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THE WHITE HOUSE
WASHINGTON
September 29, 1986

MEMORANDUM FOR ALFRED H. KINGON

FROM: CARLTON TURNER *Carlton Turner*
RALPH BLEDSOE *Ralph Bledsoe*

SUBJECT: Status of Senate Drug Legislation

Attached is a partial response regarding the drug legislation introduced in the Senate, including thirty-seven amendments. The objectionable sections are indicated under each of the Administration's six goals.

Goal I - Drug-Free Workplaces

There are no objections to the Senate legislation that addresses this goal. However, there are no provisions for two amendments the Administration seeks to obtain.

The Administration desires to amend the Rehabilitation Act to clarify that persons who use, or who are addicted to, illegal drugs are not considered "handicapped", and therefore are not entitled to benefits under the Rehabilitation Act. Also, the Administration desires to amend the Civil Service Reform Act to abolish the connection between illegal drug use and job performance that currently must be proven before disciplinary action is taken.

Goal II - Drug-Free Schools

The Education Department has the following major objections (also see attachment A):

- o Excessive funding, \$50 million a year above our proposal.
- o The restrictions placed on the \$20 million allocated to the Secretary, especially the requirement that \$10 million be used to support existing training centers and the requirement that funds be used to develop anti-drug curricula. Curriculum development is not an appropriate Federal activity.

Goal III - Expand Drug Treatment and Research

The Administration objects to the Metzenbaum amendment because it proposes to increase the block grant authorization to \$736 million. This is excessive, and the funds are assigned to the block grant system which contains set-asides the Administration wants to eliminate. S. 2878, the bi-partisan bill, would have increased the block grant from \$490 million assumed in the President's FY1987 budget for alcohol, drug abuse and mental

health to \$675 million, an increase of \$185 million. This maintains the set-asides the Administration opposes, and does not provide the flexibility needed to reduce the waiting lines at treatment facilities.

Goal IV - International Cooperation

The Administration prefers to repeal, rather than amend, the Mansfield Amendment, as the Senate bill proposes. We also object to restrictions on providing foreign assistance to drug producing countries. The Administration must have discretion to provide foreign assistance based on its assessment of circumstances.

Goal V - Law Enforcement

Drug Interdiction - The Administration proposes \$1,254 million for drug interdiction. The Senate includes \$1,547 million for drug agencies, and earmarks \$384 million for specific agencies. The Administration objects to overfunding drug interdiction activities by nearly \$300 million, with no offsets, and to earmarking of types and placement of assets. These decisions should be left to the National Drug Enforcement Policy Board. More time is needed to complete the Department of Defense studies.

Asset Forfeiture - The Administration seeks to use forfeiture funds for special purposes, and have net proceeds from sales of seized assets go to Treasury. The Senate establishes a new forfeiture fund in Customs. The Administration objects to the new fund, and the diversion of revenues from Treasury. We also object to expansion of the uses of forfeiture funds beyond current law.

Intelligence, Investigations, Prosecutions - The Administration proposes \$820 million for FY1987, while the Senate proposes \$816 million for the same mix. No objections.

Corrections - The Administration proposes \$159 million for 3 new prisons. The Senate proposes an additional \$20 million in 1987 and \$30 million in 1988, and an additional prison. No objections.

State and Local Assistance - The Senate provides \$117 million over the President's proposed budget for drug law enforcement grants to State and local enforcement agencies. The Administration objects to these grants using new funds rather than re-programmed funds. The Administration proposed specific re-programming.

Goal VI - Increase Awareness and Prevention

White House Conference - The Administration opposes a White House Conference, and prefers instead the \$10 million previously requested in the President's FY1987 budget, and an additional \$5 million for encouraging private sector initiatives.

Anti-Drug Trust Fund - The Administration opposes the Senate proposal to provide a tax check-off, and establish a Trust Fund to fund drug abuse prevention activities

The President's crusade is intended to reduce the demand for illegal drugs. The Senate bi-partisan legislation removes the teeth from the President's plan, and concentrates on highly publicized law enforcement and interdiction activities. In summary, the \$300 million overfunding of drug interdiction, and the \$117 overfunding of drug law enforcement monies could best be used on the demand side.

Title II - Drug-Free Schools

Administration Proposal

Authorizes \$100 million in 1987 and "such sums" through 1991 for school-based education programs serving children 5-17. \$80 million goes to State educational agencies to support competitive grant programs for local school districts with sound plans for becoming drug-free. \$20 million is reserved for the Secretary of Education for activities which he determines will further the goal of drug-free schools.

Senate Bill

Authorizes \$150 million annually, 1987-90, for school and community-based education programs serving all ages. \$130 million goes to States of which up to 38 percent would be administered by governors and the remainder administered by State educational agencies. Governor-supported programs need not be school-based, and could serve all ages as long as priority is given to "high risk youth". Funds administered by State educational agencies would be allocated to all local school districts with acceptable applications and, beginning in 1989, would be allocated using a formula based on school district enrollment.

\$20 million would be reserved for specified activities of the Secretary: \$2 million for grants to Indian tribes and Hawaiian natives; \$10 million for regional training centers; and \$8 million for information collection and dissemination, training for States, program evaluation, Federal coordination, and curriculum development.

Major Objections to the Senate Bill

The Education Department has the following major objections:

- o Excessive funding, \$50 million a year above our proposal.
- o The allocation of a portion of funds to the governors. Education believes all funds going to States should be administered by State educational agencies.
- o The restrictions placed on the \$20 million allocated to the Secretary, especially the requirement that \$10 million support existing training centers (ED plans to spend only \$3 million) and the requirement that funds be used to develop anti-drug curricula. This Administration has always held that curriculum development is not an appropriate Federal activity.
- o The broad distribution of funds among school districts. Education believes States should allocate funds competitively, based on need and the quality of the proposed programs.



