

FOR RELEASE UPON DELIVERY
WEDNESDAY, MAY 29, 1996

*REMARKS BY
DONNA E. SHALALA
SECRETARY OF HEALTH AND HUMAN SERVICES

NATIONAL TOBACCO CONTROL CONFERENCE
CHICAGO, ILLINOIS

*THIS TEXT IS THE BASIS OF SECRETARY SHALALA'S ORAL REMARKS.
IT SHOULD BE USED WITH THE UNDERSTANDING THAT SOME MATERIAL MAY
BE ADDED OR OMITTED DURING PRESENTATION.

As I look out over this audience, I feel like the manager of a baseball All-Star team. We've got all the bases covered by the best in the business.

Many of you are long-time veterans. Some of you are rookies. But, all of you are heroes. Whether you're cracking down on youth smoking, or educating all our citizens about this deadly addiction, you are saving precious lives, precious resources, and precious futures.

And, I am honored to join you today.

Fifty years ago, an ad appeared in Life Magazine proclaiming, "More doctors smoke Camels than any other cigarette." That was then.

This is now: Television and radio airwaves no longer carry commercial jingles touting the "pleasures" of smoking and smokeless tobacco. And parents and children are now armed with powerful information in the battle to save their health and maybe even their lives.

Yes, we have "come a long way, baby." But our journey is not over.

Not when more than 90 percent of 6-year-olds can identify Joe Camel as a symbol of smoking.

Not when 77 percent of high school students who tried were able to buy cigarettes in stores -- without showing proof of age.

Not when smoking among high school students has climbed about 25 percent in four years.

Not when the smoking rates for African American males in high school have almost doubled in the past four years.

Not when 45 percent of white male high school students use smokeless tobacco or cigarettes.

And not when the average smoker starts at age 14 1/2 and becomes a daily smoker before age 18.

Smoking is a pediatric disease -- that must be stopped.

Just listen to what our young people have to say:

This from a 16 year-old girl: "I'd like to be a model. Smoking burns off a lot of calories."

A teenager says: "My nerves are bad. Smoking calms me down."

One girl started smoking at 14 because, "All these really cool girls were doing it. I thought they looked so cool."

Every time a child lights up a cigarette, the future of our country hangs in the balance.

Every time a child lights up a cigarette, who knows what brilliant minds and bright dreams will fade into the bleak backdrop of disease and premature death: Future world-class athletes, future computer giants, future educators, and, maybe even future Presidents.

Every young person we can save today is another smoke-free adult tomorrow. And, that's why this conference is so important.

The tobacco culture has essentially functioned as a "third parent" for American children: Enticing them with attractive images; playing upon their desire to be glamorous; luring them with T-Shirts and trinkets; and, giving them easy ways to obtain cigarettes from vending machines and even free giveaways.

There is not a parent in America who wants their children to endure the suffocating death grip of emphysema or lung cancer.

That's why we're working with you to implement the Synar regulations -- and help states flash a red light on the sale of cigarettes to minors.

That's why we are helping support local community-based groups through the National Cancer Institute and the Centers for Disease Control and Prevention.

And that's why we're continuing to support research that sheds light on why children start smoking -- and what we can do to help stop them.

But now, we have an opportunity to stand with parents and do even more.

We have an opportunity to strike a big blow -- a winning blow -- against underage smoking in this country.

Never before in history. Let me repeat: Never before in history has a President had the courage and conviction to take on the fight against tobacco -- in the name of public health and the name of our children. I am proud of that -- and I know you are too.

Overall, our goal is to reduce smoking among children and adolescents by 50 percent within seven years. And, to do that, this President has offered some of the boldest public health proposals this country has ever seen.

To reduce the access and appeal of tobacco to children, we propose to limit all the easy ways that children get tobacco; keep tobacco billboards at least 1,000 feet from our children's schools; take the Marlboro Man and Joe Camel out of publications read by millions of children; and prohibit tobacco companies from using the allure of their name brands in sponsoring events.

Some might say: "Can't parents take care of their children?" The answer is, "Of course they can."

That's precisely the point of our proposal: To make sure that parents -- not the tobacco culture -- are in control when it comes to educating children about an addiction that could take years off their lives.

Our proposal is about putting power back into the hands of parents -- where it belongs. And, it's all part of our comprehensive strategy to help parents steer their precious children away from all the dangerous minefields like drugs, tobacco, pregnancy, AIDS and violence -- and towards healthy, productive futures.

