

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Bledsoe, Ralph C.: Files
Folder Title: [Drug Abuse Policy - September 1986] (23)
Box: 24

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

*File - Drug
Abuse Policy*

September 5, 1986
(House)

H.R. - Omnibus Drug Enforcement,
Education, and Control Act of 1986

The Administration supports carefully targeted enforcement, education, treatment, and control initiatives to combat the Nation's drug problem, and a comprehensive review of such initiatives is now nearing completion. This review will result in meaningful proposals, both legislative and administrative, to address the drug problem in a lasting manner.

The House Omnibus Drug Enforcement, Education, and Control Act of 1986 contains many good proposals, but some proposals involve ill-conceived (though well-intended) ideas or ideas that require further study and evaluation. Several proposals, if enacted, would be seriously counter-productive, such as the reduction of United States aid to Mexico's drug eradication program pending the conclusion of the Camarena investigation - a program which benefits the United States as well as Mexico.

We agree that a comprehensive legislative response to the drug problem is appropriate and that as much prudent legislation as possible should be enacted before the end of the present session of Congress. The Administration has over the course of the past two years presented a variety of worthwhile legislative proposals to the Congress and will be presenting additional proposals in the days ahead, all of which have been the subject of careful consideration and study. We believe that the House bill should be amended to include only those proposals that are genuinely worthwhile and that have been the subject of careful study by the Congress. Finally, we believe that restoration of the amounts initially requested in the President's 1987 budget for drug law enforcement activities is the first step in making a cost effective and intellectually honest response to the drug problem.

09/05/86

17:36

?

NO. 007

001

Transmittal to Ralph Bledsoe, Domestic Policy. One page excluding this cover sheet. For further information, please contact Cary Copeland, DOJ, OLA, 633-4117.

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET**

DATE: 9/8/86



TO: Ralph Bledsoe

**FROM: ASSOCIATE DIRECTOR FOR HUMAN
RESOURCES, VETERANS AND LABOR**

Revised per Justice's comments.
Let me know what you think.

DLS

September 5, 1986
(House)

H.R. _____ - Omnibus Drug Enforcement,
Education, and Control Act of 1986

The Administration supports carefully targeted enforcement, education, treatment, and control initiatives to combat the Nation's drug problem, and a comprehensive review of such initiatives is now nearing completion. This review will result in meaningful proposals, both legislative and administrative, to address the drug problem in a lasting manner.

Although there are several good proposals contained in H.R. _____ that the Administration could support (e.g., restoration of the amounts initially requested in the President's 1987 budget for drug law enforcement activities) the bill contains many ill-conceived ideas and the Administration opposes the bill. H.R. _____ is a costly and not well integrated compilation of miscellaneous initiatives, many of which could not be implemented in an effective and timely manner. Several proposals, if enacted would be seriously counter-productive, such as the reduction of United States aid to Mexico's drug eradication program pending the conclusion of the Camarena investigation -- a program which benefits the United States as well as Mexico. The drug problem is simply too critical to enact comprehensive legislation without thoroughly considering the effectiveness and workability of proposed initiatives.

We agree that a comprehensive legislative response to the drug problem is needed and that the Congress should pass prudent legislation before the end of the present session. Over the course of the past two years, the Administration has presented a variety of worthwhile legislative proposals to the Congress. The Administration will be presenting additional proposals in the days ahead, all of which have been the subject of careful consideration and study. After presenting its legislative and administrative initiatives, the Administration will work closely with the Congress to enact legislation that is properly targeted, contains the appropriate resources, and can be implemented in a manner to achieve truly lasting results.



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

September 5, 1986

Memorandum to Donald T. Regan
Chief of Staff

Here are the first copies of our (embargoed) handbook, Schools Without Drugs. I'm very happy with it -- it turned out even better than I expected. I trust it will be useful in our overall initiative. The President and Mrs. Reagan may wish to use it in their speech Sunday night -- indeed, we can make the book available (through a toll free number) as soon as the President and Mrs. Reagan are finished speaking. The book provides useful information and guidance to parents and communities for getting drugs out of our schools; I think that announcing its availability to all Americans might fit nicely into the thrust of the President's remarks.

A handwritten signature in blue ink that reads "Bill".

William J. Bennett

Attachment



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OFFICE OF THE SECRETARY

September 5, 1986

NOTE TO: Ralph Bledsoe

Here are some copies of Schools Without Drugs, along with a cover memo from Secretary Bennett to Don Regan, to be sent to the West Coast. Please remind them that the book should, of course, be very closely held.

A handwritten signature in blue ink that reads "John".

John P. Walters
Special Assistant
to the Secretary

Attachment



U.S. Department of Agriculture

Assistant Secretary for Administration

DATE:

Ralph Blessoe,

I thought you'd be interested - this was sent to EL-IV group for consideration, and use.

Also to Gerry Riso, and USDA/SEA chairman.

John.

Volunteer Drug Screening Tests

As emphasized by our President and the First Lady, unless we do something about the problem of drug use and abuse, our children and our society are in jeopardy.

President Reagan has led the way to demonstrate that voluntary screening tests for drug use is an effective method to express support for a drug-free society and to emphasize our confidence that we will find very little drug usage in the Federal workforce.