OFFICE OF
LEGISLATIVE AFFAIRS

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
(202) 395-4790

September 29, 1986

AMENDMENTS CONSIDERED ON THE DRUG BILL

- S 1) S Cohen - to table Mattingly capital punishment (failed 25-60, then Mattingly)
- S 2) S DeConcini - to restore drug diversion program (Thurmond will get rid of in conference). ~~_____~~
- NP 3) NP Domenici - to express a Sense of Congress that entertainment industry cooperate in deglamorizing drugs.
- S 4) S Danforth - Commercial Motor Vehicle Safety Act, vehicle inspection, etc. -- amended by Specter to set up a Congressional study Committee on alcohol blood levels.
- S 5) S Mathias - electronic industries privacy act.
- O 6) O Chiles - to amend IRS code for reimbursement to State and Local when they provide assistance.
- NP 7) NP Hatch - to require EPA to study cyanide.
- NP 8) NP Metzenbaum - infant formula. Helms amended to provide penalties for dial-a-porn.
- S 9) S Evans - to require new Coast Guard equipment.
- O 10) O Evans - White House Conference.
- NP 11) E Metzenbaum - target athletic programs.
- S 12) S Dole - technical.
- NP 13) NP Hawkins - forest service enforcement.
- S 14) S Levin - minimum one year sentence for dealing to kids, etc.
- O 15) O Helms - indication of any drug convictions on passport.
- S 16) S Domenici - technical - delete 1152 (forfeiture asset funds).
- S 17) S Chiles - Section 145 technical.
- S 18) S Bentsen - voice privacy \$4M-FBI-\$7M-DEA.

- O 19) O Abdnor - recruitment/training for customs service "reserve".
- S 20) S Hawkins - strict penalties for giving controlled substances to a pregnant woman.
- NP 21) NP Weicker - ADAMHA to do research on neuro receptors.
- NP 22) NP Biden for Kennedy - treatment alternatives for street crimes. (DOD)
- O 23) O DeConcini - DOD resources for civilian drug enforcement purposes. Sec. of DOD required to do a plan -- must lend equipment, no arrest authority.
- NP 24) NP Durenberger - FEHB study.
- O 25) O Harkin - civil air patrol -\$7M of any unobligated balance.
- NP 26) NP Andrews - BIA/Indian.
- NP 27) NP Moynihan - Daniloff.
- S 28) S Murkowski - Mansfield repeal for Coast Guard.
- O 29) O Metzenbaum - rehab for addicts - add\$\$
- NP 30) NP Domenici - media division on drug abuse.
- O 31) O Helms - sugar quota cutoff for drug trafficking.
- NP 32) NP Bingaman - \$5M for Indian drug abuse.
- S 33) S D'Amato - ballistic knives (S. 2411)
- O 34) O Dixon - quasi - Hunter amendment. (Defeated 72-14.)
- NP 35) NP Domenici - homeless eligibility for treatment under federal programs(---food stamps).
- NP 36) NP Hatch (for Abdnor) - to increase block grant minimum \$500,000 to \$650,000.
- NP 37) NP Hatch - VA technical amendments.

S - SATISFACTORY
NP - NO POSITION
O - OBJECT

THE WHITE HOUSE
WASHINGTON

September 30, 1986

Dr. B:

The following is a statement from
Jenna Dorn.

Drug use by persons responsible for the safe transportation of people and goods has the potential to cause the loss of many lives and millions of dollars of property damage. The Secretary of Transportation will develop a comprehensive program to promote a drug free transportation system involving regulatory changes, testing, prevention and education within the regulated community.

Fran

9.12
1-3

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/30/86 ACTION/CONCURRENCE/COMMENT DUE BY: 10/1/86

SUBJECT: MEMORANDUM FOR DEPARTMENT HEADS RE: FEDERAL DRUG INITIATIVES

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KINGON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations on the attached memorandum directly to Ralph Bledsoe (x6640) by close of business Wednesday, October 1st, with an info copy to my office. Thank you.

To: Ralph Bledsoe

RESPONSE: *From: Dan Marks, Dep. Ex. Clerk*

cc: D. Chew

*changes made
9/30/86 JH*

David L. Chew
Staff Secretary
Ext. 2702

THE WHITE HOUSE

WASHINGTON

September 30, 1986

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Initiatives for a Drug-Free America

In furtherance of our policy against drug abuse, I have approved several initiatives ~~which~~ require the support and commitment of all department and agency heads and their senior staff members. ✓

One of our goals is a drug-free workplace in the Federal government, in states and local governments, and in private companies, including those that contract with the government. To help achieve this goal, you should: ✓

- o Develop a plan in accordance with Section 2 of Executive Order 12564, which I signed on September 15, 1986. Your plan, as prescribed by the Executive Order, should consider the rights of the government, the employee, and the public, addressing the special concerns posed by employment ~~which~~ involves national security or public health and safety. It should include steps for expanding drug abuse awareness and prevention among Federal employees, identifying and rehabilitating employees who use illegal drugs, and preventing the hiring of people who use illegal drugs. ✓
- o Make each employee aware of the health, economic, and social costs of illegal drug use, assist employees in recognizing and combatting illegal drug use in the workplace and in homes and communities, and ensure that each employee is aware that unauthorized possession of a controlled substance is a crime. ✓
- o Encourage your counterpart leaders in state and local governments to free their workplaces from illegal drug use. ✓

To assist you, the Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide information about the effects of drug abuse; guidelines for drug testing and treatment; training of supervisory personnel; and technical assistance in support of Employee Assistance Programs.

The Secretary of Health and Human Services will establish a "Drug-free Workplace Helpline" to answer questions government and private sector organizations may have about drug abuse.

The Secretary of Labor will work with labor leaders to promote our goal of drug-free workplaces; develop and disseminate a "what works" booklet on Workplaces Without Drugs; and make available a team of experts to assist management and unions in establishing drug prevention programs.

Another of our goals is drug-free schools. To achieve this goal:

- o The Secretary of Education, as national advocate for drug-free schools, will work with educators, parents, students, and others to ensure that everything possible is done to protect our children from the dangers of illegal drugs, and will disseminate drug-related educational materials such as the booklet Schools Without Drugs.
- o The Attorney General and the Secretary of Education will work together to ensure that local law enforcement officials and school authorities cooperate in discouraging illegal drug use and in prosecuting the so-called "schoolyard laws" against distribution or manufacture of drugs around school property.
- o The Secretary of Defense and the Secretary of Education will work together to develop a model drug prevention program in Department of Defense schools.