Are these important steps? Absolutely.

With the Food and Drug Administration proposed rule, we would reduce kids' access to tobacco and the substantial appeal created by \$6 billion of advertising and promotion.

The President has put forth a comprehensive and effective proposal to reduce children's use of cigarettes and smokeless tobacco.

The President's mark is the right one.

I know some of you may be wondering about the possibility of finding a legislative solution to this problem.

Last August, in the East Room, the President said he would rather put these restrictions into law immediately through legislation than wait for a long regulatory proceeding.

And just recently, the President reiterated this point, by saying: "If the tobacco companies will voluntarily accept legislation containing limits that will be as effective as what we propose, I will say, again, we believe it's better to have the companies come forward and ask for legislation."

Let me be clear: When we are shown a bill that is as effective and meaningful as the measures the President has proposed, we will enthusiastically work with Congress.

But, Philip Morris and United States Tobacco's proposal falls short of that mark.

For example, under their proposal, the Marlboro Man would still ride the billboard prairies and rope our children in. Our children would still be able to walk into stores and grab a pack of cigarettes from a self-service display. And, Joe Camel would still pop up in magazines read by lots of children -- offering concert tickets in exchange for a lifetime of addiction.

That is not good enough.

If the companies seriously engage Congress, and Congress gets to work on legislation that meets the President's mark, he is ready. Meanwhile, we will continue to work on the President's initiative.

We will not -- let me repeat -- we will not retreat from our commitment to the health of our children. And, I know you won't either.

But government cannot do it alone -- and we shouldn't ever try. It's going to take leaders who speak to children every day -- from the family rooms to the classrooms, and from the televisions to the soccer fields.

We need to reach children where they live, where they learn, and where they hang out -- with words and images they understand.

That's why we're teaming up with leaders throughout the media and entertainment industries -- from daytime talk show hosts to TV producers to the editors of popular magazines.

Some people say that we're wasting our time trying to work with the entertainment industry. They say that the industry will never change and that the proper role for government is merely to shake a finger at them. But, I strongly disagree.

I don't have the luxury or the desire to give up on people who speak to millions of children each day.

You're looking at a huge movie fan -- and I know that this industry is savvy and talented enough to create characters who are cool enough not to smoke.

That's the challenge I brought to industry leaders when I visited California last month -- to use their enormous power the right way. And, that's the message we need to send to role models all over America: "Our children are watching your example." The question is, what lessons will they learn?

From the PTA, parents are learning how they can act today to help their children avoid tobacco and addiction tomorrow.

From Major League Baseball and Oral Health America, they're learning about the tragic effects of smokeless tobacco.

From the American Medical Association, the American Cancer Society, the American Lung Association, the American Heart Association, the American Academy of Pediatrics, and others, communities are learning how to protect children from tobacco -- school by school, block by block, home by home.

And, from the U.S. National Women's Soccer team, they're learning that like oil and water, tobacco and fitness just don't mix.

Saving our children from a lifetime addiction is going to take all of us -- from parents to teachers, from coaches to clergy, from business to government at the Federal, State and local levels, to young people themselves.

Because, the battle against underage smoking will only be won at the community level by leaders like you; leaders who forge strong partnerships; and leaders who marry vision with action to stop smoking before it even starts.

I want you to know that our Administration remains 100 percent committed to the effective work you do at the State, local and community levels. And we must continue to support your community-based initiatives now and into the future.

With your leadership, we have an opportunity to return power to parents and communities.

We have an opportunity to change the course of deadly diseases.

We have an opportunity to help children avoid the shadow of nicotine addiction -- protecting our best and smartest investment for the future.

And, if we win this battle, we have an opportunity to fundamentally change the course of history -- and do something that historians will no doubt record as the most important public health triumph of our time.

It can be done. It must be done. And, working together, it will be done.

Thank you.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: Drug Testing

DRUG TESTING

"In January of 1995, the Clinton Administration supported high school athlete drug testing in an amicus brief to the Supreme Court, sending a message to parents and students that drug use will not be tolerated in our schools"

8TH DISTRICT, MASSACHUSETTS
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COMPENSATION, PENSION, INSURANCE
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WASHINGTON, DC 20515-2108
(202) 225-5111
SUITE 605, THE SCHRAFFT CENTER
529 MAIN STREET
CHARLESTOWN, MA 02129
(617) 242-0200
801(A) TREMONT STREET
ROXBURY, MA 02118
(617) 445-1281

Congress of the United States
House of Representatives
Washington, DC 20515-2108

March 21, 1996

Dear Colleague:

Please join me as an original cosponsor of legislation to provide \$35 million in grants to states to give drug tests to individuals in the criminal justice system.

