

Reisman

OCA FILE Legislation
RECPT # Chiuu

17 September 1986

OCA 86-3150

NOTE FOR: The Director
The Deputy Director

THROUGH: Dave Gries

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FROM:

SUBJECT: "Drug Testing" Amendment to FY-87 Authorization Bill

At noon today, we learned for the first time that Representative Clay Shaw (R-Fla) had just drafted and was about to offer on the House floor an amendment to the Intelligence Authorization Bill that would require each agency in the intelligence community to establish a program for drug testing of its personnel. A copy of the amendment is attached.

In the 15 minutes we were given to comment on the proposal, we contacted HPSCI Staff Director Latimer and Chief Counsel O'Neil on the House floor and argued that we could not support the amendment because we knew little or nothing about its scope, purpose, or the means by which such a program will be funded. They, too, professed total ignorance about the amendment, but indicated that there was little they could do to stop it. Meanwhile, the amendment passed by voice vote (there were only a handful of members on the floor at the time, most of whom we were told were Republicans who supported the measure).

However, it does not appear that the amendment will have an adverse impact on us. According to Shaw's statement on the floor, the amendment is intended to track with the President's recent Executive Order. Thus, the head of each agency will have considerable discretion in determining how to implement its own drug testing program. Since we have such a program already in place (with the polygraph as the key tool), it does not appear that we will have to undertake any new or separate initiatives. HPSCI staff has agreed to reaffirm this point in the legislative history, and in any case the Shaw Amendment may not survive the House/Senate Conference should one take place.

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Attachment
as stated

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OCA/LEG, (17 September 1986)

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Page 33, insert after line 7 the following:

Title 7, Drug Testing: Controlled substance testing program:

Section 701(a), the head of each agency referred to in section 101, shall implement a controlled substances testing program for any employee of such agency for whose activities funds are authorized by this act.

(b) the results of any test administered under subsection (a) shall be reported--

(1) to the individual tested; and

(2) to the appropriate agency head or other authority responsible for implementing the program under which the test is administered.