Since rehabilitation of illegal drug users is a cornerstone of our policy, another goal is expansion of drug treatment and research. To achieve this:

- o The Secretary of Health and Human Services will take the lead in encouraging states and communities to develop programs to treat specific drug-related health problems, by seeking an emergency expansion of services in facilities that treat drug-related health problems, and by establishing community systems development projects.
- o The Secretary of Health and Human Services will also expand research in health-related areas such as drug testing, and bolster medical and health programs aimed at prevention, by establishing a Center for Substance Abuse Prevention.
- o The Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide appropriate information and technical assistance to department and agency heads regarding rehabilitative services for Federal employees.

We also have as a goal to increase public awareness and prevention of drug abuse. To achieve this goal, I hope you will:

- o Encourage all citizens and private sector organizations to develop and participate in drug abuse awareness and prevention campaigns, such as "Just Say No."
- o Encourage corporations, service organizations and the media with which you interact to stimulate development of innovative community-based prevention programs and to develop prevention programs within their organizations.

- o Provide leadership to ensure that Americans have access to accurate and effective information about illegal drugs and strategies for getting drugs out of their homes, schools, workplaces, communities, and the nation. The proposed Center for Substance Abuse Prevention, in the Department of Health and Human Services, will provide a toll-free number for technical assistance and referrals and will manage a speakers' bureau on illegal drug use prevention.

The Secretary of Housing and Urban Development will take the lead in an effort to reduce the level of illegal drug activity in public housing authorities. He will work with the Secretary of Health and Human Services, the Secretary of Labor and the Attorney General to achieve drug-free housing in housing developments.

I have enclosed a personal message for Executive Branch employees about our new drug abuse initiatives. Please ensure that each employee in your organization receives a copy, and feel free to communicate an additional personal message of your own.

You should institute actions on the above initiatives immediately, using existing resources where possible. I will ask for periodic progress reports through the Domestic Policy Council to ensure that we are moving toward our goal of a drug-free America.

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TALKING POINTS ON OPM DRUG GUIDELINES

- o Attached is a final draft of the OPM guidelines for Federal agencies on Establishing a Drug-Free Workplace. These were prepared by OPM.
- o Connie Horner would like to have the guidelines published in the Federal register on Tuesday or Wednesday, December 2 or 3, and she would like to brief a number of Federal agency representatives so that they all have the same information.
- o The guidelines are taken directly from the Executive Order, and make the following points:
 - Illegal drug use results in lost productivity.
 - As the Nation's largest employer, the Federal government should be in the forefront of national effort to eliminate illegal drugs from the American workplace.
 - The President's EO 12564 is the basis for the guidelines.
 - Agencies should establish drug prevention programs which are humane, responsible, and effective.
 - Employees are responsible for changing their behavior.
 - The program includes drug education and training, employee counseling and assistance, and voluntary drug testing.
 - Mandatory drug testing and disciplinary action will be used, where appropriate.
 - The program will be a balanced program which emphasizes offering a helping hand to employees using illegal drugs.
 - OPM was directed to issue government-wide guidance on implementation of the Executive Order.
- o Agency heads are to develop plans for achieving the objective of a drug-free workplace.
- o Agency programs are to complement their programs dealing with alcohol abuse and related employee problems.
- o Agency plans should include reference to Employee Assistance Programs, supervisory training, self-referral, and provisions for identifying illegal drug users, including testing.
- o Testing is to be controlled and carefully monitored, in accord with the Executive Order.
- o Agency drug testing programs are to test for use of illegal drugs by employees in sensitive positions. Sensitive positions are defined in the guidelines as people in national security, law enforcement, public health and similar jobs.

- o Agency heads have discretion to determine sensitive positions for which random testing is authorized. Who is tested is a function of a two-step process:
 1. Using criteria in Executive Order, determine which employees are in the "pool" of sensitive employees, and
 2. Determine who from the pool will actually be tested.
- o "Reasonable suspicion" testing is authorized by agency heads.
- o Applicant testing by agency heads is authorized.
- o Agencies may exempt positions from testing on the basis of hardship, due to remote locations, or unavailability of testing facilities or personnel.
- o Drug testing procedures include a 60-day general notice to all employees, and special notices to covered employees.
- o Agencies must take disciplinary action to deal with employees who refuse to be tested. Applicants who refuse to be tested must be refused employment.
- o Technical guidelines for how to conduct testing will be provided by HHS. (The first draft of those is not satisfactory, and is being redone by HHS.)
- o Test results must be confidential.
- o Upon finding that an employee uses illegal drugs, agencies may take several actions. These include:
 - Mandatory removal from sensitive positions.
 - Mandatory EAP referral.
 - Discretionary disciplinary actions, including a range from written reprimand to removal for first confirmation. This is except for employees who voluntarily identify themselves as users, obtain counseling and rehabilitation, and thereafter refrain from illegal use.
 - Placing employees in an enforced leave status.
 - Suspension for 15 days, or for longer periods.
 - Removal from Federal service.
 - Separation is mandatory upon a second confirmed finding of illegal drug use.
- o A preponderance of evidence is required.
- o Agencies shall keep and report statistical records on numbers of employees tested and number with confirmed positive tests.
- o Personal identification in these records is prohibited.
- o EAPs are to be available to all employees.

9/30/86

9:00 a.m.

THE WHITE HOUSE

WASHINGTON

September 30, 1986

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- o Make each employee aware of the health, economic, and social costs of illegal drug use, assist employees in recognizing and combatting illegal drug use in the workplace and in homes and communities, and ensure that each employee is aware that unauthorized possession of a controlled substance is a crime.
- o Encourage your counterpart leaders in state and local governments to free their workplaces from illegal drug use.

