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TRANSMITTAL LETTER

CLOSE HOLD

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/13/86 **ACTION/CONCURRENCE/COMMENT DUE BY:** 3:00 p.m. TODAY

SUBJECT: REVISED MESSAGE TO CONGRESS AND FACT SHEET ON DRUGS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	MILLER - ADMIN.	☐	☐
REGAN	☐	✓	POINDEXTER	☐	✓
MILLER - OMB	☐	✓	RYAN	☐	☐
BALL	✓	☐	SPEAKES	☐	✓
BARBOUR	☐	☐	SPRINKEL	☐	☐
BUCHANAN	✓	☐	SVAHN	✓	☐
CHEW	☐	✓	THOMAS	✓	☐
DANIELS	✓	☐	TUTTLE	☐	☐
HENKEL	☐	☐	WALLISON	✓	☐
KING	☐	☐	TURNER	✓	☐
KINGON	✓	☐	GIBSON	✓	☐
MASENG	☐	☐	_____	☐	☐

REMARKS: Please provide any comments/recommendations on the attached directly to Steve Tupper by 3:00 this afternoon, with an info copy to my office. Thank you.

RESPONSE:

CLOSE HOLD

David L. Chew
Staff Secretary
Ext. 2702

9/13/86 -- 9:00 a.m. -- Draft

TO THE CONGRESS OF THE UNITED STATES:

I am pleased to transmit today for your immediate consideration and enactment of the "Drug-Free America Act of 1986." This proposal is without question one of the most important, and one of the most critically needed, pieces of legislation that my Administration has proposed. I am strongly and unequivocally committed to its passage before adjournment of the 99th Congress.

Drugs are menacing our nation. When Nancy and I spoke to the Nation yesterday evening about what we Americans can do to win the fight against illegal drugs, we said that it is time to pull together. All Americans -- in our schools, our jobs, our neighborhoods -- must work together. No one level of government, no single institution, no lone group of citizens can eliminate the horror of drug abuse. In this national crusade, each of us is a critical soldier.

From the beginning of my Administration, I pledged to make the fight against drug abuse one of my highest priorities. We have taken strong steps to turn the tide against illegal drugs. To reduce the supply of drugs available in our country, we moved

aggressively against the growers, producers, transporters, smugglers, and traffickers. By next year, our spending for drug law enforcement will have tripled since 1981. To reduce demand, we plotted a course to encourage those who use drugs to stop and those who do not, to never begin. I am especially pleased at the success that the military has experienced, reducing drug usage by over 67% among our Armed Forces. And as a direct result of Nancy's leadership and commitment, over 10,000 "Just Say No" clubs have been formed throughout the United States over the past few years to discourage drug use among our youth. I think that is remarkable.

Today I am announcing a set of initiatives that will build upon what we have already accomplished. This set of initiatives is composed of several separate budget amendments, totaling over $1.1 billion in additional resources in FY1987 targeted to ridding our society of drugs; a six-title bill seeking stronger authority for our law enforcement personnel, both at home and abroad, increased penalties for taking part in the sale of illegal drugs, and establishing a new program to help our schools reach our youngsters before drugs reach them; and an Executive Order setting the example for our Nation's workplaces by achieving a drug-free Federal workforce. It is a thorough attack on all fronts in the drug war.

Through separate budget amendments that I will soon transmit, I will request $100 million for one-time State grants

to enhance our capacity in this country to treat drug users. We must put a stop to the tragedy of a drug user who seeks help, and cannot get urgently needed treatment. I will request $34 million for increased research into the most successful rehabilitation and treatment methods. Our expanded research will include a focus on better ways to intervene with high risk children and adolescents. I will also request $68.8 million for grants to communities which show they can pull together to fight the scourge in their neighborhoods. Federal matching funds will be made available to help these communities to increase education, prevention and rehabilitation efforts. Finally, I will submit a request for additional funds for other intervention, education, and prevention assistance from the federal government.

Our law enforcement and interdiction efforts must be increased, as well. I will propose substantial increased funding -- approximately $400 million in 1987 -- for a major new enforcement initiative along our southwest border. A similar initiative will be proposed for our southeast border, involving at least $100 million in added funds.

In the future, I will be proposing appropriate budget amendments to ensure that these necessary funds are made available. At the same time, activities with lower priority will be scaled back in order not to add to the Federal deficit. As I said last night, we cannot wage war on drugs by declaring war on the American taxpayer.

But let there be no mistake: I am wholeheartedly committed to obtaining these funds. If time prevents the Congress from appropriating them before adjournment, I will urge that it do so immediately upon reconvening in 1987.

The legislation I transmit today is the second component of the greatly increased anti-drug abuse effort to which I have pledged my Administration. This legislation is a six-titled measure that when enacted, will be the cornerstone of our efforts.