We urge that you consider volunteering for such a test and maintain that leadership role so necessary to effective management. Perhaps others would follow your lead in the same manner our President has demonstrated.

Any such initiative, and our collateral support for a voluntary test, depends on the individual—you.

THE WHITE HOUSE

WASHINGTON

September 5, 1986

MEMORANDUM FOR DAVID CHEW *Ralph Bledsoe*
FROM: RALPH BLEDSOE, CARLTON TURNER *ct*
SUBJECT: Drug Abuse Policy Materials

David, attached is a notebook containing advance copies of materials on the President's Drug Abuse Policy initiatives. The notebook contains the following:

1. A summary of a proposed Administration legislative package developed by the Drug Abuse Policy Working Group.
2. Suggested Talking Points for the President to use when he meets with the Congressional leadership on September 9 to discuss the proposed Administration legislative package.
3. A summary of the legislative proposals (12 titles) prepared by the House Democrats, including estimated costs and suggested Administration support or objection to some of the proposals. Comments were prepared by the Justice Criminal Division, since most of the bill addresses law enforcement. Costs were from the House Republican Research Committee, and will be reviewed by OMB.
4. A draft Administration bill containing six titles, corresponding to the six goals in the President's program. The draft material contains two versions of Title I, a longer and a shorter one, which will be discussed by the Domestic Policy Council on Monday, September 8.
5. A draft Executive Order, which would prescribe the President's approach for ensuring a drug-free Federal workplace.
6. A draft report of the Working Group on Drug Abuse Policy, to be discussed by the DPC on September 8 and 10, and presented to the President on September 16.

On the following page is a list of the key dates as now projected for discussion and development of the Drug Abuse Policy package.

cc Svahn, Kingon

KEY DATES FOR DRUG ABUSE POLICY DEVELOPMENT
As of September 5, 1986

- September 5 - Draft Working Group Report and Legislation Mailed to DPC Members, and to President in Santa Barbara.
- September 8 - DPC Meeting to Discuss Administration Legislative Proposals and Congressional Draft Legislation, as Developed by Working Group. (Following this meeting, we should submit the Administration legislative package for OMB clearance.)
- September 9 - President Meets with Bipartisan Congressional Leadership to discuss Administration Proposals and Congressional Legislative Proposals. (He could report that our legislative package is in our clearance process, and will be submitted the following week.)
- September 10 - DPC Meeting to Discuss the Working Group Draft Report on Other Administration Drug Policy Initiatives and Actions. (Following this meeting we will prepare the Final Report for presentation to the President.)
- September 14 - President and Mrs. Reagan speak to the nation on drug abuse. Some of the Administration Actions proposed by the Working Group may be announced in this talk.
- September 15 - DPC Meeting to Complete Package (if needed).
- September 16 - DPC Meeting with the President and Cabinet to Present for His Approval the Administration Policy and Action Plan, Including the Details of the Administration Legislative Package. (Following this meeting, the Administration legislative package can be introduced, and the departments and agencies can begin implementation of approved activities.)
- September 17 - First date Administration legislative package could be introduced.

DRAFT

Drug Abuse Mtg
8/26/86

ANNOTATED OUTLINE

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

September 8, 1986

I. Summary

This section would contain a report summary, including the major findings, conclusions, and recommendations.

II. Introduction and Background

This section would contain a brief review of the drug abuse problem, the Administration's efforts since 1981, the recent actions by the President on the six goals, and the charter and establishment of the Working Group.

III. The Administration's Plan

This section would focus on actions and steps the Administration intends to take. It would include sections on each goal, with subsections on each initiative under a goal. It would include 1) statements on why each goal (and each initiative) is important, 2) the specific steps involved in each initiative, 3) what decisions are needed by the President, 4) and brief statements on the expected results from each goal/initiative.

IV. Legislative Action

This section would focus on legislative proposals, both those to be offered by the Administration, and those being proposed by Congress. Proposals would be categorized, and for each there would be references to options available to the Administration, i.e. support or non-support.

V. Funding

This section would focus on costing of the initiatives, both those offered by the Administration and any being proposed by Congress that are felt worthy of support.

VI. Communications

The final section of the Report would include a proposed plan for communications of the Administration's program.

Presentations of the Report will be given to the Council, without the President in attendance, on September 8 and 10 (and 15 if needed). It is tentatively planned that it would be given to the President on September 16. Think about how best to present the recommendations and the decision issues in a timely manner. The Administration plan would be presented first, with legislation to follow. The two would be combined for the September 16 meeting with the President.

THE WHITE HOUSE

WASHINGTON

September 5, 1986

MEMORANDUM FOR DAVID CHEW
FROM: RALPH BLEDSOE, CARLTON TURNER
SUBJECT: Drug Abuse Policy Materials

David, attached is a notebook containing advance copies of materials on the President's Drug Abuse Policy initiatives. The notebook contains the following:

1. A summary of a proposed Administration legislative package developed by the Drug Abuse Policy Working Group.
2. Suggested Talking Points for the President to use when he meets with the Congressional leadership on September 9 to discuss the proposed Administration legislative package.
3. A summary of the legislative proposals (12 titles) prepared by the House Democrats, including estimated costs and suggested Administration support or objection to some of the proposals. Comments were prepared by the Justice Criminal Division, since most of the bill addresses law enforcement. Costs were from the House Republican Research Committee, and will be reviewed by OMB.
4. A draft Administration bill containing six titles, corresponding to the six goals in the President's program. The draft material contains two versions of Title I, a longer and a shorter one, which will be discussed by the Domestic Policy Council on Monday, September 8.
5. A draft Executive Order, which would prescribe the President's approach for ensuring a drug-free Federal workplace.
6. A draft report of the Working Group on Drug Abuse Policy, to be discussed by the DPC on September 8 and 10, and presented to the President on September 16.