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- o The Attorney General and the Secretary of Education will work together to ensure that local law enforcement officials and school authorities cooperate in discouraging illegal drug use, and in prosecuting the so-called "schoolyard laws" against distribution or manufacture of drugs around school property.
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- o The Attorney General and the Secretary of Education will work together to ensure that local law enforcement officials and school authorities cooperate in discouraging illegal drug use, and in prosecuting the so-called "schoolyard laws" against distribution or manufacture of drugs around school property.
- o The Secretary of Defense and the Secretary of Education will work together to develop a model drug prevention program in Department of Defense schools.

Since rehabilitation of illegal drug users is a cornerstone of our policy, another goal is expansion of drug treatment and research. To achieve this:

- o The Secretary of Health and Human Services will take the lead in encouraging states and communities to develop programs to treat specific drug-related health problems, by seeking an emergency expansion of services in facilities that treat drug-related health problems, and by establishing community systems development projects.
- o The Secretary of Health and Human Services will also expand research in health-related areas such as drug testing, and bolster medical and health programs aimed at prevention, by establishing a Center for Substance Abuse Prevention.
- o The Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide appropriate information and technical assistance to department and agency heads regarding rehabilitative services for Federal employees.

We also have as a goal to increase public awareness and prevention of drug abuse. To achieve this goal, I hope you will:

- o Encourage all citizens and private sector organizations to develop and participate in drug abuse awareness and prevention campaigns, such as "Just Say No".
- o Encourage corporations, service organizations and the media with which you interact to stimulate development of innovative community-based prevention programs and to develop prevention programs within their organizations.

- o Provide leadership to ensure that Americans have access to accurate and effective information about illegal drugs and strategies for getting drugs out of their homes, schools, workplaces, communities and the nation. The proposed Center for Substance Abuse Prevention, in the Department of Health and Human Services, will provide a toll-free number for technical assistance and referrals, and will manage a speakers' bureau on illegal drug use prevention.

The Secretary of Housing and Urban Development will take the lead in an effort to reduce the level of illegal drug activity in public housing authorities. He will work with the Secretary of Health and Human Services, the Secretary of Labor and the Attorney General to achieve drug-free housing in housing developments.

I have enclosed a personal message for Executive Branch employees about our new drug abuse initiatives. Please ensure that each employee in your organization receives a copy, and feel free to communicate an additional personal message of your own.

You should institute actions on the above initiatives immediately, using existing resources where possible. I will ask for periodic progress reports through the Domestic Policy Council to ensure that we are moving toward our goal of a drug-free America.

THE WHITE HOUSE

WASHINGTON

September 29, 1986

MEMORANDUM FOR RALPH C. BLEDSOE
SPECIAL ASSISTANT TO THE PRESIDENT FOR POLICY
DEVELOPMENT

FROM: PETER J. WALLISON 
COUNSEL TO THE PRESIDENT

SUBJECT: Memorandum for Heads of Executive Departments and
Agencies Regarding Drug Initiatives

Counsel's office has reviewed the revised version of the above-referenced memorandum and have noted several suggested edits on the attached draft. The most significant change we recommend is to substitute the phrase "addressing the special concern posed by employment which involves national security or public health and safety" for the phrase "paying close attention to employees in or applying for sensitive positions." We believe our formulation incorporates both the Executive Order's special treatment of sensitive employees and its reason for doing so. We believe our phrasing also avoids a potentially ambiguous reference to applicants for sensitive positions, since such applicants are treated no differently under the Executive Order than applicants for nonsensitive positions.

Attachment

DRAFT

THE WHITE HOUSE

WASHINGTON

September 29, 1986

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Initiatives for a Drug-Free America

furtherance of our policy against

In order to accomplish the six goals of our drug abuse policy, I have approved several initiatives which require the support and commitment of all department and agency heads and senior staff. *ES*

One of our goals is a drug-free workplace in the Federal government, in states and local governments, and in private companies, including those that contract with the government. To help achieve this goal, you should:

- in accordance with Section 2 of*
 - o Develop a plan for ~~implementing~~ Executive Order 12564, which I signed on September 15, 1986. Your plan, as prescribed ~~under~~ by ~~Section 2 of~~ the Executive Order, should consider the rights of the government, the employee, and the public, *addressing the special concerns posed by employment which involves national security or public health and safety.* paying close attention to employees in or applying for sensitive positions. It should include steps for expanding drug abuse awareness and prevention among Federal employees, identifying ~~illegal drug and users~~, rehabilitating employees who use illegal drugs, and preventing the hiring of people who use illegal drugs. ✓
 - o Make each employee aware of the health, economic, and social costs of illegal drug use; assist employees in recognizing and combatting illegal drug use in the workplace and in homes and communities, and ensure that each employee is aware that unauthorized possession of a controlled substance is a crime. ✓
 - o Encourage your counterpart leaders in state and local governments to free their workplaces from illegal drug use.

To assist you, the Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide information about the effects of drug abuse; guidelines for drug testing and treatment; training of supervisory personnel; and technical assistance in support of Employee Assistance Programs.

The Secretary of Health and Human Services will establish a "Drug-free Workplace Helpline" to answer questions government and private sector organizations may have about drug abuse.

The Secretary of Labor will work with labor leaders to promote our goal of drug-free workplaces; develop and disseminate a "what works" booklet on Workplaces Without Drugs; and make available a team of experts to assist management and unions in establishing drug prevention programs.

Another of our goals is drug-free schools. To achieve this goal:

- o The Secretary of Education, as national advocate for drug-free schools, will work with educators, parents, students, and others to ensure that everything possible is done to protect our children from the dangers of illegal drugs, and will disseminate drug-related educational materials such as the booklet Schools Without Drugs.
- o The Attorney General and the Secretary of Education will work together to ensure that local law enforcement officials and school authorities cooperate in discouraging illegal drug use, and in prosecuting the so-called "schoolyard laws" against distribution or manufacture of drugs around school property.
- o The Secretary of Defense and the Secretary of Education will work together to develop a model drug prevention program in Department of Defense schools.