Title I, the "Drug-Free Federal Workplace Act of 1986," recognizes that the Federal Government, as the Nation's largest employer, can and should set an example in ensuring a drug-free workplace. It amends the Rehabilitation Act and the Civil Service Reform Act to make clear that they do not bar programs to achieve drug-free workplaces. The enactment of this title will make clear that the use of illegal drugs by current or prospective Federal employees will in no way be tolerated.

Title II of our bill, the "Drug-Free Schools Act of 1986," authorizes a major new grant program -- at $100 million in 1987 -- to assist State and local governments in establishing drug-free learning environments in elementary and secondary schools.

Title III, the "Substance Abuse Services Admendments of 1987," responds to the grave health threat that the use of illegal drugs presents. It would extend, from 1988 through 1992, the block grant under which funds are made available to the States for alcohol and drug abuse and mental health programs and would eliminate several unnecessary restrictions contained in current law which limit the flexibility of the States in putting these funds to work where they are most needed.

Title IV emphasizes the need for increased and better international cooperation in the fight against drugs. This important set of proposals would improve the procedures used in seizing the proceeds of narcotics-related crimes committed in other countries, facilitate the participation of United States law enforcement personnel in drug enforcement operations abroad, and ensure that aliens in this country who are convicted of illegal drug offenses can be deported.

Title V contains several measures that will make it clear to drug traffickers that we will make whatever tools are necessary available to our law enforcement personnel and our courts to ensure that those convicted of illegal drug offenses are both suitably punished and deprived of the fruits of their unlawful labors. This title would substantially increase penalties for drug trafficking and establish additional penalties for persons who take advantage of and employ juveniles in drug trafficking. This title will provide the tools to go after the manufacturers

of "designer drugs," and hit drug traffickers in their pocketbooks by cracking down hard on money laundering, a practice widely used to conceal the illegal origin of large amounts of cash.

Finally, title VI, the "Public Awareness and Private Sector Initiatives Act of 1986," urges and encourages the increased cooperation between the private sector and the government in educating the public about the hazards of drug abuse.

I do not for a moment suggest that enactment of these legislative proposals will, by itself, result in the eradication of illegal drugs in America. This can only happen when all Americans join together in our fight against drugs. Prompt passage by the Congress of the entire package of my legislative proposals is an essential step in our plan to eradicate drug abuse.

Today, I will underscore my commitment to this legislation by signing the third component of my Administration's anti-drug initiative, an Executive Order that supports the goal laid out in title I. It will put in place a policy that the use of drugs by Federal employees, either on-duty or off-duty, will not be tolerated. The Order directs the head of each Federal agency to develop a plan to achieve a drug-free workplace and authorizes drug testing for applicants for all Federal jobs and for employees in certain sensitive positions. Programs to counsel,

treat, and rehabilitate employees found to be using illegal drugs will be established.

Over the years, our country has never hesitated to defend itself against the attack of any enemy, however formidable and whatever the odds. In many ways, the enemy facing us now -- illegal drugs -- is as formidable as any we have ever encountered. But it is an enemy we will beat. As a result of the combined actions of all Americans we will achieve the goal we all seek -- a drug-free America for ourselves and for our children.

THE WHITE HOUSE

legislation

9/13/86 - 8:30 A.M.
FINAL COPY (REFLECTS OMB PASSBACK) FOR PROOFREADING.

FACT SHEET

INTRODUCTION

The President is sending to Congress a legislative package comprised of six Titles to address the problem of illegal drug use and drug trafficking. This legislation is designed to curtail the use of illegal drugs by: 1) reducing the demand for illegal drugs through prevention and education programs in both the workplace and in the schools; and 2) reducing the supply of illegal drugs by adding or amending criminal law provisions designed to punish drug traffickers and eliminate drug trafficking operations. Additional provisions extend and make improvements in substance abuse services programs and remove statutory impediments to establishing a public sector-private sector partnership in the war on drugs.

Title I, the "Drug-Free Federal Workplace Act of 1986," amends two statutes, the Rehabilitation Act and the Civil Service Reform Act, to make clear that they do not bar programs to achieve drug-free workplaces.

Title II, the "Drug-Free Schools Act of 1986 (The Zero-Tolerance Act)," is designed to promote excellence in American education by achieving and maintaining a drug-free environment in our Nation's schools.

Title III, the "Substance Abuse Services Amendments of 1986," extends and makes improvements in substance abuse services programs.

Title IV, "Drug Interdiction and International Cooperation Act of 1986," amends the Controlled Substances Act to provide forfeiture provisions relating to foreign drug activities; repeals the "Mansfield Amendment" which has impeded U.S. drug enforcement activities overseas; facilitates deportation of illegal aliens involved in drug trafficking; significantly strengthens the Customs laws in order to curtail drug smuggling; and expands the authority of the Coast Guard to stop and board vessels for violations of U.S. drug laws.