On the following page is a list of the key dates as now projected for discussion and development of the Drug Abuse Policy package.

cc Svahn, Kingon

KEY DATES FOR DRUG ABUSE POLICY DEVELOPMENT
As of September 5, 1986

- September 5 - Draft Working Group Report and Legislation Mailed to DPC Members, and to President in Santa Barbara.
- September 8 - DPC Meeting to Discuss Administration Legislative Proposals and Congressional Draft Legislation, as Developed by Working Group. (Following this meeting, we should submit the Administration legislative package for OMB clearance.)
- September 9 - President Meets with Bipartisan Congressional Leadership to discuss Administration Proposals and Congressional Legislative Proposals. (He could report that our legislative package is in our clearance process, and will be submitted the following week.)
- September 10 - DPC Meeting to Discuss the Working Group Draft Report on Other Administration Drug Policy Initiatives and Actions. (Following this meeting we will prepare the Final Report for presentation to the President.)
- September 14 - President and Mrs. Reagan speak to the nation on drug abuse. Some of the Administration Actions proposed by the Working Group may be announced in this talk.
- September 15 - DPC Meeting to Complete Package (if needed).
- September 16 - DPC Meeting with the President and Cabinet to Present for His Approval the Administration Policy and Action Plan, Including the Details of the Administration Legislative Package. (Following this meeting, the Administration legislative package can be introduced, and the departments and agencies can begin implementation of approved activities.)
- September 17 - First date Administration legislative package could be introduced.

TABLE OF CONTENTS

Administration Legislative Bill Summary

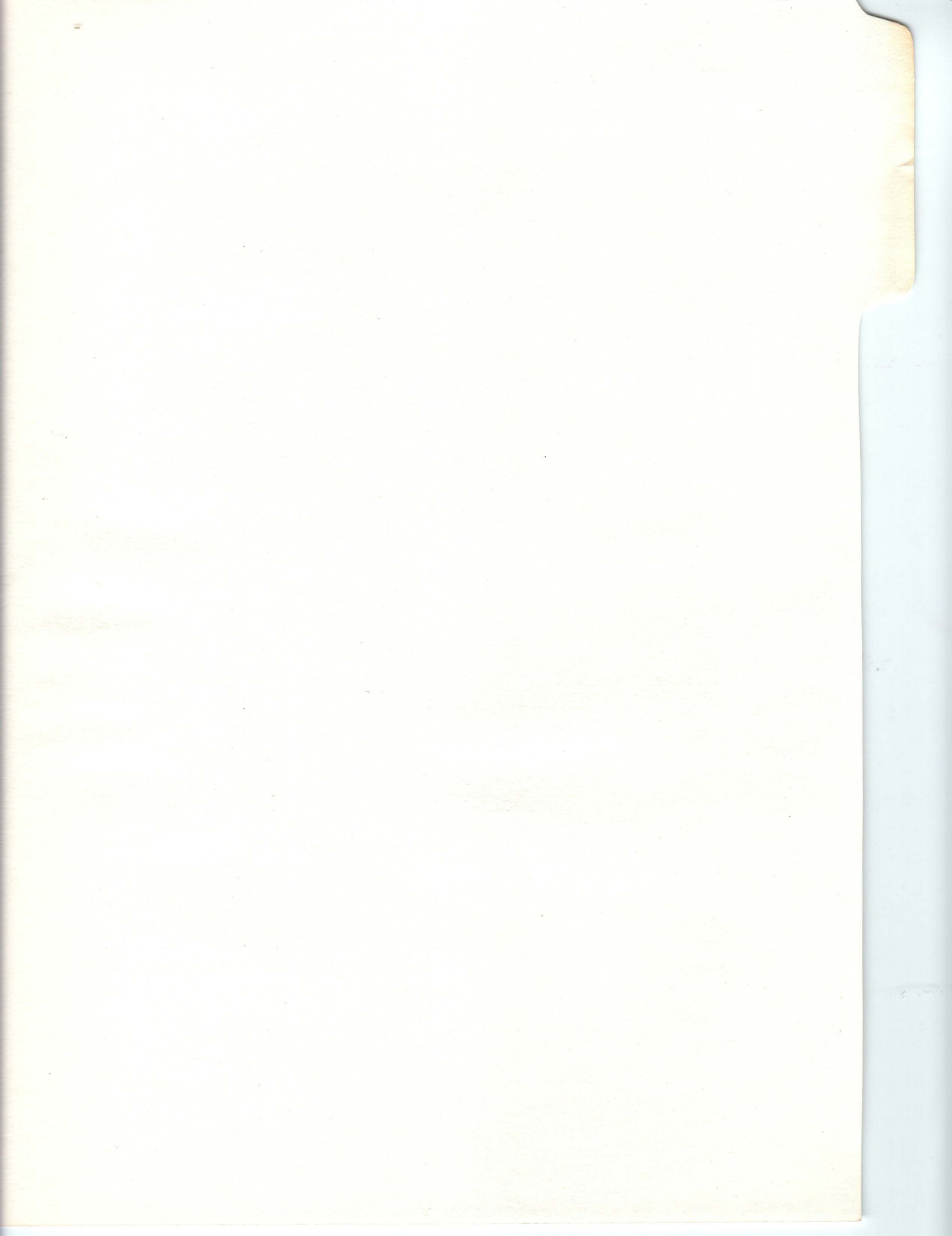
Talking Points on Administration Legislative Package

