up to three years, but funding for each year would depend on each district demonstrating specific progress in reducing drug use.

III. Expand Drug Treatment

- o Encourage states to develop and implement programs that treat specific drug-related health problems.
- o Accelerate research in health-related areas, including drug testing.
- o Stimulate development of innovative prevention programs.
- o Support integrated, community-wide demonstration grants to assist communities mobilize their efforts to fight illicit drug use and to determine the efficacy of integrated, community-wide programs.

No legislative recommendations have been suggested.

IV. Expand International Cooperation

- o Recall for consultation U.S. Ambassadors in selected countries that produce illegal drugs or that have national drug problems, and support their anti-narcotics activities.
- o Continue to expand appropriate use of Defense resources to support drug interdiction and destruction of illegal refineries.
- o Intensify efforts with other nations to stop drug trafficking and money laundering.

No legislative recommendations have been suggested.

V. Strengthen Law Enforcement

- o Expand sharing of knowledge and prestige of law enforcement personnel with those involved in drug prevention programs, particularly with young people.
- o Probid prompt and strong punishment by the entire criminal justice system for drug dealers operating close to users.

The Department of Justice will recommend mandatory sentencing for all drug distributors.

- o Direct Law Enforcement Coordinating Committees and U.S. Attorneys to prosecute violators of statues against selling illegal drugs in or near school property.
- o Expedite development of a comprehensive Southwest border initiative to stop illegal drug entry into the U.S..

VI. Expand Public Awareness Prevention

- o Ask all citizens to join in Mrs. Reagan's drug abuse awareness and prevention campaign.
- o Redouble efforts in all media forms, to stop illegal drugs and to make their use unacceptable in our society.
- o Disseminate accurate and credible information about the health dangers of drug abuse.

No legislative recommendations have been suggested.

THE ZERO TOLERANCE ACT

Purpose

1. To protect our children from the threat of illegal drugs. Sixty-one percent of 1985 high school seniors (approximately two million young men and women) had used illegal drugs, 41 percent had used drugs other than marijuana. Drug use is now recognized as a serious problem in middle and in elementary grades. Our first duty is to protect our children and ensure that those who are not involved with drugs do not become involved.
2. To foster effective prevention measures and not merely "drug education." Many proposals now before Congress are limited to supporting the development of drug education courses and curricular materials. Seventy-two percent of 1985 high school seniors reported that they had had a drug education course or program, but 61 percent had used drugs. Research shows that significant number of students purchase and use drugs in school. Appropriate drug education is important, but it will not be effective without the creation and implementation of more effective disciplinary policies regarding drug use. The central goal must be to get drugs out of schools and to keep them out.

Principles of the Zero Tolerance Act

1. Federal funds would be provided to help with some of the costs of developing and implementing effective prevention efforts, but would require at least one-third of project funding to be supported by the district itself.
2. School districts are not entitled to funding--they must compete.
3. In order to compete, they must submit a plan for getting drugs out of their schools that includes tough disciplinary provisions developed in conjunction with parents, law enforcement officials, and the courts.
4. Funds can be used for improving school security, as well as educational activities.
5. Grants would be made for up to three years, but funding for each year would depend on each district demonstrating specific progress in reducing drug use.

Key Features of the Zero Tolerance Act

1. State set-asides for drug prevention activities at the state level. These would include teacher training, technical assistance to local school districts, and development of statewide programs with law enforcement agencies. These would be limited to no more than 20 percent of the total grant.

2. State discretionary grants to local school districts, which would account for most of the funds. These would require each district to submit to the state agency a plan to achieve "Drug-Free Schools." The plans would address the following issues--the extent of the drug problem, an enforcement plan to eliminate the use of drugs on school premises, the development of drug prevention curriculum, staff training, and community and parental involvement. These grants would require annual progress reports and a final assessment of program effectiveness. State and local education agencies would be required to ensure equitable participation for private non-profit elementary and secondary schools.