Title V, "Anti-Drug Enforcement Act of 1986," provides a series of statutory amendments 1) raising penalties for large-scale domestic drug trafficking and providing mandatory minimum penalties; 2) requiring mandatory punishment for simple possession of controlled substances; 3) providing the death penalty for murder related to large scale continuing drug enterprises; and 4) raising the punishment of those who engage the services of minors in drug trafficking. Additional provisions in Title V are designed to: modernize and clarify the statutory basis for the activities of the U.S. Marshals Service; establish a system of recordkeeping and identification

requirements to keep precursor and essential chemicals out of the hands of drug traffickers and to identify suspicious purchasers of these chemicals; combat money laundering; attack the problem of controlled substance analogs (popularly known as synthetic or "designer" drugs); expand permissible uses of the Department of Justice Assets Forfeiture Fund and provide for forfeiture of additional assets of drug traffickers; and provide a good faith exception to the Exclusionary Rule.

Title VI, the "Public Education and Private Sector Initiatives Act of 1986," provides two amendments that are designed to remove statutory impediments to ongoing efforts to recruit private sector groups for volunteer programs to educate the public about the dangers of drug use.

TITLE I

The "Drug-Free Federal Workplace Act of 1986," amends two statutes, the Rehabilitation Act and the Civil Service Reform Act, to make clear that they do not bar personnel actions to achieve drug-free workplaces.

The statement of findings recognizes that illegal drug use is having alarming and tragic effects on the national workforce and costs billions of dollars each year in lost productivity. It further notes that the federal government is the largest employer and ought to lead the way in lending a helping hand to employees who are using illegal drugs while at the same time making clear that drug use in the federal workplace will not be tolerated. Additionally, safe transportation of goods and services are another critical objective of any national drug-free program.

The bill amends the Rehabilitation Act to provide that the term "handicapped individual" (ie. those who are entitled to benefits and protections under the Act) does not include someone whose only "handicap" is his addiction to or use of, illegal drugs. This would ensure that if the federal government or another covered employer attempted to take disciplinary action against an individual for his use of drugs, he could not claim that such discipline against him was prohibited discrimination under the Rehabilitation Act. The bill would also affect non-Federal employee drug users who are employees of Federal contractors and participants under programs and activities receiving Federal financial assistance; such individuals could no longer benefit from the protections provided to "handicapped individuals" under the Act.

The bill also makes a similar conforming change to the Civil Service Reform Act to make clear that nothing in that Act would

"permit or require the employment of an applicant or employee" who uses illegal drugs. Absent this change, a drug-using employee could argue that his off duty drug use has no "nexus" or relationship to the performance on the job, hence, under section 2302(b)(10) of title 5, it would be a "prohibited personnel practice" to take disciplinary action against him.

Finally, the Act would become effective on its date of enactment and would apply to all pending litigation.

TITLE II

The "Drug Free Schools Act of 1986 (The Zero-Tolerance Act)" would authorize a new State-administered grant program 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. The bill would also make clear that federal law would not bar an educational institution from conducting drug testing of its students or applicants for admission.

The bill authorizes the appropriation of $100 million for fiscal year 1987 and such sums as may be necessary thereafter through fiscal year 1991, and it prescribes how funds would be allotted.

The bill also authorizes State projects, including: training for teachers and school administrators the development and implementation of curricula and teaching materials to prevent drug and alcohol use; educating parents about the symptoms and effects of drug use; and cooperative programs between schools and law enforcement agencies and drug and alcohol treatment programs.

The bill authorizes funds for local projects to be undertaken by educational agencies. An agency must first submit to the State educational agency a three-year plan (described in the bill) for achieving and maintaining drug-free elementary and secondary schools. Agencies would be required to demonstrate progress in achieving the goal of a drug-free school before it could receive additional aid. The bill establishes the Federal share of the cost of local projects as no more than 67 per centum.

The bill authorizes the Secretary of Education to carry out national programs directly, or through grants, contracts, or cooperative agreements with State or local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions and to coordinate

activities with the Secretary of Health and Human Services, when appropriate.

The bill specifies that it shall not be unlawful under federal law for any educational institution to require as a condition of admission or continued enrollment that students refrain from the use of illegal drugs. The bill also provides that it shall not be unlawful under federal law for any educational institution to conduct drug testing of its students or applicants for admission to determine if they use illegal drugs and to take disciplinary action against a student, including suspension or expulsion, who uses illegal drugs

Finally, the bill requires that State and local educational agencies use funds under the Act to supplement and, to the extent practicable, increase the amount of non-Federal funds that would, in the absence of Federal funds, be made available for the purposes of the Act, and not to supplant such non-Federal funds.