Under the legislation, states could establish pilot programs or expand existing programs in which those persons arrested or released from jail or prison would be asked to submit to a drug test. Drug testing and sanctions would force drug-involved offenders to abstain from further illicit drug use or face the consequences. Those consequence could include no bail or no probation. For example, if the arrestee or prisoner refused to take a drug test, or failed the drug test, this would become a factor for the court to consider in setting pre-trial or post-prison conditions. In short, it's a "carrot and stick" approach: stay drug-free, or else.

This initiative is modeled after a successful federal program requiring drug testing of all arrestees of federal crimes. Currently 14 federal judicial districts require such drug testing, and in December 1995 President Clinton issued a directive to the Attorney General to "establish a program whereby federal prosecutors will seek appropriate measures for arrestees who fail pretrial drug tests" and "encourage States to adopt and implement the same policies...".

According to President Clinton's directive: "More than half of all individuals brought into the nation's criminal justice system have substance abuse problems. Too often, the same criminal drug users cycle through the court, corrections, and probation systems still hooked on drugs and still committing crimes to support their habit." A 1995 study, completed for the Office of National Drug Control Policy, reported that of the roughly 300 metric tons of cocaine bought and consumed in the United States every year, about 60 percent is bought by people under the jurisdiction of the criminal justice system: on bail, on probation, or on parole."

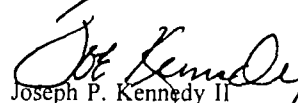
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From the Bush Administration's 1991 Drug Strategy: "Drug testing through urinalysis is the only practical, reliable way to determine whether offenders have abstained from drugs while incarcerated or under correctional supervision, on parole or on probation. In fact, the National Drug Control Strategy calls for drug testing to be a part of every stage of the criminal justice process from the time of arrest through parole."

From 1995 congressional testimony of John Walters, former Acting Director of the Office of National Drug Control Policy during the Bush Administration: "Drug testing is a proven tool to discourage drug use by individuals in treatment and those in the criminal justice system."

To cosponsor this legislation, please contact me or John Edgell of my staff at 225-5111.

Sincerely,


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MEMBER OF CONGRESS



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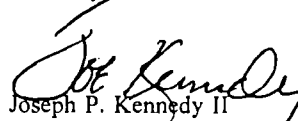
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2242 RAYBURN BUILDING
WASHINGTON, DC 20515-2108
(202) 225-6111

SUITE 605, THE SCHRAFFT CENTER

529 MAIN STREET
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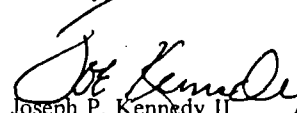
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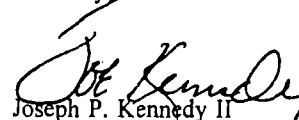
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Joseph P. Kennedy II
MEMBER OF CONGRESS

THE WHITE HOUSE

WASHINGTON

December 18, 1995

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Development of the Administration's Federal
Arrestee Drug Testing Policy

Illegal drugs plague our communities, causing despair and illness, and, most importantly, contributing significantly to unacceptable levels of crime and violence. More than half of all individuals brought into the Nation's criminal justice system have substance abuse problems. Too often, the same criminal drug users cycle through the court, corrections, and probation systems still hooked on drugs and still committing crimes to support their habit.

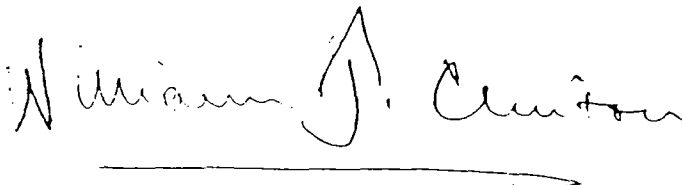
We can and will continue to prosecute and convict these criminal drug users. Yet our criminal justice system must do more to try to reduce drug use. Across the country, employers have accepted their corporate responsibility to reduce the levels of drug use within their workplaces.

So too, the agencies of our criminal justice system must do their part, giving criminal drug users powerful incentives to stay off drugs by putting a high price on continued drug use. These incentives -- commonly referred to as "coerced abstinence" -- should be applied at the earliest possible stage in a person's interaction with the criminal justice system -- following arrest.