3. Federal discretionary grants for activities such as: development and dissemination of program models and materials on alcohol and drug prevention in the schools; workshops and seminars to encourage greater cooperation between schools and community agencies, including law enforcement, the courts, and social services; research into the effects of drug use in the schools, and into the effectiveness of possible solutions to the problem.

Allocations of Funds

1. The bill would authorize the appropriation of \$100 million for fiscal year 1987 through 1991.

2. The bill would authorize the Secretary of Education to reserve \$20 million for national programs.

3. Of remaining funds, the Secretary would be authorized to reserve up to one percent for Guam, American Samoa, and other U.S territories.

4. The Secretary would allot to each state the remaining funds in proportion to the number of children aged five to seventeen.

5. At the State level, State education agencies would be permitted to retain up to 20 percent of their grants for state-level projects up to 5 percent could be used for state administration.

6. At least 80 percent of state allotments must be distributed to local school districts on a competitive basis.

A BILL

To establish a drug testing program which will provide for a drug-free workplace and allow testing to identify and hold accountable users of illegal drugs.

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

SHORT TITLE

SEC. 1. This Act may be cited as the "National Drug Testing Act of 1986."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that --

(1) The United States has a compelling interest in eradicating drug abuse not only through criminal law enforcement efforts but also by taking action to lessen the demand for illegal drugs.

(2) Employers and educational institutions should establish clear policies to ensure that illegal drug use will result in discipline.

(3) Drug testing is a diagnostic tool designed to create a healthier work environment, increase productivity, improve public safety, and protect national security. Proper testing will identify those individuals who need help and allow them to get help.

(b) It is the purpose of this Act to

DEFINITIONS

SEC. 3. As used in this Act --

(1) "federal employee" includes all members of the Civil Service, the Armed Forces and the Uniformed Services as defined by section 2101 of title 5, United States Code.

(2) "federal employer" means the Executive Agencies as defined in section 105 of title 5, United States Code.

(3) "illegal drugs" means the use of a controlled substance as defined by Chapter 13 of title 21, United States Code, without a valid prescription or other lawful authorization.

DRUG TESTING

SEC. 4. Drug Free Federal Workforce

Notwithstanding any other provision of law, a federal employer may require as a condition of hiring or continued employment that federal employees refrain from the use of illegal drugs.

SEC. 5. Federal Drug Testing Program

Notwithstanding any other provision of law, it shall be lawful for a federal employer to conduct biological testing of its employees to determine if they are using illegal drugs. The Office of Personnel Management shall promulgate regulations to implement a drug testing program consistent with this subsection.

SEC. 6. Penalties

If as a result of biological drug testing by a federal employer, it is determined that a federal employee has used illegal drugs or if the employee refuses to participate in the drug testing program, the federal employer may take appropriate disciplinary action against the employee, including removal from employment. The penalties described in this subsection are appropriate regardless of whether the illegal drugs were used while on duty.

SEC. 7. Drug Abuse in Private Employment

(a). Notwithstanding any other provision of law, any employer may require as a condition of hiring or continued employment that employees refrain from the use of illegal drugs.

(b). Notwithstanding any other provision of law, it shall be lawful for any employer to conduct biological testing of its employees to determine if they are using illegal drugs.

(c). If as a result of biological drug testing by an employer, it is determined that an employee has used illegal drugs, or if the employee refuses to participate in the drug testing program, an employer may take appropriate disciplinary action against the employee, including removal from employment.

The penalties described in this subsection are appropriate regardless of whether the illegal drugs were used while on duty.

SEC. 8. Drug Abuse In Educational Institutions

(a). Notwithstanding any other provision of law, any educational institution may require as a condition of admission or continued enrollment that students refrain from the use of illegal drugs.

(b). Notwithstanding any other provision of law, it shall be lawful for any educational institution to conduct biological testing of its students to determine if they are using illegal drugs.

(c). If as a result of biological drug testing by an educational institution, it is determined that a student has used illegal drugs, or if the student refuses to participate in a drug testing program, the educational institution may take appropriate disciplinary action against the student, including expulsion from the institution. The penalties described in this subsection are appropriate regardless of whether the illegal drug use was committed while at the educational institution.