Since rehabilitation of illegal drug users is a cornerstone of our policy, another goal is expansion of drug treatment and research. To achieve this:

- o The Secretary of Health and Human Services will take the lead in encouraging states and communities to develop programs to treat specific drug-related health problems, by seeking an emergency expansion of services in facilities that treat drug-related health problems, and by establishing community systems development projects.
- o The Secretary of Health and Human Services will also expand research in health-related areas such as drug testing, and bolster medical and health programs aimed at prevention, by establishing a Center for Substance Abuse Prevention.
- o The Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide appropriate information and technical assistance to department and agency heads to support the ~~drug-free Federal workplace initiative~~.
regarding rehabilitative services for federal employees ✓

We also have as a goal to increase public awareness and prevention of drug abuse. To achieve this goal, I hope you will:

- o Encourage all citizens and private sector organizations to develop and participate in drug abuse awareness and prevention campaigns, such as "Just Say No".
- o Encourage corporations, service organizations and the media with which you interact to stimulate development of innovative community-based prevention programs, and to develop prevention programs within their organizations. ✓

- o Provide leadership to ensure that Americans have access to accurate and effective information about illegal drugs and strategies for getting drugs out of their homes, schools, workplaces, communities and the nation. The proposed Center for Substance Abuse Prevention, in the Department of Health and Human Services, will provide a toll-free number for technical assistance and referrals, and will manage a speakers' bureau on illegal drug use prevention.

The Secretary of Housing and Urban Development will take the lead in an effort to reduce the level of illegal drug activity in public housing authorities. He will work with the Secretary of Health and Human Services, the Secretary of Labor and the Attorney General to achieve drug-free housing in housing developments ~~that have major drug problems.~~

personal

I have enclosed a message for Executive Branch employees about our new drug abuse initiatives. Please ensure that each employee in your organization receives a copy, and feel free to communicate an additional personal message ~~of your choosing.~~ *if you wish of your own.*

You should institute actions on the above initiatives immediately, using existing resources where possible. I will ask for periodic progress reports through the Domestic Policy Council to ensure that we are moving toward our goal of a drug-free America.

THE WHITE HOUSE
WASHINGTON

AL KINGON
PETER WALLISON
CARLTON TURNER
RALPH BLEDSOE ✓

Attached is the memorandum
we will be discussing at the
11:00 meeting in my office
today.

David Chew


THE WHITE HOUSE

WASHINGTON

100 SEP 27 1986

September 26, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: ALFRED H. KINGON 

SUBJECT: Memorandum to Heads of Executive Departments
and Agencies Regarding a Drug-Free America

As a result of the various policies and programs you have approved concerning the Administration's drug abuse program, a series of memoranda to different people are being prepared for your signature. This is one of them and it goes to the heads of all departments and agencies concerning a drug-free workplace, helping employees to obtain assistance when needed, and working with the private sector and state and local governments.

I recommend that you sign this memo.

Attachment

*Name - Condoleezza
Moreno
Buchanan*

Turner

*Fall on
Don Miller OK
Demeth OK
Hobbs - comment
OMB - comment
Council comment*

THE WHITE HOUSE
WASHINGTON
September 26, 1986

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
SUBJECT: Federal Initiatives for a Drug-Free America

In order to achieve the six new goals in our drug abuse initiative

~~As you know~~, I have approved several ~~new~~ initiatives to achieve a drug-free America. They require the support and commitment of all department and agency heads and senior staff.

One of our goals is a drug-free workplace in the Federal government, in states and local governments, and in private companies, including those that contract with the government. To help achieve this goal, you should:

- Willard* o Develop a plan for implementing Executive Order 12564, which I signed on September 15, 1986. Your plan should consider the rights of the government, the employee, and the public, and address each section of the Executive Order. It should include steps for expanding drug abuse awareness and prevention among Federal employees, identifying illegal drug users, rehabilitating employees who use illegal drugs, and preventing the hiring of people who use illegal drugs. *as outlined in Section 2 of the EO*
- Paying close attention to employees in sensitive positions* o Make each employee aware of the health, economic, and social costs of illegal drug use; assist employees in ~~identifying~~ *recognizing* and combatting illegal drug use in the workplace and in homes and communities, and ensure that each employee is aware that unauthorized possession of a controlled substance is a crime.
- o Encourage your counterpart leaders in state and local governments to free their workplaces from illegal drug use.
- o Communicate to contractors our philosophy and goal to create a drug-free Federal government. The Drug Abuse Policy Office will provide further guidance on this. *Council Justice*

To assist you ~~in these~~, the Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide ~~credible~~ *info* materials about the effects of drug abuse; guidelines for drug testing and treatment; training of supervisory personnel; and technical assistance in support of Employee Assistance Programs.

Willard The Attorney General will render any required legal advice.

The Secretary of Health and Human Services will establish a "Drug-free Workplace Helpline" to answer questions government and private sector organizations may have about drug abuse.

*Justice
rewrite*

o The Secretary of Labor will ^{work with} ~~encourage~~ labor leaders to ^{promote} ~~support~~ our goal of drug-free workplaces; develop and disseminate a "what works" booklet on Workplaces Without Drugs; and make available a team of experts to ^{management} ~~assist businesses~~ and unions in establishing drug prevention programs.

Another of our goals is drug-free schools. To achieve this goal:

- o ^{will work} The Secretary of Education will ~~continue his role~~ as national advocate for drug-free schools, ~~both through the dissemination of drug-related educational materials such as Schools Without Drugs, and interactions with educators, parents, students, and others to ensure that everything possible is done to protect our children from the dangers to which illegal drugs can lead.~~ ^{and will}
- o The Attorney General and the Secretary of Education will work together to ensure that local law enforcement officials and school authorities cooperate in discouraging illegal drug use, and in prosecuting the so-called "schoolyard laws" against distribution or manufacture of drugs around school property.
- o The Secretary of Defense and the Secretary of Education will work together to develop a model drug prevention program in Department of Defense schools.
- o You should emphasize this goal in the course of any of your interactions with schools.