TITLE III

The "Substance Abuse Services Amendments of 1986" authorizes appropriations of $490 million for fiscal year 1988 and such sums as may be necessary for fiscal years 1989 through 1992 for the alcohol and drug abuse and mental health services block grant program administered by the Department of Health and Human Services.

The bill also eliminates various restrictions now imposed on States on the uses of funds under the block grant. These changes have long been sought by some State officials who claim that existing restrictions on the block grant severely restrict their ability to combat alcohol and drug abuse. These changes will give States greater flexibility in making funds available for services which are most needed.

TITLE IV

The "Drug Interdiction and International Cooperation Act of 1986" adds a new section to the Controlled Substances Act to provide for civil forfeiture of assets derived from drug trafficking in foreign countries which are found in the United States. Such legislation has been called for by working groups of drug law enforcement experts from around the world meeting under the auspices of the United Nations, the Organization of American States, and the Economic Summit. This legislation would

also provide for the sharing of forfeited assets (or proceeds from their sale) with foreign governments where there was joint cooperation in a particular investigation or where required by an international agreement, such as our recent Mutual Legal Assistance Treaty with Italy.

The "Mansfield Amendment Repeal Act" repeals the provision of current law which attempts to restrict the activities of United States law enforcement officers overseas. While no dramatic change is contemplated in our enforcement activities in areas of foreign jurisdiction, experience has shown that existing law needlessly impedes effective cooperation between U.S. and foreign law enforcement officials.

The "Narcotic Traffickers Deportation Act of 1986" removes the unnecessary dichotomy that presently exists between offenses involving narcotic drugs, cocaine, or marijuana and other controlled substance offenses in Title 21, United States Code, for purposes of deportation under the immigration statutes. Presently, a sentencing judge has statutory authority to make a binding recommendation to the Attorney General that aliens convicted of a variety of federal offenses not be deported. One exception to this authority involves aliens who have been convicted of drug offenses explicitly listed in the immigration statutes. The revised language would expand this exception to allow deportation, without judicial involvement, in all matters involving controlled substance offenses.

The "Customs Enforcement Act of 1986" combines and strengthens the existing reporting requirements for certain vessels, aircraft, vehicles, and pedestrians entering the country, as found in various provisions of the Tariff Act of 1930 and the Federal Aviation Act. The bill also adds or amends provisions for the forfeiture, storage and destruction of seized merchandise and adds various civil and criminal penalties for the unlawful unloading or transhipment of merchandise. Numerous additional amendments to the Customs laws are designed to significantly curtail drug smuggling.

The "Maritime Drug Law Enforcement Prosecution Improvements Act" would codify those circumstances under which United States and international law permit the Coast Guard to board vessels to enforce United States law. The proposal would serve to reduce needless litigation related to criminal prosecution of those transporting illegal drugs by sea.

TITLE V

The "Anti-Drug Enforcement Act of 1986" contains a series of statutory amendments to the Controlled Substances Act that sets out penalties for large-scale domestic drug trafficking.

One such amendment increases the maximum term of imprisonment authorized for large scale drug trafficking (up to life for a second offense), provides mandatory minimum terms of imprisonment for such large scale trafficking, and increases fines for first and repeat offenders. It broadens the scope of this statute to cover cocaine and marijuana as well as other especially dangerous narcotics.

The bill also contains mandatory terms of imprisonment for large scale drug traffickers in cases where death results from someone using their drugs. This provision was inspired by the death of basketball player Len Bias. The maximum term of imprisonment for trafficking in smaller amounts of controlled substances is raised from fifteen to twenty years, and fines are also increased for trafficking in smaller amounts.

The "Drug Possession Penalty Act of 1986" rewrites the provisions of the Controlled Substances Act setting out the punishment for simple possession of controlled substances. These revisions are designed to demonstrate the seriousness with which the federal government views drug use. It provides for a mandatory large fine for a first offense and mandatory jail term for a second or subsequent offense. In short, it sets the federal government squarely on record as opposing any notion that "social" or "recreational" use of drugs is acceptable behavior. While simple possession cases are normally prosecuted by the States, except in cases arising on federal enclaves, such a federal law will apply on those enclaves and would serve as a model for the States and municipalities.

The "Continuing Drug Enterprise Death Penalty Act of 1986" amends the Continuing Criminal Enterprise Statute to increase fines and provides for the death penalty for those who intentionally cause death while committing an offense under this "drug kingpin" statute. This provision is similar to the capital punishment provision recently approved by the House of Representatives by a vote of 296-112.