SEC. 9. Savings Clause

The provisions of this Act shall not be interpreted to require any employer or educational institution to conduct drug testing.

SEC. 10. Preemption

The provisions of this Act shall preempt and supersede any State law to the extent such law is inconsistent with the limitations contained in such provisions.

Pre-see

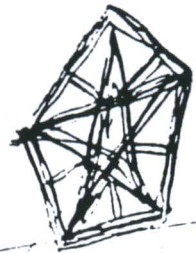


Office of the Director

Meese: Helpful to talk to labor leaders to take your approach

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

July 18, 1986



*Dawn - Review early but
Make Strategy - cost effective
missing: your group*

*Compensation
Goal of Fed. Workplace*

MEMORANDUM FOR: EDWIN MEESE III
ATTORNEY GENERAL

FROM: CONSTANCE HORNER
DIRECTOR

SUBJECT: OPM DISCUSSION PAPER
ON SUBSTANCE DRUG POLICY

Constance Horner

Enthusiasm about it

Strong counter

*Community of caring
Friends don't let
friends down drink*

A General Approach to Policy

The operating principle in a new Federal substance abuse policy has been well articulated in the Organized Crime Commission's report. Policies should be framed that express the "utter unacceptability" of illegal drug use in the Federal workplace.

The principle of "utter unacceptability" can be operationalized a variety of ways beyond "suitable" testing for certain types of high-risk jobs: rehabilitation, education, illegal drug use prevention programs, employee assistance programs, public relations, revised security and suitability inquiries and the invocation of adverse action procedures for illegal drug users.

Any Federal substance abuse policy must be grounded in the distinction between Federal applicants and Federal employees. In pursuing a goal of a safe, healthful, drug-free workplace, we should seek to prevent the entry of users of illegal narcotics into the Federal workforce while simultaneously continuing a rehabilitational program for on-board employees. But, if on-board employees who use drugs illegally, test "positive" a second time, resist rehabilitation, or otherwise undermine the efficiency of the service, adverse action should be invoked, including dismissal.

There are no uniform, Governmentwide policies and standards encompassing various measures, such as drug testing, to exclude drug abusers from the Federal workplace. There is no systematic and uniform program of screening applicants for certain types of jobs Governmentwide, nor for testing employees in those areas. There is a Governmentwide policy geared toward rehabilitating drug and alcohol abusers once they are found in the workplace.

The following specific proposals are tentative, submitted for deliberation and further discussion and appropriate refinement. They are an attempt to provide a program of narcotics prevention, in consonance with the "utter unacceptability" criteria, as well as a program of rehabilitation.

④

Suggested OPM Proposals

Recommendation No. 1: Propose Legislative changes to make current illegal drug use an absolute disqualifier for entry into Federal employment and a basis for termination, regardless of a claimed "handicapping" condition or effect on job performance. First, add a new section to Title V: "Notwithstanding any other provision of law, an individual who uses illegal narcotics or drugs without a prescription may not be employed in the competitive service." Second, amend the Rehabilitation Act to exclude illegal drug users as a category to be included among those who are deemed to be "handicapped" and strike the nexus between job performance and illegal drug usage.

Rationale: The President's Commission proposes the issuance of policy guidance that would communicate the "utter unacceptability" of illegal drug use in the workplace. At the same time, Federal law forbids the deprivation of Federal employment to any person solely on the grounds of prior drug abuse. The object of current law is rehabilitative. While the rehabilitative spirit of current law is laudable, the public has a right to expect not only the highest level of performance and productivity on the part of Federal applicants, but also their devotion to the laws of the country.

While there is no requirement to hire current drug abusers, and they are normally excluded under OPM "suitability" criteria, such applicants and employees can claim to be handicapped and come under the protective language of the Rehabilitation Act. It then becomes the taxpayers' duty to accommodate a disabling condition brought on by an illegal personal vice. The Federal government is forbidden to discriminate against the handicapped in hiring.