Since rehabilitation of illegal drug users is a cornerstone of our policy, another goal is expansion of drug treatment and research. To achieve this:

- o The Secretary of Health and Human Services will take the lead in encouraging states and communities to develop programs to treat specific drug-related health problems, by seeking an emergency expansion of services in facilities that treat drug-related health problems, and by establishing community systems development projects.
- o The Secretary of Health and Human Services will also expand research in health-related areas such as drug testing, and bolster medical and health programs aimed at prevention, by establishing a Center for Substance Abuse Prevention.
- o The Secretary of Health and Human Services and the Director of the Office of Personnel Management will provide appropriate information and technical assistance to department and agency heads to support the drug-free Federal workplace initiative.

We also have ^{as} a goal to increase public awareness and prevention of drug abuse. To achieve this goal; ^{I hope you will:}

- o ~~Each of you should~~ encourage all citizens and private sector organizations to ~~join the First Lady's~~ drug abuse awareness

^{participate in and develop}

and prevention campaign, *such as "Just Say No."*

- o ~~You should~~ encourage corporations, service organizations and the media with which you interact to stimulate development of innovative community-based prevention programs, and to develop prevention programs within their organizations. To support this, I will establish a private sector initiative for a drug-free America, with leaders from advertising, the media, business, entertainment, education, labor, youth, sports, and other active groups.

Separate memo

- o ~~You should be working to provide leadership to~~ ensure that Americans have access to accurate and effective information about illegal drugs and strategies for getting drugs out of their homes, schools, workplaces, communities and the nation. The proposed Center for Substance Abuse Prevention, in the Department of Health and Human Services, will provide a toll-free number for technical assistance and referrals, and will manage a speakers' bureau ~~of experts~~ on illegal drug use prevention.

- o The Secretary of Housing and Urban Development will take the lead in an effort to reduce the level of illegal drug activity in public housing authorities. He will work with the Secretary of Health and Human Services, the Secretary of Labor and the Attorney General to achieve drug-free housing in housing developments that have major drug problems.

- o The White House will follow-up our nationally-televised call for participation in this nation crusade, by encouraging appropriate private sector initiatives. You will be given the opportunity to participate in these as appropriate.

Separate Memo

Through the above actions, I expect the few Federal employees and the other workers now using illegal drugs to be rehabilitated into productive workers again, and all workplaces and schools to be drug-free. I also expect the expanded drug treatment and research to lead to restoration of large numbers of Americans to full and clear-minded lives, free from illegal drugs.

Please institute actions on these initiatives immediately, using *existing* resources ~~from lower priority efforts~~ where possible. I will ask for periodic progress reports through the Domestic Policy Council.

OMB

The coop of all employees is a requirement. Please list attached memo.

September 11, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: THE DOMESTIC POLICY COUNCIL

SUBJECT: Drug Abuse Policy Initiatives

Issue: What initiatives should be in the Administration's Drug Abuse Policy package?

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

- o Drug-Free Workplaces
- o Drug-Free Schools
- o Expand Drug Treatment and Research
- o Improve International Cooperation
- o Strengthen Law Enforcement
- o Increase Public Awareness and Prevention

The Domestic Policy Council established a Working Group on Drug Abuse Policy to develop legislation and other action steps to implement initiatives in support of the goals. The Working Group, in conjunction with the National Drug Enforcement Policy Board (NDEPB), has recommended comprehensive legislative proposals, an Executive Order for a drug-free Federal workforce, and other specific actions. These were reviewed by the Domestic Policy Council, and are described in the Working Group report.

Legislation - The Administration's legislative initiative is a comprehensive proposal with a separate title keyed to each of your six goals. It was discussed by the Domestic Policy Council, and is a coordinated, balanced package supporting the attack on both drug supply and demand. The proposed legislation would redirect FY 87 outlays by approximately \$300 million, and bring total annual spending on drug abuse programs to about \$2.8 billion. Senate Republicans are waiting for details of our proposal before proceeding with a bill of their own.

There is some disagreement among Council members on the tone of Title I, Drug-Free Workplaces, of the proposed legislation. A few feel it is too harsh and that it may draw negative publicity. Other Council members feel that it and the Executive Order will strengthen our ability and that of government contractors and private industry to make workplaces drug-free, and that we can make your intent quite clear in transmittal documents.

Two other issues require your clarification. First, whether our legislation should include Justice's recommendation for repeal of the Mansfield Amendment, which prohibits Federal officers from participating in drug arrests in foreign countries; or, State's recommendation to modify it to lift restrictions only in countries with special treaties.

Mansfield Amendment:

_____ Seek to Repeal _____ Seek to Modify

(As you may recall, in the discussion it was agreed by all that we do not want unilateral action, but should work with other countries to allow our law enforcement officers to assist in making arrests. It was also agreed this is a tactical legislative question. You can direct that we "do what is needed to allow our officers to work with other countries, and leave the rest to legislation".)

Second, the proposed legislation does not prescribe the death penalty for major traffickers. While you have previously opposed this under certain conditions, some Council members feel a stronger position may now be needed because of Congressional proposals calling for the death penalty.

Death Penalty for Major Drug Traffickers:

_____ Include _____ Do Not Include

_____ Allow Justice Department to support Gekas Amendment

(The Gekas Amendment, passed by the House on 9/11/86, calls for the death penalty if there is a drug related death from continuing criminal enterprise and from knowingly causing death.)

Executive Order - The Council also discussed a draft Executive Order which focuses on achieving a drug-free Federal workplace, and complements Title I of the proposed Administration legislation. Our legislative proposal amends appropriate laws to make it clear that there is no Federal statutory bar to drug testing in the workplace or in educational institutions. The draft Executive Order sets an example by balancing intolerance of illegal drug use with fair treatment of individual employees. It stresses voluntary compliance and treatment for employees seeking help. Drug screening guidelines are established for the Executive Branch, allowing flexibility by department and agency heads. The Order authorizes testing of Federal employees holding sensitive positions that affect safety and security, and permits corrective administrative action if employees do not accept a "helping hand."

Two issues require your clarification. First, the proposed Executive Order authorizes mandatory testing of applicants for sensitive jobs. While you have previously indicated a preference

for testing only applicants for sensitive positions, some departments, including Defense, have asked for reconsideration to allow them the flexibility to test all job applicants.