The "United States Marshals Service Act of 1986" is designed to modernize and clarify the statutory basis for the activities of the Marshals Service so that it can more effectively carry out its law enforcement responsibilities. The U.S. Marshals Service occupies a vital and pivotal role in the operation of the nation's criminal justice system and thus has a critical position in the War on Drugs. The Marshals Service is responsible to assure that dangerous prisoners are produced for trial, courts operate safely and securely, witnesses are protected from threat, fugitives are tracked down and apprehended, and drug assets are seized and managed until they can be disposed of with the proceeds ultimately returned to the U.S. Treasury.

The "Controlled Substances Import and Export Penalties Enhancement Act of 1986" conforms the penalties for import and export violations generally to those established in the Controlled Substances Act, as amended in the Drug Penalties Enhancement Act of 1986, supra, including the mandatory minimum and greater maximum sentences.

The "Juvenile Drug Trafficking Act of 1986" provides for an enhanced fine and jail term for adults who act in concert with a person under 21 in violating the Controlled Substances Act. In addition, provisions of the Controlled Substances Act which prohibit the distribution of controlled substances within 1000 feet of a public, private, elementary, or secondary school are strengthened to also prohibit the manufacturing of a controlled substance within that area. The category of protected institutions is also expanded to include vocational schools, colleges, and universities.

The "Chemical Diversion and Trafficking Act of 1986" expands the Controlled Substances Act by establishing a system of recordkeeping and identification requirements that are designed to keep drug precursor and essential chemicals out of the hands of drug traffickers and identify suspicious purchasers of these chemicals.

The "Money Laundering Crimes Act of 1986" attacks money laundering by directly punishing money laundering as an offense (in comparison with present law which punishes only the failure to file certain currency transaction reports). The bill also includes stiff penalties and criminal and civil forfeiture provisions as additional sanctions for money launderers. Moreover, to facilitate investigation and prosecution, the offense of money laundering would be added as a predicate for purposes of the wiretap, RICO and ITAR (Interstate Travel in Aid of Racketeering) statutes. The Right to Financial Privacy Act would be amended to encourage financial institutions voluntarily to provide law enforcement authorities with information about suspected criminal activities. The bill also strengthens the enforcement provisions in the Bank Secrecy Act. The provisions of this bill are similar to the Money Laundering and Related Crimes Act submitted to the Congress by the Attorney General on June 13, 1985.

The "Controlled Substances Act Technical Amendments Act of 1986" provides a series of technical amendments to the Controlled Substances Act which, in the aggregate, would significantly aid federal investigators and prosecutors.

The "Controlled Substance Analogs Enforcement Act of 1986" adds a new section to the Controlled Substances Act making it unlawful to manufacture with the intent to distribute, to distribute or to process controlled substance analogs (popularly

known as synthetic or "designer" drugs) intended for human consumption unless such action is in conformance with the Federal Food, Drug, and Cosmetic Act, regarding new drug approval. This is similar to the proposal submitted to the Congress by the Department of Justice last year.

The "The Asset Forfeiture Amendments Act of 1986" would strengthen the special fund established in 1984 to encourage increased drug forfeitures by providing a mechanism to finance forfeiture-related expenses incurred by federal law enforcement agencies. The bill also amends the RICO and drug forfeiture provisions, as enacted by the Comprehensive Crime Control Act of 1984, to add a provision permitting forfeiture of so-called "substitute assets" of a defendant whose property subject to forfeiture upon conviction could not be forfeited because, e.g., of its transfer to a third party, or its transfer outside the United States.

The "Exclusionary Rule Amendments of 1986" clarifies the admissibility of evidence if the search for and resulting seizure of the evidence was undertaken in an objectively reasonable belief that it was in conformity with the Fourth Amendment. This expands upon the recent decision of the Supreme Court of the United States which recognized that the purpose of the Exclusionary Rule is to deter police misconduct and that the purpose of the Rule is not served where the officer involved in a seizure of evidence was properly trained and had both an objectively reasonable and good faith belief that he was acting properly. Suppression of evidence in such cases does not deter misconduct; it only serves to free the guilty, promote disrespect for the law, and endanger society.

TITLE VI

The "Public Education and Private Sector Initiatives Act of 1986" makes two changes to remove statutory impediments to ongoing efforts to recruit private sector groups for volunteer programs to educate the public about the dangers of drug use. Both changes are limited in scope and do not reflect any fundamental criticism of the statutes being amended. Instead, they merely seek to change anamolies in the law, which we do not believe Congress ever intended, to ensure that they do not interfere with efforts to establish a public sector-private sector partnership to aid in the war on illegal drugs.9/12/86

EO

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/12/86 **ACTION/CONCURRENCE/COMMENT DUE BY:** 9/13/86, 1:00 p.m.