OPM should seek the removal of the "handicapped" protection from illegal drug users because such use is, after all, illegal and, moreover, it is a voluntary act. Those who persistently and voluntarily engage in illegal acts should not be permitted to enter or remain in the Federal workforce. They should be permitted re-entry only after demonstrated rehabilitation. Because of the legal status of alcohol consumption, the traditional nexus between alcoholism or alcohol abuse and performance criteria and its designation as a "handicapping condition" would be retained.

Section 7352 of Title V declares: "An individual who habitually uses intoxicating beverages to excess may not be employed in the competitive service." The same bar to employment should be imposed on drug abuse, with a clarification that current illegal drug use will not be considered a "handicapping condition" nor an absolute bar to future

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Federal employment. The enactment of such provisions will send a strong, clear message to the general public that drug abuse and Federal employment are incompatible.

Recommendation No.2: Inquire into Applicants' Past and Current Illicit Drug Usage on the SF-85 and SF-86, the Standard Suitability and Security Forms, as a means of deterring the hiring of current illegal drug users and providing appropriate information regarding past use for evaluation for security clearance.

Rationale: Just as with the habitual or excessive use of alcohol, the illegal use of narcotics, drugs or other controlled substances is potentially disqualifying for Federal employment under 5 CFR 731.202(b)(6). Despite the fact that illegal drug use is a major national problem, costing approximately \$100 billion in lost productivity each year, OPM currently does not even require a written response about the use of illicit narcotics among Federal applicants. As a first step in the prevention of the use of illicit narcotics in the Federal workplace, OPM should inquire into past, recent and current drug use or alcohol abuse on the part of applicants for Federal positions, on the SF-85 and the SF-86, i.e., forms for both sensitive and non-sensitive positions.

The questions can serve several purposes for Federal investigators and examiners in determining general fitness or access to classified

information. First, the Executive publicly charged with the faithful execution of the laws is entitled to services of those who privately obey the laws, including the Controlled Substances Act. A Federal position is one of public trust, not private right. This principle applies to both sensitive and non-sensitive jobs. Second, the inquiries are narrowly focused to elicit recency and frequency of illegal narcotics usage. The questions are designed to segregate current from more recent drug abusers, and, in turn, from those who, in the past, have enjoyed only a casual experimentation with illicit drugs. Such focused questions will also be of direct benefit to agency adjudicators making final employment decisions by giving them more detailed information on illicit drug use on a case-by-case basis. Third, with such narrowly focused questions, eliciting recency and frequency, OPM can expect to get a higher rate of positive responses. This can broaden the base for further inquiry. If the questions are answered affirmatively, they may be disqualifying. (It is not necessarily disqualifying.) It is a matter left to adjudication. If it is answered falsely and the applicant is hired under false pretences, it is grounds for dismissal. In that respect, the initial inquiry can serve as a front line deterrent to illegal drug using applicants. It can be first step toward prevention.

THE WHITE HOUSE

WASHINGTON

July 30, 1986

MEMORANDUM FOR THE CHIEF OF STAFF

The following questions need to be answered to assist in final development of the Drug Abuse Initiative. They are outlined according to the six goals, and to Domestic Policy Council discussion.

GOAL #1 DRUG-FREE WORKPLACE

- A. Does the President want a program for prescreening applicants for federal jobs for use of illegal drugs?

_____ Yes

_____ No

If yes, does the President want to require this by:

_____ Executive Order

_____ Seeking Legislation

If yes, should we restrict it to those applying for sensitive positions, i.e. law enforcement, safety, national security.

_____ Yes

_____ No

- B. We all agree that current federal employees in the above sensitive positions may be tested under current law. Does the President want to require testing for these positions by Executive Order?

_____ Yes

_____ No

_____ No, seek legislation

- C. Does the President want to seek legislation authorizing drug screening of all current federal employees?