House Democrat Bill Summary and Comments

Administration Bill

Proposed Executive Order on Drug-Free Federal Workplace

Draft Working Group Report to the Domestic Policy Council



September 5, 1986

DRUG ABUSE LEGISLATION

A Summary of the Administration's Legislative Proposal

On August 4, 1986, the President announced six new goals to build upon past accomplishments to curb drug abuse, and to lead Americans toward a drug-free society. The six goals are:

- o Drug-Free Workplaces
- o Drug-Free Schools
- o Expanding Drug Treatment
- o Expanding International Cooperation
- o Strengthening Law Enforcement
- o Increasing Public Awareness and Prevention

The Administration's proposed legislation includes a separate title supporting each of the six goals.

Title I. Drug-Free Workplaces

- o The proposed bill emphasizes the unacceptability of drug use in the workplace. It states that it shall not be unlawful under Federal law for any employer, including the Federal government, to use drug screening to curb drug abuse in their workforce.

Title II. Drug-Free Schools

- o The proposed legislation requests an FY 1987 funding authorization of \$100 million for grants to State and local educational agencies to establish drug-free learning environments within elementary and secondary schools.
- o Funding is proposed through offsets in the Department of Education FY 1987 appropriation.
- o Demonstrated success is required as a condition for continued funding.
- o The proposed bill will also state that it is not unlawful under Federal law for schools to conduct drug tests, and thus remove potential Federal statutory obstacles to drug screening by the States and local school districts.

Title III. Expanding Drug Treatment

- o The proposed legislation authorizes \$170 million for demonstration grants to encourage states and communities to develop programs to treat specific drug-related health problems, and eliminates unnecessary restrictions imposed under current block grant programs.
- o (Note: A separate supplemental appropriation of \$36 million will be sought to improve research in health-related areas, including drug testing, and a \$15 million authorization will be sought to establish a Center for Substance Abuse Prevention within HHS.)

Title IV. Expanding International Cooperation

- o The legislation proposes repeal of the Mansfield Amendment, which prohibits Federal officers from participating in drug arrests in foreign countries.
- o Rules on forfeiture of property in the United States derived from violation of foreign drug laws are amended to permit confiscation of drug dealer assets.
- o Immigration requirements are amended to allow deportation of aliens involved in drug trafficking.
- o Money laundering enforcement and penalties are strengthened.

Title V. Strengthening Law Enforcement

- o The proposed legislation includes eight subtitles clarifying and strengthening penalties for drug dealing.
- o It addresses such areas as penalties for large-scale domestic drug trafficking, punishments for possession of controlled substances, increased penalties for leaders of major drug rings, import and export violations, juvenile drug trafficking, and clandestine drug manufacturing.

Title VI. Increasing Public Awareness and Prevention

- o The legislation proposes a narrow, two year exemption from Federal procurement statutes which mandate competition even when a substantial portion of the services are donated. This exemption will apply only to services donated to the government to aid in the campaign against drug abuse.
- o Authorization is included to make United States Information Agency films on the dangers of drug abuse available for domestic audiences.

TALKING POINTS FOR THE PRESIDENT

CONGRESSIONAL LEADERSHIP MEETING
September 9, 1986

DRUG ABUSE LEGISLATION

- o On August 4th, I announced six new goals to build upon our past accomplishments to curb drug abuse, and to lead Americans toward a drug-free society.
- o My six goals are:
 - Drug-Free Workplaces
 - Drug-Free Schools
 - Expanding Drug Treatment
 - Expanding International Cooperation
 - Strengthening Law Enforcement
 - Increasing Public Awareness and Prevention
- o These goals can only be reached through a voluntary commitment by all Americans to make illegal drug use totally unacceptable in our schools, in our workplaces, and throughout our Nation.
- o It is important that the Federal government provide strong leadership in our renewed efforts to fight illegal drug-use, and we are developing specific initiatives to support each of our six goals.
- o Some of these initiatives will require legislation, and I would like to give you a short preview of our proposed bill. It will have a separate title supporting each of our six goals.
- o Title I of our legislative proposal will focus on our efforts to achieve Drug-Free Workplaces. It is based on a concept of testing, counselling, and rehabilitation.
 - Our proposed bill emphasizes the unacceptability of drug use in the workplace, and states that it shall not be unlawful under Federal law for any employer, including the Federal government, to use drug screening to curb drug abuse in their workforce.
 - To set an example for balancing intolerance of illegal drug use with fair treatment of individual employees, I will use my current authority to establish drug screening guidelines for the Executive Branch which give flexibility to department and agency heads.