To ensure that we are doing all we can to break the cycle of drugs and crime, I am directing you to develop a universal policy providing for drug testing of all Federal arrestees before decisions are made on whether to release them into the community pending trial. I further direct that you establish a policy whereby Federal prosecutors will seek appropriate measures for arrestees who fail pretrial drug tests.

The Federal criminal justice system should serve as a model for State criminal justice systems -- where the majority of criminal cases are processed and the cycle of repeat drug-related offenders is most evident. Therefore, I am also directing you to take all appropriate steps to encourage States to adopt and implement the same policies that we are initiating at the Federal level.

You should report to me in writing by March 31, 1996, on the specific steps you will take to implement this policy.



Draft

12/15

FEDERAL ARRESTEE DRUG TESTING PROGRAM

QUESTIONS AND ANSWERS

Presidential Announcement:

The President will announce that the Federal Government is establishing a policy in which Federal prosecutors will move to drug test anyone arrested in the Federal criminal justice system prior to his or her first appearance.

Questions and Answers:

Q: What is the purpose of this directive?

There is a direct link between drug use and crime -- both because people commit crimes under the influence of drugs and because they commit crimes to sustain their drug use. Our goal is to reduce drug use and drug-related crime by coercing people through continued testing not to use drugs or by incarcerating those who because of drug use pose a continued threat to the community.

Q: How will it be accomplished?

The President will sign a Directive to the Attorney General directing her to develop a universal policy requiring federal arrestees to submit to drug testing before decisions are made on whether to release them into the community pending trial. He would further direct her to establish a policy whereby federal prosecutors will request sanctions, such as detention, and on-going testing for arrestees who fail these initial drug tests.

Q. Doesn't drug testing already occur in every Federal District?

Some drug testing does exist now in the Federal system during pretrial stages. However, it is administered infrequently and sporadically and it is rarely if ever done before the first appearance with little to no sanctions for a dirty test.

The Clinton Drug Testing Program requires offenders to be tested before their initial court appearance. This provides the judge with the best information before any decision is made on pre-trial release. We are not going to permit offenders to be released without an effort to coerce their abstinence.

The main concern of the Federal Courts is that an arrestee show up for trial and not whether s/he is using drugs. Lots of drug users show up for trial; lots of Federal arrestees receive bail and go back to using drugs before their trial.

A 1988 Drug Act required the Federal Courts to establish and evaluate pretrial drug testing in several Districts. The report from that program recommended exactly what the Clinton Federal Arrestee Drug Testing Program will accomplish.

The Clinton Drug Testing Program uses the power of the criminal justice system to coerce abstinence and clean out the criminal justice system of drugs thereby reducing crime.

Q: How will the plan be implemented?

Currently, when an individual is arrested for a federal crime, he appears before a Federal judge/magistrate to determine whether s/he should be detained or released on bail pending trial. The Federal prosecutor makes a recommendation to the judge on whether the offender should be receive pre-trial release.

Under this directive, the Federal prosecutor would know that the offender was using drugs at the time of arrest and would request that the judge would impose appropriate sanctions.

Q: What happens if the arrestee fails the drug test?

The Federal prosecutor would request that the court require detention or impose appropriate conditions including additional testing and treatment.

Q: What happens if the arrestee refuses to submit to a drug test?

Prior to the first appearance before the judge, the government cannot compel an arrestee to take a drug test. Nevertheless, based on the results of the testing currently being done, over 80% of arrestees agree to take the test when asked. If the arrestee refuses, the judge is made aware of that fact before making a bail determination.

Q: How much will it cost?

The first six months of the program would cost roughly \$3-5 million. Some of the cost would decrease due to the advancing technology and efficiency of drug testing that is being funded by the Justice Department. By March 31, 1996, the Department of Justice will develop a plan based on the most accurate and cost effective testing methods.

Q: What will this initiative signify and accomplish?

This initiative will exemplify this Administration's commitment to breaking the link between drugs and crime. The criminal justice system is overburdened with defendants who recycle though the system on drug-related charges. We must use all tools at our disposal to break that cycle. This federal initiative also will provide an example for the states where the problems of dru use in the criminal justice system are severe.

Q. How will the plan be implemented?

Currently, when an individual is arrested for a federal crime, he appears before a Federal judge or magistrate for purposes of determining whether he should be detained or released on bail pending trial. ~~Under the Bail Reform Act, the judge's decision is based on whether the arrested person is a danger to the community.~~ The judge relies, in part, on the recommendation of the federal prosecutor, who can request either detention or conditions of release.