_____ Yes

_____ No

D. Does the President want to require government contractors to initiate drug screening and rehabilitation programs?

_____ Yes

_____ No

If yes, does the President want to do this by:

_____ Executive Order under current law

_____ Seeking legislation

_____ Encouraging them and the rest of the private sector to work for a drug free workplace.

GOAL #2 DRUG-FREE SCHOOLS

A. Does the President want to seek legislation and added funding for a Department of Education program on communication of information to schools and encouraging drug abuse to be part of a health curriculum rather than as a special curriculum?

_____ Yes

_____ No

B. Does the President want the Secretary of Education to withhold Federal funds from schools that do not establish a drug-free policy for their institution?

_____ Yes

_____ No

GOAL #3 EXPAND DRUG TREATMENT

A. Does the President want the Secretary of HHS to provide assistance to states for adopting programs that require treatment for illegal intravenous drug users?

_____ Yes

_____ No

B. Does the President want to accelerate health research in the drug area, specifically focusing on new drug screening techniques and cocaine research?

_____ Yes

_____ No

GOAL #4 EXPAND INTERNATIONAL COOPERATION

A. Does the President want to recall for consultations his Ambassadors to selected countries that produce illegal drugs or have national drug problems?

_____ Yes

_____ No

GOAL #5 STRENGTHEN LAW ENFORCEMENT

A. Does the President want stricter law enforcement penalties for drug law violators?

_____ Yes

_____ Yes, but for those who do not volunteer for treatment.

_____ No, current penalties are satisfactory.

GOAL #6 EXPAND PUBLIC AWARENESS AND PREVENTION

A. Does the President want to challenge other organizations to rally around the fight against illegal drug use?

_____ Yes

_____ No, keep it a quiet, low-key fight.

The above questions have been raised in discussions by the Domestic Policy Council. The following are questions yet to be discussed by the Council.

GOAL #1 DRUG-FREE WORKPLACES

A. Does the President want to establish a drug testing program for the White House staff?

_____ Yes

_____ No

GOAL #2 DRUG-FREE SCHOOLS

A. Does the President want to seek legislative changes to extend penalties against drug pushing in or near elementary and secondary schools to colleges and universities?

_____ Yes

_____ No

GOAL #5 STRENGTHEN LAW ENFORCEMENT

A. Does the President want to seek the death penalty for:

_____ All drug traffickers

_____ Drug traffickers with three or more convictions

_____ Drug traffickers convicted three or more times for
selling to children on or near school grounds

GOAL #6 EXPAND PUBLIC AWARENESS AND PREVENTION

A. Does the President approve of the establishment of a Blue Ribbon panel to lead the effort for a drug-free society in the private sector?

_____ Yes

_____ No

B. Does the President want a White House Conference on Drug Abuse in 1987?

_____ Yes

_____ No, the steps we are taking are adequate

FIRST MEETING OF DPC ON DRUG ABUSE POLICY
July 15, 1986

- o Focus of drug prevention efforts on drug users.
- o Drug abuse efforts by the President since 1981.
 - Cooperation with international organizations and leaders.
 - First Lady's awareness and prevention campaign.
 - Research and development.
 - Interdiction programs.
 - Detoxication efforts.
- o Charts on changes in marijuana usage.
- o Worst influences on drug users.
- o Cocaine-related emergency room visits and deaths.
- o 67 percent reductions of drug use in the military.
- o IBM and other private industry drug testing and urinalysis programs.
- o First response by individuals is opposition to drug programs, but following implementation they change behavior to accept and embrace these programs.
- o Secretary Bowen committed his department to the development and certification of testing procedures.
- o Proposed goal of drug-free schools.
 - Promulgating accurate and credible information on how to achieve a drug-free school.
 - A booklet is being prepared on model school programs.
 - School administrators, parents, and the entire community should play a major role.
 - The issue of making it mandatory that all schools have a policy of being drug-free, Secretary Bennett felt some authority now exists to encourage this, but additional authority might have to be prescribed through legislation.
 - If we propose legislation, we might be able to measure Congressional sincerity.
 - We should inform the heads of institutions about the laws regarding distributing drugs near public or private schools.
 - We must include drug abuse in health curricula.