--We will stress voluntary compliance with our drug-free policy and will authorize treatment for employees seeking help.

--Supervisors will be trained to detect and assist drug users.

--And, finally, we will authorize agency heads to approve appropriate drug screening of those Federal employees holding sensitive positions that affect safety and security.

--We plan to offer a helping hand, and to take other administrative action only when our help is refused.

- o Title II of our legislative proposal, Drug-Free Schools, encourages State and local educational institutions to establish drug-free learning environments within elementary and secondary schools. It seeks an FY 1987 funding authorization of \$100 million for grants to State and local educational agencies.

--Our bill will require demonstrated success as a condition for continued funding of such programs.

--It will also state that it is not unlawful under Federal law for schools to conduct drug tests, and thus remove potential Federal statutory obstacles to drug screening by the States and local school districts.

--The funding will come from offsets already identified by Secretary Bennett in the Education Department budget.

- o Title III of our bill would Expand Drug Treatment. Our proposal authorizes \$170 million for demonstration grants for drug treatment programs, and eliminates unnecessary restrictions imposed upon the States under current block grant programs.

--We plan to seek a separate supplemental appropriation of \$36 million to expand research in health-related areas, including drug testing, and a \$15 million authorization to establish a Center for Substance Abuse Prevention within HHS.

- o Title IV of our bill would Expand International Cooperation. We propose:

--Repeal of the Mansfield Amendment, which prohibits Federal officers from participating in drug arrests in foreign countries;

--Amending the rules on forfeiture of property in the United States derived from violation of foreign drug laws to permit confiscation of drug dealer assets;

--Amending immigration requirements to allow deportation of aliens involved in drug trafficking; and,

--Strengthening money laundering enforcement and penalties.

- o Title V of our proposed legislation will Strengthen Law Enforcement by clarifying and strengthening penalties for drug dealing.

--It addresses such areas as penalties for large-scale domestic drug trafficking, punishments for possession of controlled substances, increased penalties for leaders of major drug rings, import and export violations, juvenile drug trafficking, and clandestine drug manufacturing.

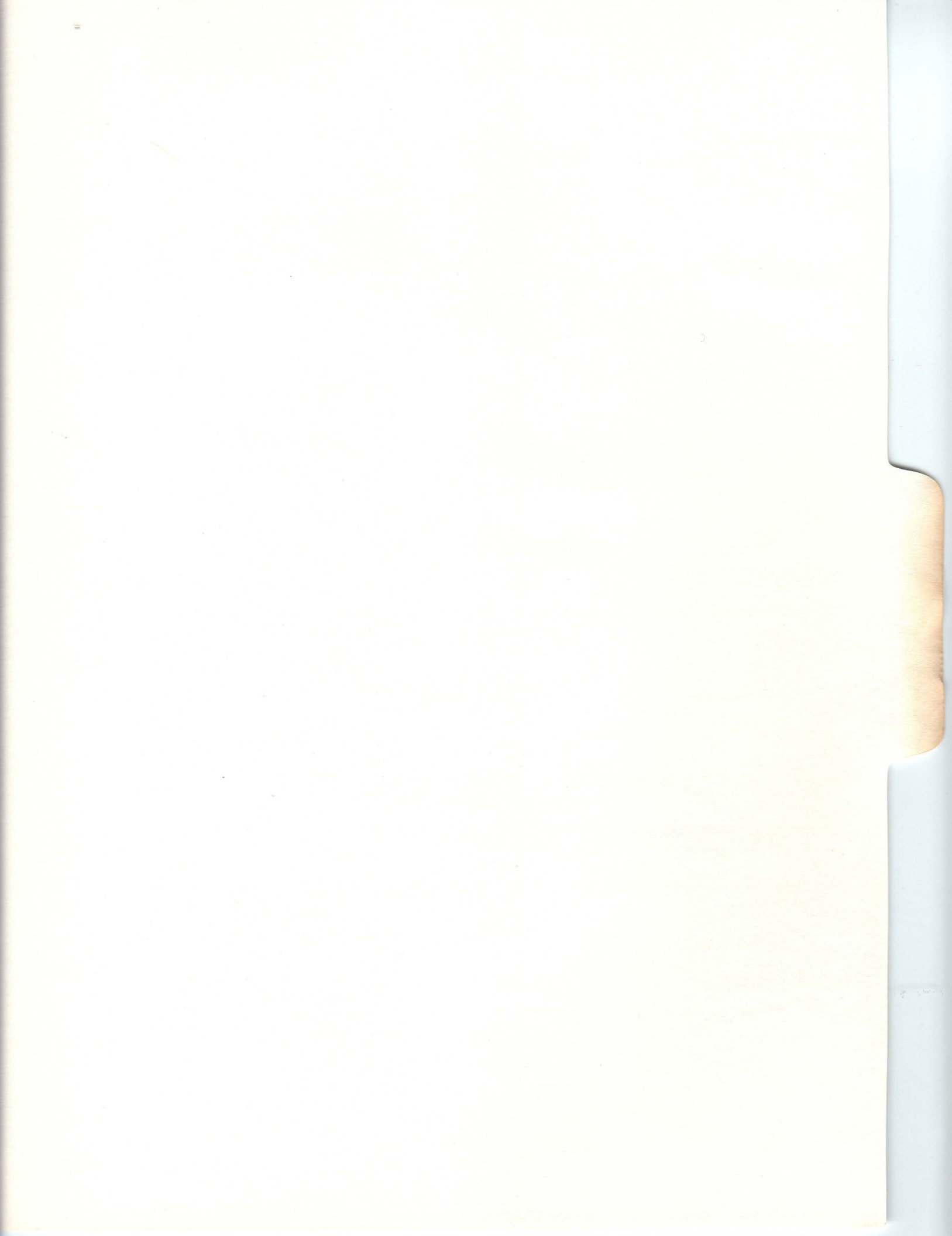
- o In Title VI of our bill, we propose limited statutory modifications to support voluntary efforts to Increase Public Awareness and Prevention. These modifications include:

--A narrow, two year exemption from certain Federal procurement statutes to facilitate donation of private sector services to the government to aid in the campaign against drug abuse; and,

--Authorization to make United States Information Agency films on the dangers of drug use available for domestic audiences.

- o The total funding requested in our legislative proposal is about \$325 million, which added to the anticipated outlays of \$2.5 billion we are now spending would bring the total to about \$2.8 billion.
- o We think that this is a correct figure for the Federal government at this time.
- o I understand that the House Democratic leadership plans to fast-track an Omnibus Drug Bill, which has been estimated to include over \$3.6 billion in new spending authorization, and that the Senate Democrats may propose a \$1 billion bill just focusing on drug rehabilitation and education.
- o The House bill reflects some priorities the Administration agrees with, but it appears to be a broad group of costly proposals in need of additional review and deliberation.
- o My legislative proposal presents a well-coordinated and balanced approach which will support a comprehensive attack on both drug supply and demand.

- o The conscience of America has been awakened to the drug epidemic.
- o We don't need big-spending government programs to expand our fight against drugs. We need the attention and help of all citizens.
- o We believe the "heart and spirit of America" is ready to respond if we collectively provide the leadership.
- o If we can work together to pass responsible legislation which will support the combined efforts of government officials and private citizens, drug abuse can be eliminated from our society.



THE WHITE HOUSE
WASHINGTON

September 5, 1986

TO: David Chew

FROM: Ralph Bledsoe



Attached is the draft OMB
floor position Jim Miller
and Joe Wright have prepared.



THE WHITE HOUSE
WASHINGTON

September 5, 1986

TO: Ken Cribb

FROM: Ralph Bledsoe

This is a proposed OMB position
on the Democrat omnibus drug
bill.

DRAFT

September 5, 1986
(House)

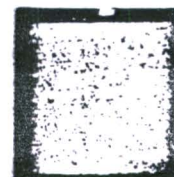
H.R. _____ - Omnibus Drug Enforcement,
Education, and Control Act of 1986

The Administration supports carefully targeted enforcement, education, treatment, and control initiatives to combat the Nation's drug problem, and a comprehensive review of such initiatives is now nearing completion. This review will result in meaningful proposals, both legislative and administrative, to address the drug problem in a lasting manner.

Although there are aspects of H.R. _____ that the Administration could support (e.g., enhanced law enforcement authorities and initiatives to reduce the demand for drugs), the Administration opposes the bill [and the President's senior advisors would recommend disapproval of the bill in its current form].

H.R. _____ is an excessive, costly, and not well integrated compilation of miscellaneous initiatives, many of which could not be implemented in an effective and timely manner. The drug problem is simply too critical to enact comprehensive legislation without thoroughly considering the effectiveness and workability of proposed initiatives.

The Administration is fully committed to addressing the Nation's drug problem with appropriate resources. After presenting its legislative and administrative initiatives to combat this problem, the Administration will strive to work closely with the Senate and House of Representatives to craft legislation that is properly targeted, contains an appropriate level of resources, and which can be implemented in a manner to achieve truly lasting results.



DRAFT

September 5, 1986
(House)

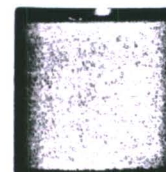
H.R. _____ - Omnibus Drug Enforcement,
Education, and Control Act of 1986

The Administration supports carefully targeted enforcement, education, treatment, and control initiatives to combat the Nation's drug problem, and a comprehensive review of such initiatives is now nearing completion. This review will result in meaningful proposals, both legislative and administrative, to address the drug problem in a lasting manner.

Although there are aspects of H.R. _____ that the Administration could support (e.g., enhanced law enforcement authorities and initiatives to reduce the demand for drugs), the Administration opposes the bill [and the President's senior advisors would recommend disapproval of the bill in its current form].

H.R. _____ is an excessive, costly, and not well integrated compilation of miscellaneous initiatives, many of which could not be implemented in an effective and timely manner. The drug problem is simply too critical to enact comprehensive legislation without thoroughly considering the effectiveness and workability of proposed initiatives.

The Administration is fully committed to addressing the Nation's drug problem with appropriate resources. After presenting its legislative and administrative initiatives to combat this problem, the Administration will strive to work closely with the Senate and House of Representatives to craft legislation that is properly targeted, contains an appropriate level of resources, and which can be implemented in a manner to achieve truly lasting results.