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED DRUG FREE WORKPLACE

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☑	MILLER - ADMIN.	☐	☐
REGAN	☐	☑	POINDEXTER	☐	☑
MILLER - OMB	☐	☑	RYAN	☐	☐
BALL	☑	☐	SPEAKES	☐	☑
BARBOUR	☐	☐	SPRINKEL	[redacted]	☐
BUCHANAN	☑	☐	SVAHN	☑	☐
CHEW	☐P	☐SS	THOMAS	☑	☐
DANIELS	☑	☐	TUTTLE	☐	☐
HENKEL	☐	☐	WALLISON	☑	☐
KING	☐	☐	TURNER	☑	☐
KINGON	☑	☐	CLERK	☑	☐
MASENG	☐	☐	_____	☐	☐

REMARKS:

May I please have your comments on the attached proposed Executive Order by 1:00 p.m. Saturday, September 13. Thank you.

RESPONSE:

CLOSE HOLD

David L. Chew
Staff Secretary
Ext. 2702

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

SEP 12 1986

MEMORANDUM FOR THE PRESIDENT

FROM: James C. Miller III
Director

SUBJECT: Proposed Executive Order Entitled "Drug Free Federal Workplace"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order, prepared under the direction of the Domestic Policy Council, that would implement your decision to institute new procedures to insure a drug free Federal workplace.

BACKGROUND: The proposed Executive order would establish a policy that Federal employees may not use illegal drugs, whether on-duty or off-duty. The head of each Executive agency would be instructed to implement this policy by developing a plan to achieve the objective of a drug-free workplace with due consideration to the rights of the government, the employee and the general public. The military services have separate procedures for detecting drug use and therefore would not be covered by this order.

Under the proposed order, the head of each agency would establish and conduct a program to test any employee in a sensitive position for illegal drug use. Each agency head would determine the positions deemed to be sensitive, from within broad categories of eligible positions defined by the order, and the frequency with which drug tests would be conducted. The agency's decision would be based on a determination that the failure of an employee in such a position to fulfill his or her responsibilities would endanger national security or the public health and safety. Each agency head also would establish a program for voluntary employee drug testing, pursuant to your policy that persons who use drugs should be encouraged to come forward and take voluntary steps to solve their own problems.

In addition, the order would authorize heads of agencies to require testing for employees in non-sensitive positions if the agency had reasonable suspicion that an individual was using illegal drugs. Finally, the proposal

would authorize agencies to test applicants for any position for illegal drug use.

Limited drug testing currently is being carried out in several agencies for persons in especially critical and sensitive positions. Existing laws require that illegal drug use must adversely affect on-the-job performance before an agency may base a personnel action on that drug use. The President is authorized by the Civil Service laws to establish standards of conduct for Executive Branch employees and ascertain the fitness of applicants for employment. By signing the proposed Executive order, you would make extensive findings about the substantial adverse effects of drug use, either on-job or off-job, upon the effectiveness and performance of Federal employees. These determinations would provide additional justification for extension of the drug testing program.

The agency drug testing programs would be conducted pursuant to scientific and technical guidelines promulgated by the Secretary of Health and Human Services. Agencies would be required to notify employees, 60 days in advance of the implementation of their new drug testing programs, that testing for use of illegal drugs would be conducted and that employees may seek counseling and rehabilitation. Agencies also would be required to establish procedures to protect individual privacy in the testing program, which would govern unless there were reason to believe that a person would attempt to defeat the integrity of the program.

Under the proposal, agencies would be required to take disciplinary action against any employee found to use illegal drugs, unless the employee voluntarily identifies himself as a drug user or volunteers for drug testing, and thereafter obtains counseling or rehabilitation. In order to avoid creation of disincentives to voluntary participation by employees, agencies would have the authority to retain employees in service while they are undergoing treatment. However, if an employee refuses to obtain rehabilitation or thereafter uses illegal drugs, the agency would be required to remove that person from service. Any adverse actions instituted against an employee who uses drugs would be conducted in compliance with existing procedures, including those established under the Civil Service Reform Act.

While the head of each agency would be responsible for conducting that agency's drug testing program, the Director of the Office of Personnel Management would guide and assist the agencies in implementing the proposed order.

The proposed Executive order has been the subject of extensive discussions by the agencies that are members of the Domestic Policy Council and has been formally circulated to the Cabinet departments and interested White House offices for comment. The departments have suggested several minor modifications to the proposal. As revised, none of these agencies objects to the proposed Executive order.

RECOMMENDATION: I recommend that you sign the proposed Executive order.

Attachment

U.S. Department of Justice

Office of Legal Counsel

1986 SEP 12 P1 6:38

Office of the
Assistant Attorney General

Washington, D.C. 20530

SEP 12 1986

MEMORANDUM

Re: Proposed Executive Order entitled
"Drug Free Federal Workplace"

The attached proposed Executive order has been submitted by the Domestic Policy Council. The Office of Management and Budget, with the approval of its Director, has forwarded the proposed order to this Department for review of its form and legality.