Authorize Agencies the discretion to test applicants for:

_____ All Positions _____ Sensitive Positions Only

Second, Justice proposes that the Executive Order list nine categories of sensitive positions to support legal defense of mandatory testing. Other Council members argue that we could reduce political resistance by not specifying categories of employees such as Senior Executives, Schedule C employees, the uniformed services, and air traffic controllers; or, by only making a general reference to positions involving safety and security, or which require a high degree of trust and confidence.

Options for definition of sensitive positions:

- _____ Include specific categories
- _____ Fewer, more general categories, accompanied by OPM guidelines on who is sensitive, allowing agency heads to make final decisions as to who is to be tested within these guidelines.
- _____ General description, accompanied by OPM guidelines on who is sensitive, allowing agency heads to make final decisions as to who is to be tested within these guidelines.

Other Initiatives - Additional drug policy initiatives for each goal are outlined below, and are presented in detail in the Working Group report.

Goal #1 - Drug-Free Workplaces

- o Accelerate development of a drug-free Federal workplace.
- o Work with government contractors, and private sector management and labor leaders to fight drug abuse in the workplace.
- o Encourage States and local governments and their contractors to pursue drug-free workplaces.
- o Communicate accurate and credible information about elimination of drug abuse in the workplace.

Goal #2 - Drug-Free Schools

- o Issue Schools Without Drugs to communicate accurate and credible information on how to achieve drug-free schools.

- o Encourage all schools to establish a policy of being drug free through grants administered under the proposed Zero Tolerance Act, and through anti-drug activities developed by communities and student leaders.
- o Ensure that Federal laws against distributing drugs in or near schools are extended and enforced in cooperation with local authorities.

Goal #3 - Expand Drug Abuse Treatment and Research

- o Encourage States and communities to develop programs to treat specific drug-related health problems through new demonstration grants and elimination of unnecessary restrictions imposed under current block grant programs.
- o Expand drug abuse research in health-related areas, including drug testing.
- o Strengthen medical and health programs aimed at drug abuse prevention by establishing a Center for Substance Abuse Prevention within HHS.
- o Support efforts to achieve a drug-free Federal workplace.

Goal #4 - Improve International Cooperation

- o Convene a conference for U.S. Ambassadors in October to convey an international sense of urgency and to discuss increased regional cooperation.
- o Repeal the Mansfield Amendment to allow Federal officers to participate in drug arrests in foreign countries, seek authorization to confiscate U.S. property of drug dealers who violate foreign laws, and amend immigration requirements to allow deportation of alien drug traffickers.

Goal #5 - Strengthen Law Enforcement

- o Continue to execute Operation Alliance to increase cooperative drug law enforcement along the United States - Mexican border.
- o Seek legislation addressing 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/export violations, juvenile drug trafficking, and clandestine drug manufacturing.
- o Strengthen money laundering enforcement and penalties.
- o Seek to restore appropriate level of FY 1987 funding for law enforcement agents, prosecutors, and prison facilities.

Goal #6 - Increase Public Awareness and Prevention

- o Encourage all Americans to join the First Lady's drug abuse awareness and prevention campaign through a nationally televised address, letters soliciting fortune 500 support, a series of White House briefings, a "presidential Honor Role" for significant contributors, national drug prevention poster and essay contests, and major media campaigns to reinforce positive peer pressure and to make drug use socially unacceptable.
- o Encourage corporations, service organizations, and the media to develop drug prevention programs.
- o Ensure that every American has access to accurate and effective information about drug abuse and strategies for eliminating drugs from our society.
- o Propose legislation to facilitate private sector support and use of drug abuse material developed for foreign audiences.
- o Reduce illegal drug activity in Public Housing Authorities.

Data collected by HHS indicates that your drug abuse policy goals are right on target. An estimated 67 percent of all cocaine users have only minimal demand and will respond to social unacceptance, awareness and prevention efforts, and strict no-drug use policies in schools and workplaces, including drug testing where appropriate. Polls indicate that the public will also respond favorably to strong leadership from the Federal government, and will accept a firm, yet fair, drug prevention program which attacks both supply and demand in our workplaces, in our schools, and throughout our society.

Recommendations: The Domestic Policy Council recommends that you approve the following initiatives for inclusion in your Drug Abuse Policy package: 1) the proposed six-part legislative package, 2) the Executive Order supporting a drug-free Federal workforce, and 3) action steps supporting the major policy initiatives in the Drug Abuse Policy Working Group report.

Decisions:

I. Submit the proposed legislative package consistent with the above direction, to support the Administration's six drug abuse policy goals.

_____ Approve _____ Disapprove _____ Further Discussion

II. Develop and implement an Executive Order consistent with the above features and direction, to achieve a drug-free Federal workforce.

_____ Approve _____ Disapprove _____ Further Discussion

III. Implement the action steps recommended by the Working Group on Drug Abuse Policy and the National Drug Enforcement Policy Board, consistent with the major initiatives listed above.

_____ Approve _____ Disapprove _____ Approve as Modified

**MEMORANDUM
OF CALL**

Previous editions usable

TO:

RCB

YOU WERE CALLED BY— YOU WERE VISITED BY—

Sharon

OF (Organization)

Jim Miller's office

PLEASE PHONE ▶ FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

*Jim Miller has
no comments on
drug memo*

RECEIVED BY

J

DATE

9/18

TIME

4:55

63-110 NSN 7540-00-634-4018
*U.S.GPO:1985-0-461-274/20008

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

MEMORANDUM
OF CALL

Previous editions

TO:

RCB

YOU WERE CALLED BY- YOU WERE VISITED BY-

Marin

OF (Organization)

PLEASE PHONE ► FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

Jack Svahn - no comments
on Presidential Memo to
Executive Branch Employees
Re: Drugs

RECEIVED BY

F

DATE

9/18

TIME

2:58

63-110 NSN 7540-00-634-4018
* U.S.GPO: 1985-0-461-274/20008

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

THE WHITE HOUSE
WASHINGTON

DRUG ABUSE POLICY

Contents

The Administration's Legislative Proposal

Executive Order on a Drug Free Federal Workplace

Report of the Working Group on Drug Abuse Policy

September 11, 1986

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 and Research
- o Improving 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 amends appropriate laws to make it clear that there is no Federal statutory bar to drug testing in the workplace or in educational institutions. This Title supports efforts to achieve a drug-free workforce by the Federal government and by grant recipients.