September 5, 1986

HOUSE DEMOCRAT DRUG ABUSE LEGISLATION

A Summary of the House Democrat Proposal

The House Democratic leadership is sponsoring an Omnibus Drug Package. It includes twelve titles representing smaller packages from each of the committees that had previously considered some aspect of the drug abuse problem. The proposed legislation authorizes funds in excess of \$3.6 billion over the next three years.

The following analysis reflects the best available understanding of the bill as of September 5, and includes preliminary Administration positions where available. Cost figures represent best estimates of new authorizations through FY 1989. Several Amendments are anticipated prior to consideration by the House in early September.

Title I (Foreign Affairs Committee) - \$48 Million

- o The International Narcotics Control Act - authorizes increased funds for foreign eradication efforts, and modifies the Mansfield Amendment which restricts foreign activities of U.S. law enforcement officials; withholds \$1 million from Mexico pending conclusion of the Camarena investigation.
--The Administration could support some provisions of this Title.

Title II (Armed Forces Committee) - \$228 Million

- o The Defense Narcotics Act of 1986 - authorizes funds for the Army, Navy, and Air Force; continues funding for Navy deployment of Coast Guard law enforcement teams.
--The Administration could support with reservations regarding the specified combination of aircraft.

Title III (Ways and Means Committee) - \$239 Million

- o The International Drug Traffic Enforcement Act - strengthens Customs' drug enforcement capability, including increased criminal and civil penalties and investigatory powers; certain trade benefits are denied to countries failing to cooperate in drug enforcement.
--The Administration could support most provisions, but should oppose trade restrictions.

Title IV (Merchant Marine Committee) - \$256 Million

- o Proposes an at-sea drug interdiction and maritime air surveillance program for the Coast Guard.
--The Administration should oppose this Title pending completion of a Drug Policy Board study of the role of Customs and the Coast Guard in air interdiction.

Title V (Banking Committee) - No Funding Required

- o The Comprehensive Money Laundering Prevention Act - similar in major respects to a Treasury proposal; deals with regulatory aspects of money laundering.
--The Administration could support with qualifications; language modifications would be required.
- o The Drug Interdiction Act of 1986 - proposes using the U.S. vote in multilateral development banks to promote drug eradication programs in foreign countries; places inflexible restrictions on ability to support loans.
--The Administration should not support this provision.

Title VI (Judiciary Committee) - \$1,581 Million

- o Comprehensive Money Laundering Act - makes money laundering a criminal offense; based on original Administration proposal.
--The Administration could support this Act, but the Senate version is broader and more acceptable.
- o The Controlled Substance Analog Act of 1986.
--The Administration could support with reservations; the definition of "controlled substance analog" should be modified; the Senate bill is based on an Administration proposal and is more acceptable.
- o The Narcotics Penalty and Enforcement Act of 1986.
--The Administration could support with reservations; minimum sentence requirements should be modified and maximum sentences raised.
- o The White House Conference on Narcotics Abuse and Control Resolution of 1986.
--The Administration should oppose this unnecessary conference.
- o The Career Criminal Amendments Act of 1986.
--The Administration could support this Act which provides long sentences for firearm users with prior drug dealing or crime of violence convictions.

- o The Drug and Alcohol Dependent Offenders Treatment Act of 1986.
--The Administration should not oppose this new authority, but should not support excessive costs.
- o The Drug Enforcement Enhancement Act of 1986 - includes block grants to States for drug enforcement with a 50/50 match requirement; includes prison construction with a 3-year cost of over \$1 billion.
--The Administration should oppose the grant provisions, and excessive funding.

Title VII (Public Works Committee) - No Funding Required

- o Authorizes States to establish criminal penalties for the use of fraudulent aircraft registrations, establishes criminal penalties for transporting drugs, and calls for a study of drug use and highway safety.
--The Administration could support with minor reservations.

Title VIII (Education Committee) - \$1,053 Million

- o The Drug Abuse Education and Prevention Act of 1986 - emphasizes federally funded drug education programs.
--The Administration could support the concept of this Act, but major changes are required, including funding level.

Title IX (Energy and Commerce Committee) - \$181 Million

- o The Drug Abuse Prevention and Treatment Act of 1986 - provides Federal funds for State and local drug treatment and prevention programs; establishes an Agency for Substance Abuse Prevention; includes Designer Drugs in the Controlled Substances Act; establishes a demo project for Indian drug abuse rehabilitation; establishes an Advisory Commission on Intercollegiate Athletics.
--The Administration should oppose this Act; its "core" solution offers only more bureaucracy and its designer drug provisions conflict with the Judiciary Committee Title.

Title X (Post Office Committee) - Funding Undetermined

- o Requires OPM to establish employee assistance and education programs to combat drug abuse and to report the anticipated costs to Congress within six months.
--The Administration should oppose this Title based on its potentially excessive cost.
- o Classifies controlled substances as non-mailable matter.

Title XI (Interior Committee) - \$69 Million

- o The Indian Alcohol and Substance Abuse Prevention Act - provides assistance to Indians to improve law enforcement and to organize a drug treatment and prevention program.
- o Provides funding for equipment for Puerto Rico and the Virgin Islands.