- o Mr. Bowen discussed the health proposals.
 - We need programs for assisting states in addressing the special health problems of intravenous drug users.
 - Discussion ensued on fundamental and constitutional issues associated with identifying drug users and forcing them into treatment.
 - IV users and their connection to AIDS transmission.
 - These people are more likely to contribute to the AIDS problem.
 - In some instances we may not want the Federal government to fund programs.
 - We must have solid grounds before proceeding.
 - Legislation would be preferred.
 - There should be no constitutional problem or deprivation of liberties.
 - States can and do require testing and treatment now.
 - We should try to increase the accuracy of tests, and do more research and development on herbicides that would be used for eradication programs.
- o Large number of young people in the drug susceptibility age.
 - Those who must rely on Federal employees, whether on airplanes or railroads, deserve to be served by drug-free Federal workers.
 - Look at research on drug-related accidents.
- o Providing seed money for promising initiatives.
- o The Council discussed safety/productivity issues.
 - Preemployment screening of applicants for Federal jobs.
 - There is a need to control drug use by Federal employees.
 - There are a number of occasions when screening should be done.
 - If we go with a government-wide initiative, we could be undermining the authority of Cabinet members, and could provide political opportunity to those who oppose our programs.

- Federal government is more drug-free than the total work force.
- We should differentiate between current employees and job applicants.
- We have a right to say to job applicants that we do not want drug users.
- Treasury Department's approach of negotiating with unions has resulted in a program for testing employees in sensitive jobs.
- The way to a drug testing program is to sell it to employees and employee groups.
- Testing for sensitive occupations would likely be okay, but testing for other people could result in 4th Amendment violations.

SECOND DPC MEETING ON DRUG ABUSE POLICY
July 22, 1986

- o Reviewed military accomplishments.
- o Safety/Productivity.
 - DOD contractors to have a drug-free workplace.
- o Law Enforcement.
 - Law Enforcement Coordinating Committee.
 - SW Border initiative.
- o Need biggest bang for dollar.
- o Protect individuals' rights.
- o Federal role important.
 - Must avoid laying down rules and regulations for private employers.
 - Employers make choices about testing.
 - Treat DOD contractors like other employers.
 - Don't move to a morass of regulations that restrict private industry.
- o Must mobilize entire Cabinet.
 - Turn constituent groups on.
 - Motivate through town halls.
 - This should be a top Administration priority.
- o Irrespective of philosophy - health, welfare, safety cry out for attention.
 - Drug abusers cannot make own decisions.
 - Drug abusers cost government services.
 - Increased morbidity.
 - Younger users of cocaine, crack.
 - Balanced program with more focus on demand.

- o Private sector ahead - 25 percent have testing programs.
 - Vital to do cost effective ranking.
- o Schools without Drugs Act.
 - Money for schools to cooperate.
 - \$100 million estimate.
- o Democrats throwing dollars.
- o Horner paper.
 - Propose legislation to remove drug abuse as handicap.
 - Must ask applicants about drug use.
 - Laying grounds for dismissal.
 - Issue guidance for drug screening.
 - Change adverse actions regulations to mandate termination for second use.
 - Opportunity period for rehabilitation.
 - Increased coverage in FEHB.
 - Upgrade EAP government-wide.
 - PR campaign.
 - Regulations on rehabilitation.
 - Collect data on productivity losses
 - QC standards.
 - Doesn't want the President to be seen as thinking all employees are on drugs.
- o State of art in testing.
 - Certify laboratories.
 - Reliability accuracy on testing programs - guidelines.
- o Legal issues.
 - 4th Amendment.
 - Urine sampling is search and seizure.

- Government employees in sensitive positions could be tested.
- Iowa prison guards tests struck down.
- Should leave off "all employees" and let department heads have discretion.
- Question - whether intrusive nature of privacy is violated.
- Courts rulings on sensitive occupations.
- Link of drug abuse to impairment.
- Need for legislation/possible courts action.
- o Workplace - we should talk to unions.
 - Should pre-sell to leaders to reduce tension.
- o Schools are emerging cohort.
- o A Political big deal today
 - Finally discovered by Newsweek.
 - Congress using as a political issue.
- o Next steps.
 - Do cost benefit analysis.
 - Packaging of proposals.
 - Get ready for the President.
 - Need strategy.
 - Communicate strategy.
 - Incidence of problem and change.
 - Watch costs.
 - Watch regulations.