Title II. Drug-Free Schools

- o The proposed legislation requests an FY 1987 budget 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 and Research

- o The proposed legislation eliminates unnecessary restrictions imposed under current block grant programs.
- o (Note: Separate FY 87 budget amendments totaling \$221 million will be sought to expand centers which treat endemic users, encourage States and communities to treat drug-related health problems through Community Development Systems Projects, improve research in health-related areas, including drug testing, and establish a Center for Substance Abuse Prevention within HHS.)

Title IV. Improving 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.

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.
- o Money laundering enforcement and penalties are strengthened.

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.

EXECUTIVE ORDER

EXECUTIVE ORDER

- - - - -

DRUG FREE FEDERAL WORKPLACE

I, RONALD REAGAN, President of the United States of America, find that:

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

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;

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, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace;

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

The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public;

Federal employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

The use of illegal drugs, on or off duty, by Federal employees impairs the efficiency of Federal departments and agencies, undermines public confidence in them, and makes it more difficult for other employees who do not use illegal drugs to perform their jobs effectively. The use of illegal drugs, on or off duty, by Federal employees also can pose a serious health and safety threat to members of the public and to other Federal employees;

The use of illegal drugs, on or off duty, by Federal employees in certain positions evidences less than the complete reliability, stability and good judgment that is consistent with access to sensitive information, and creates the possibility of coercion, influence, and irresponsible action under pressure

which may pose a serious risk to national security, the public safety, and the effective enforcement of the law; and

Federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3301(2) of Title 5 of the United States Code, section 7301 of Title 5 of the United States Code, section 290ee-1 of Title 42 of the United States Code, deeming such action in the best interests of national security, public health and safety, law enforcement and the efficiency of the Federal service, and in order to establish standards and procedures to ensure fairness in achieving a drug-free Federal workplace and to protect the privacy of Federal employees, it is hereby ordered as follows:

Sec. 1. Drug Free Workplace.

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

(b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.

(c) Persons who use illegal drugs are not suitable for Federal employment.

Sec. 2. Agency Responsibilities.

(a) The head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace with consideration of the rights of the government, the employee and the general public.

(b) Each agency plan shall include:

(1) A statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;

(2) Employee Assistance Programs emphasizing high level direction, education, counseling, referral to rehabilitation and coordination with available community resources;

(3) Supervisory training to assist in identifying and addressing illegal drug abuse by agency employees;

(4) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and

(5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order.

Sec. 3. Drug Testing Programs.

(a) The head of each Executive Agency shall establish a program to test for the use of illegal drugs by employees in or applicants to sensitive positions. The extent to which such employees or applicants are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.

(b) The head of each Executive agency shall establish a program for voluntary employee drug testing.

(c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:

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

(2) In an examination authorized by the agency regarding an accident or unsafe practice; or

(3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.

Sec. 4. Drug Testing Procedures.

(a) Sixty days prior to the implementation of a drug testing program pursuant to this Order, agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order without reference to the 60-day notice period.

(b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.

(c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.

(d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines.

Sec. 5. Personnel Actions.

(a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling and referral for treatment or rehabilitation as appropriate.

(b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs provided that, such action is not required for an employee who:

(1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order, prior to being identified through other means;

(2) Obtains counseling or rehabilitation through an Employee Assistance Program; and

(3) Thereafter refrains from using illegal drugs.

(c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.

(d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:

(1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or

(2) Does not thereafter refrain from using illegal drugs.

(e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

(f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.

(g) Any action to discipline an employee who is using illegal drugs (including removal from service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.

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

Sec. 6. Coordination of Agency Programs.

(a) The Director of the Office of Personnel Management shall:

(1) Issue government-wide guidance to agencies on the implementation of the terms of this Order;

(2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;

(3) Develop a model Employee Assistance Program for

Federal agencies and assist the agencies in putting programs in place;

(4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and

(5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal workforce.

(b) The Attorney General shall render legal advice regarding the implementation of this Order and shall be consulted with regard to all guidelines, regulations and policies proposed to be adopted pursuant to this Order.

Sec. 7. Definitions.

(a) This order applies to all agencies of the Executive Branch.

(b) For purposes of this Order, the term "agency" means an Executive agency, as defined in 5 U.S.C. 105; the Uniformed Services, as defined in 5 U.S.C. 2101(3) (but excluding the armed forces as defined by 5 U.S.C. 2101(2)); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission and the employing units or authorities in the judicial and legislative branches.

(c) For purposes of this Order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(d) For purposes of this Order, the term "employee in a sensitive position" refers to:

(1) An employee in a position which an agency has designated Special Sensitive, Critical-Sensitive or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position which an agency head has designated or in the future designates as sensitive in accordance with Executive Order No. 10450, as amended;

- (2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356;
- (3) Individuals serving under Presidential appointments;
- (4) Members of the Senior Executive Service as defined in Subchapter II of Chapter 31 of Title 5 of the United States Code;
- (5) Law enforcement officers as defined in 5 U.S.C. 8331(20);
- (6) Individuals employed under Schedule C in the excepted service under the authority of section 213.3301 of Title 5, Code of Federal Regulations and Executive Order No. 10577;
- (7) Members of the uniformed services (but excluding the armed forces) as defined in 5 U.S.C. 2101;
- (8) Air traffic controllers as defined in 5 U.S.C. 2109; and
- (9) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, frequent contact with the public, or any other functions requiring a high degree of trust and confidence.

(e) For purposes of this order the term "employee" means all persons appointed in the Civil Service as described in 5 U.S.C. § 2105 (but excluding persons appointed in the armed forces as defined in 5 U.S.C. § 2101(2)).

(f) For purposes of this order, the term "Employee Assistance Program" means agency-based counseling programs which offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs which affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

Sec. 8: Effective Date

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

RONALD REAGAN

THE WHITE HOUSE

September __, 1986