The proposed order will require agency heads to develop plans to ensure a drug free federal workplace, including the establishment of a program of drug testing to identify federal employees who use illegal drugs. Section 1 of the proposed order requires federal employees to refrain from the use of illegal drugs and declares that illegal drug use is contrary to the efficiency of the service. Section 2 requires the head of each agency to develop a plan to achieve the objective of a drug free federal workplace. Section 3 requires the head of each agency to establish drug testing programs, including a program to test employees in "sensitive" positions and a program of voluntary testing. Section 3 also authorizes the head of each executive agency to test any employee who is under reasonable suspicion of illegal drug use and any applicant for federal employment. Section 4 specifies drug testing procedures and includes a requirement that procedures for providing urine specimens must allow individual privacy in the absence of a reason to believe that a particular person may alter the specimen provided. Section 5 of the proposed order requires that agencies refer all employees who are found to use illegal drugs to employee assistance programs and that agencies initiate disciplinary action against such employees unless the employees have identified themselves as illegal drug users or have undertaken voluntary testing. Section 6 requires that the Director of the Office of Personnel Management coordinate all agency programs established under the order in consultation with the Attorney General, who will render legal advice regarding the implementation of the order. Section 7 defines the categories of employees who hold "sensitive" positions. Section 8 provides that the order will become effective on the date of its issuance.

The proposed order raises two chief legal issues: first, whether the contemplated drug testing programs are consistent with the Fourth Amendment prohibition against unreasonable searches and seizures and, second, whether the personnel actions authorized by the order are permitted by current federal statutes. We have comprehensively addressed these issues in a lenghty memorandum previously prepared for the Attorney General.

1. Because drug testing can be characterized as a search and seizure, we must consider whether any testing required by the order is "unreasonable" within the meaning of the Fourth Amendment. In our judgment, the order has no such infirmity. While it can be argued that applicants and employees waive their Fourth Amendment rights by seeking to secure or maintain federal employment, we believe that given the current state of the law,[1] the drug testing regime called for under the proposed executive order must withstand scrutiny under traditional Fourth Amendment principles. Given this assumption, we believe the courts would determine whether drug testing is reasonable by balancing the government's interests in conducting the testing against an individual's privacy interests. See, e.g., New Jersey v. T.L.O., 105 S. Ct. 733, 741 (1985). The government's weighty interests are recited in the preamble of the order and need not be reiterated. Individual privacy interests are present, but less significant, because in response to the advice of this Office, section 4(c) of the proposed order ensures that an individual must be allowed to produce his or her urine sample in private unless reasonably suspected of intending to alter the sample.[2] Thus, when government and individual interests are balanced, we conclude that the Fourth Amendment leaves ample room for the provisions of the order requiring agency heads to establish drug testing programs for sensitive employees and authorizing them for applicants.[3]

The order naturally does not attempt to specify every detail regarding the implementation of drug testing. Instead, agency heads (sec. 3), the Secretary of Health and Human Services (sec. 4(d)), and the Director of the Office of Personnel Management (sec. 6) are authorized to make several important determinations that may have a bearing on the constitutional analysis governing

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[1] See, e.g., Pickering v. Board of Education, 391 U.S. 563, 568 (1968); Connick v. Myers, 461 U.S. 138 (1982).

[2] In view of this provision, we do not think that the testing would involve a search of the person but merely a seizure and search of personal effect, i.e., body wastes. Moreover, under the reasoning of United States v. Jacobson, 466 U.S. 109, 122-125 (1984), the testing of the sample would have little if any effect on legitimate expectations of privacy.

[3] We think that a structured drug screening program would sufficiently constrain administrative discretion so as to obviate any need for a warrant.

actual drug testing. Thus, while the order is constitutional on its face, any definitive constitutional analysis of the implementation of the order must await these administrative determinations. In this regard, we note the importance of section 6(b) of the order which provides that "the Attorney General must be consulted with respect to all guidelines, regulations and policies to be adopted pursuant to the order" and "shall render legal advice regarding the implementation of the order."

2. The provisions of the proposed order prescribing personnel actions against employees who are found to be users of illegal drugs are consistent with applicable federal statutes. The Drug Abuse Office and Treatment Act of 1972, 42 U.S.C. 290ee-1, prohibits the denial or deprivation of federal civilian employment or other benefits "solely on the ground of prior drug abuse," except with regard to certain law enforcement or national security positions. Because the statute refers only to "prior" drug abuse, we construe the Act to permit a program calling for personnel actions based on current drug abuse.[4]

Nor do the terms of the proposed order conflict with the Rehabilitation Act of 1973, 29 U.S.C. 791, 794. The Act has been construed to prohibit the federal government from discriminating against employees or applicants on the basis of handicap, and may require the government to take affirmative steps to promote the employment of the handicapped. Drug addiction, with certain exceptions, is a handicap for purposes of this statute, but mere use or abuse of illegal drugs is not. Accordingly, personnel policies that single out addicts for special treatment are likely to be subject to scrutiny under this statute, but policies based on drug use are not handicap-based, and thus do not implicate the Rehabilitation Act. The proposed order does not contemplate that any judgments be made based on addiction, and thus does not call the Rehabilitation Act into play.