THIRD DPC MEETING ON DRUG ABUSE POLICY
July 24, 1986

- o President has asked that we move ahead on drugs.
- o Described National Strategy - 1984.
- o Discussion paper on goals.
 - Discussion on pros and cons of 70 percent.
 - Concern - is 67 percent a failure.
 - 50 percent reasonably attainable in next three years.
- o Six Goals.
 - Drug free workplaces.
 - Drug free schools.
 - Drug treatment.
 - Number of treatment facilities inadequate.
 - Federal government involvement in treatment.
 - Suggest not layon to States without Federal funds.
 - International cooperation.
 - Law enforcement.
 - Awareness and prevention.
 - Should stress successes.
- o Decision Memorandum for the President.
- o Funding.
 - Need to begin cost/benefit analysis.
 - Dick Williams coordinates.
 - We may be using wrong term.
 - Important to prioritize expenditures.
 - Where do we get biggest reductions.
 - DPC must work hard on these issues.
 - President will have to decide.

FOURTH DPC MEETING ON DRUG ABUSE POLICY
July 25, 1986

WITH THE PRESIDENT

- o Aggressive program on demand side.
- o Building on 1984 Strategy.
- o Time is right to hold user responsible.
- o Military reduction 67 percent.
- o Contractors.
- o Private industry.
- o Public support is firm.
- o Business leaders support this.
- o Goal is drug-free society.
- o I want to launch a national campaign.
- o To appeal to pride.
- o Volunteer, not compulsory.
 - We have a right to demand drug-free workers.
 - Not mandatory tests, but if they don't want to take tests, can go into treatment.
 - \$30-\$35 per test - 2 million employees.
 - Possible select sensitive occupations.
 - How about laboratories providing something.
 - Room for positive peer pressure.
 - Unions resisting.
 - If we did it maybe Lane Kirkland would have his policy board take it.
 - What is illegal possession.
 - Why aren't more arrested.
 - Federal law.

- Hard law enforcement effort.
- Making good mileage on drunk driving.
- Suggest balance voluntarism with law enforcement.
- More local law enforcement resources to drug abuse.
- Discharge was a severe deterrent.
- Concern over numerical goal
- Settling for half?
- Goal is total eradication and we intend to be half-way to goal in 3 years.
- o Schools - part of battleground.
 - O'Neill's package \$3-5 billion.
 - Education has drafted drug-free schools bill.
 - \$100 million funding in other programs.
 - Schools would get money if they show progress.
 - Bill is ready.
 - Not squealing on friends - saving a friend.
- o Stress on treatment.
 - Inadequate treatment centers.
 - Educate health care professionals.
 - EAPs in public and private sector.
 - Expand third part payments.
 - Research already under way.
 - Must get communities involved.
 - Private sector will be larger than government.
- o International.
- o 14 Countries eradicating plants.
 - Bring ambassadors in to send signal and to educate them.
 - Ministers in drug countries.

- What Mrs. Reagan has done - you can see results/impact.
- It costs money and our foreign program is being cut.
- We will support any country that asks.
- Congress whacking programs.
- o Law Enforcement.
 - Law enforcement personnel can help treatment.
 - Strong action by
 - SW border initiative.
- o Communications.
 - First Lady - approval - 80 percent.
 - President - 82 percent approval 18 - 24 age group.
 - Take high road - let departments do specifics.
 - Challenge media, corporations, clubs, S&L, governments.
 - Use White House to launch campaign.
 - Country ready - opportune time.
 - 71 percent people concerned with drugs.
- o Need to look at legislative strategy.
- o Need to watch individual rights.
- o Federalism.
- o Funding.
- o Buried in samples - labs clogged.
- o Being fired should not be punishment.