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June 27, 1995
Original

Court Says Schools Can Do Random Drug Tests

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

Public schools may randomly test their student athletes for drugs, the Supreme Court ruled.

While yesterday's 5-3 ruling concerned testing for marijuana, cocaine and amphetamines in a sports program, some lawyers predicted that schools may use the ruling as a first step toward testing entire student bodies for drugs. The ruling also gives a green light to public colleges and universities to test athletes for drugs.

"It's great," said Gwendolyn Gregory, deputy general counsel for the National School Boards Association in Alexandria, Va. Many school districts hesitated to test athletes randomly because they didn't know if that would violate students' Fourth Amendment protection against "unreasonable" searches, Ms. Gregory said. "I think you'll get more drug testing by school districts now, but I don't think it will be rampant."

The case concerned the logging town of Vernonia, Ore., where school officials said that in the late 1980s, students were abusing drugs openly and boasting about it. Disciplinary problems skyrocketed, according to the officials. Because athletes were supposed to be leaders of the student

LEGAL BEAT

body and because of the risk of sports-related injuries, Vernonia required random urine testing for participants in interscholastic sports. The school district said the drug-testing policy improved discipline and decreased drug use.

School districts around the country watched the case closely. The high court's ruling could save a testing program for athletes in the Paradise Valley Unified School District in Phoenix, Ariz. A federal trial judge last year struck down the Phoenix program on Fourth Amendment grounds. But after yesterday's Supreme Court decision, the district's lawyer, Thomas Horne, said his appeal would have a much better chance.

The Clinton administration's "drug czar," Lee Brown, called the ruling "a major victory for kids and drug education at a time when drug abuse among the young is rising." He cited studies by University of Michigan researchers that found that after declining in the late 1980s, student use of marijuana, hallucinogens and other drugs has shown "a significant increase" lately.

But in a sternly worded dissent, Justice

Sandra Day O'Connor warned that "the greatest threats to our constitutional freedoms come in times of crisis." Even if limited to student athletes, she added, the high court's ruling could force millions of youngsters who haven't given school officials any particular reason to suspect that they use illegal drugs to undergo "intrusive" urine tests.

The judicial lineup in yesterday's decision was somewhat surprising. Justice O'Connor is generally thought of as sympathetic to local officials trying to deal with social problems such as drug use. She was joined in dissent by two of the court's more liberal members, Justices John Paul Stevens and David Souter.

Signing the majority opinion were both of President Clinton's appointees, Justices Ruth Bader Ginsburg and Stephen Breyer. Justice Antonin Scalia wrote the majority opinion, which was also joined by Chief Justice William Rehnquist and Justices Anthony Kennedy and Clarence Thomas.

"Deterring drug use by our nation's schoolchildren is at least as important as enhancing efficient enforcement of the nation's laws against importation of

drugs," Justice Scalia declared. He was referring to a 1989 high court decision that upheld random drug testing of U.S. Customs Service employees involved in drug enforcement.

The Fourth Amendment generally requires authorities to get a warrant based on a suspicion of wrongdoing before they conduct a search or subject someone to a drug test. But Justice Scalia said special circumstances allow exceptions to that rule.

He pointed to the 1989 ruling on customs employees and another from that year allowing random drug testing of railroad employees involved in accidents. The high court has ruled in the past that the need to maintain order in schools justifies intrusions on students' rights that wouldn't be allowed in other settings. Yesterday, Justice Scalia said random drug testing of students is reasonable when school officials think drug use has gotten out of control.

The Vernonia case began in 1991, when then-seventh grader James Acton was barred from playing football because he refused to be tested for drugs. His parents filed suit on his behalf and, after a trial-court defeat, persuaded the federal

Please Turn to Page B2, Column 5

FRONT PAGE LEAD STORY

Washington Times

WASHINGTON, D.C., TUESDAY, JUNE 27, 1995 **

PHONE: (202) 636-3000
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Drug tests of school athletes OK'd

By Frank J. Murray
THE WASHINGTON TIMES

The Supreme Court cleared the way yesterday for public schools to require periodic drug testing of athletes, without cause, as a condition of letting them play interscholastic sports.

"By choosing to go out for the team, they voluntarily subject themselves to a degree of regulation even higher than that imposed on students generally," Justice Antonin Scalia wrote in the 6-3 opinion upholding testing in the tiny Vernonia, Ore., school district.