--The Administration should oppose this unnecessary and restrictive Title.

Title XII (Government Operations Committee) - No Funding Required

- o Requires the President to propose legislation within six months to reorganize the Executive Branch to coordinate efforts to combat drug abuse.
-- The Administration should oppose any unnecessary reorganization.

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.

DRAFT

TITLE II
DRUG FREE SCHOOLS

A BILL

To promote excellence in American education by achieving and maintaining a drug-free environment in our Nation's elementary and secondary schools, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Drug-Free Schools Act of 1986 (The Zero-Tolerance Act)".

FINDINGS

Sec. 202. The Congress finds the following:

(1) Drug use is widespread among American students, not only in secondary schools, but increasingly in elementary schools as well;

(2) The use of drugs by students constitutes a grave threat to their physical and mental well-being and significantly impedes the learning process;

(3) The tragic consequences of drug use by students 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;

(4) Among our cultural institutions, schools, assisted by parents and the community, have a special responsibility to assist in combating the scourge of drug use by adopting and applying firm but fair drug policies; and

(5) That prompt action by our Nation's schools can bring us significantly closer to the goal of a drug-free generation.

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

(7) Drug testing in appropriate circumstances is a diagnostic tool designed to create a healthier educational environment, increase productivity, improve public safety, and protect fellow students, faculty and employees.

(8) Experience with drug testing has shown that it can significantly contribute to reducing the demand for illegal drugs with protecting non drug-using students, faculty and employees from the harms caused by illegal drug users.

PURPOSE

Sec. 203. The purpose of this Act is to assist State and local educational agencies to establish a drug-free learning environment within elementary and secondary schools and to prevent drug use among students in such schools.

AUTHORIZATION OF APPROPRIATIONS

Sec. 204. For the purpose of carrying out this Act there are authorized to be appropriated \$100,000,000 for the fiscal year 1987 and such sums as may be necessary for each of the succeeding fiscal years.

RESERVATIONS AND ALLOTMENTS

Sec. 205. (a) From the funds appropriated under section 4 for any fiscal year, the Secretary shall reserve 20 per centum for national programs under section 10.

(b)(1) From the remainder of the amount appropriated to carry out this Act for each fiscal year after the application of subsection (a), the Secretary may reserve up to one per centum for projects authorized by this Act in Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands,

(2) The Secretary shall allot the funds reserved under paragraph (1) among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for assistance under this Act.

(c)(1) From the remainder of the amount appropriated to carry out this Act for each fiscal year after the application of subsections (a) and (b), the Secretary shall allot each State an amount which bears the same ratio to that remaining amount as the number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to the Secretary.

(2)(A) The Secretary may reallocate all or a portion of the State's allotment for any fiscal year if the State does not submit a State application under section 6, or otherwise indicates to the Secretary that it does not need or cannot use

the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallocations.

(B) The Secretary may reallocate funds on a competitive basis to one or more States that demonstrate a current need for additional funds under this Act. Any funds reallocated to another State shall be deemed to be part of its allotment for the fiscal year in which the funds are reallocated.

(d) For the purpose of this section, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

STATE APPLICATIONS

Sec. 206. (a) Any State desiring to receive a grant from funds allotted under section 5 for any fiscal year shall submit to the Secretary a State application which meets the requirements of this section.

(b) Each State application shall--

(1) cover a period of three fiscal years;

(2) be submitted at the time and in the manner specified by the Secretary; and

(3) contain whatever information the Secretary may reasonably require, including--

(A) assurances that--

(i) the State educational agency will be responsible for the administration, including supervision, of all State and local projects supported by the State's grant and shall maintain whatever fiscal control and fund accounting procedures are necessary to ensure the proper disbursement of, and accounting for, Federal funds paid to the State under this Act;

(ii) the State educational agency will distribute at least 90 per centum of its allotment on a competitive basis to local educational agencies to pay the Federal share of the costs of local projects under section 8; and

(iii) the State educational agency will provide for continuing administrative direction and control by a public agency over funds under this Act used to benefit teachers, school administrators, and students in private nonprofit elementary and secondary schools;

(iv) no more than 5 per centum of the amount allotted to a State under section 5(c) will be used for State administration; and

(B) description of--

(i) the priorities and goals the State has selected for the use of funds under this Act during the period of the State application;

(ii) how, in establishing its priorities and goals under the State plan, the State has taken into account the needs of those public and private nonprofit elementary and secondary schools which desire to have their teachers, school

administrators, and students participate in projects under this Act;

(iii) the procedures and criteria the State will use to select local projects to be supported under this Act from among the applications received;

(iv) how parents, local educational agencies, private nonprofit elementary and secondary schools, law enforcement agencies, the courts, State agencies engaged in preventing drug abuse, drug and alcohol treatment programs, and other interested community resources have been involved in the development of the State's priorities and goals under the State application;

(v) the projects the State will carry out with the portion of its allotment not distributed to local educational agencies or used for State administration, and

(vi) the procedures the State will adopt to ensure compliance with section 9.

(c) Each State application after the first must contain information on the State and local projects carried out under the preceding State application, including data on the number and characteristics of persons who participated, and an assessment of the degree to which those projects accomplished the goals described in the State application.

STATE PROJECTS