Finally, certain provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 2302(b)(10), 7513(a), require the government to show a "nexus" between disapproved conduct and the "efficiency of the service" before initiating adverse personnel actions against employees or applicants covered by the statutes (primarily persons in the competitive service). The phrase "efficiency of the service" can include the employee's job performance or the effect of his conduct on the performance of fellow employees, workplace morale, or public confidence in government. Where illegal drug use would frustrate the mission of a particular agency, see Allred v. Department of Health and Human Services, 786 F.2d 1128, 1131 (Fed. Cir. 1986), or the employee is in a position involving national security, public safety, or requiring public trust, see Borsari v. FAA, 699 F.2d 106, 110 (2d Cir. 1983), cert. denied,

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[4] The statute, however, has never been judicially construed, and other constructions are possible.

464 U.S. 833 (1984); Swann v. Walters, 620 F. Supp. 741, 746 (D.D.C. 1984), the government is permitted to presume that illegal drug use will have an effect on job efficiency. Section 1 of the proposed order embodies such a presumption, specifying that the use of illegal drugs, whether on-duty or off, by federal employees is contrary to the efficiency of the service. In light of the foregoing principles, application of this presumption to civil service employees in sensitive positions, as defined in section 7(d) of the proposed order, does not appear to pose a problem. Application of the presumption to employees or applicants outside the range of positions specified in section 7(d) who are found to be illegal drug users is more problematic. The preamble to the proposed order, however, finds that there is a connection between illegal drug use and productivity and reliability on the job, and that illegal drug use necessarily erodes public confidence in government, thus impairing the efficiency of the illegal drug user's fellow employees. Assuming that the factual findings in the proposed order have an evidentiary basis, they are sufficient to provide the requisite presumption of nexus under the Civil Service Reform Act.

For the foregoing reasons, the order is acceptable with respect to form and legality.

Charles J. Cooper

Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel

U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Drug Free Federal Workplace." This proposed Executive order has been submitted by the Domestic Policy Council. It has been forwarded, with the approval of the Director of the Office of Management and Budget, to this Department for review of its form and legality.

The proposed Executive order is approved with respect to form and legality.

Respectfully,

Charles J. Cooper

Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

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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:

Section 1. Drug Free Workplace. (a) Federal employees are required to refrain from the use of illegal drugs.

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

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

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 due 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 use 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 sensitive positions. The extent to which such employees 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.

(d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

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 rehabiliation 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 once promulgated.

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) Agenicies 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 the service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.

(h) Drug testing shall not be conducted pursuant to this Order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of title 21 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.

(c) Nothing in this Order shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order within the Intelligence Community, as defined in Executive Order No. 12333, shall be subject to the approval of the head of the affected agency.

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 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 head, designates Special Sensitive, Critical-Sensitive or Noncritical-Sensitve under Chapter 731 of the Federal Personnel Manual or an employee in a position which an agency head 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) Law enforcement officers as defined in 5 U.S.C. 8331(20); and

(5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

(e) For 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 services as defined in 5 U.S.C. 2102(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 is effective immediately.

THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

DRUG ABUSE POLICY

Contents

ADMINISTRATION
LEGISLATIVE SUMMARY

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:

- Drug-Free Workplaces
- Drug-Free Schools
- Expanding Drug Treatment and Research
- Improving International Cooperation
- Strengthening Law Enforcement
- 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

- 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

- 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.

- Funding is proposed through offsets in the Department of Education FY 1987 appropriation.

- Demonstrated success is required as a condition for continued funding.

- 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

- The proposed legislation eliminates unnecessary restrictions imposed under current block grant programs.

- (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

- The legislation proposes repeal of the Mansfield Amendment, which prohibits Federal officers from participating in drug arrests in foreign countries.

- 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.

- Immigration requirements are amended to allow deportation of aliens involved in drug trafficking.

Title V. Strengthening Law Enforcement

- The proposed legislation includes eight subtitles clarifying and strengthening penalities 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.

- Money laundering enforcement and penalties are strengthened.

Title VI. Increasing Public Awareness and Prevention

- 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.

- Authorization is included to make United states Information Agency films on the dangers of drug abuse available for domestic audiences.