6-3 court cites voluntary status

"School sports are not for the bashful," he wrote in an opinion that vividly described the openness and "communal undress" of locker rooms. But he suggested the decision does not open the door to testing all students.

"We caution against the assumption that suspicionless drug testing will readily pass constitutional muster in other contexts," Justice Scalia said in a message also affecting adults whose constitutional rights are greater.

In an unusual alliance, Justice

Ruth Bader Ginsburg joined Justice Scalia's majority but added a statement that the court reserved judgment on whether drug-testing could be imposed on all students required to attend school.

Chief Justice William H. Rehnquist and Justices Anthony M. Kennedy, Clarence Thomas and Stephen G. Breyer also joined the majority decision, which finds a "compelling state interest" that overrides any privacy right.

The Clinton administration immediately embraced the decision

and suggested it opens the door to similar programs with government funding.

"Today's ruling will enhance the ability of school districts nationwide to fashion comprehensive programs to keep all of America's schools drug-free and create an environment conducive to learning," said White House drug czar Lee Brown.

*

June 27, 1995

**FRONT
PAGE**

Court OKs Drug Tests For School Athletes

By Reynolds Holding
Chronicle Legal Affairs Writer

The U.S. Supreme Court yesterday allowed public schools to randomly test their athletes for drugs, ruling that the importance of deterring schoolchildren from taking drugs outweighs the students' right to privacy.

The decision strengthens government powers by greatly expanding the scope of "suspicionless searches" — investigations of people who are not suspected of wrongdoing. Certain railroad workers, customs officers and others in risky jobs have long been

subject to drug testing without suspicion, but yesterday's ruling makes clear that even people in more mundane pursuits may not

More Supreme Court News

SEE PAGE A2

be immune from the drug war's intrusions.

"Deterring drug use by our nation's schoolchildren is at least as important as enhancing efficient enforcement of the nation's laws against the importation of drugs,"

ATHLETES: Page A13 Col. 1

Justice Antonin Scalia wrote for the court. "School years are the time when the physical, psychological and addictive effects of drugs are most severe."

The ruling drew harsh criticism from civil libertarians and from dissenting Justice Sandra Day O'Connor, who said that millions of students could be subjected to intrusive testing even though they are not suspected of drug use.

But by a 6-to-3 vote, the justices decided that the "state as schoolmaster" has more power over students than over "free adults." The court also said students do not expect much privacy because they are routinely vaccinated and physically examined — and athletes expect even less privacy because they undress in locker rooms.

'Negligible' Invasion

In any case, requiring a student to give a urine sample is a "negligible" invasion of privacy, according to the court, because the testing conditions "are nearly identical to those typically encountered in public restrooms."

Lee Brown, director of the White House Office of National Drug Control Policy, praised the ruling in a press release for providing "another weapon" in the war against drug use.

BURRELLE'S NewsExpress

DATE June 27, 1995
TIME 5:00-5:30 AM
NETWORK NBC
PROGRAM NBC News at Sunrise

ACCOUNT NUMBER 63/6297 XN
NIELSEN AUDIENCE 1.510.110

ANN CURRY, anchor:

The US Supreme Court has handed down two key rulings that could change life at every public school in this country. One allows drug testing for student athletes, the other could open the door to prayers outside the classroom. NBC's Pete Williams covers the court.

PETE WILLIAMS reporting:

The Supreme Court approved letting the nation's public schools require drug testing for millions of student athletes. The case came from Vernonia, Oregon, where school officials said illegal drug use was getting worse. Finding student athletes to be the most prominent abusers, the school ordered urinalysis drug testing for all students going out for sports. Seventh grader James Acton refused testing for football, saying it was an invasion of privacy. The school wouldn't let him play, so he sued. But the Supreme Court upheld drug testing for athletes, Justice Antonin Scalia saying children in school are under state supervision with less privacy than adults. And he said student athletes have even less, showering and dressing together. The Clinton administration called the decision a victory.

* [Mr. LEE BROWN (National Drug Policy Director): It gives school districts around the country another weapon in their arsenal to combat drug use, drug abuse, drug-related violence among America's youth.

WILLIAMS: Civil libertarians said the ruling went too far.

Unidentified Man: The fear or risk that some students will abuse drugs is not an excuse for sacrificing the constitutional rights of all students.

WILLIAMS: In a separate action, the Supreme Court lifted a lower court ban on student-led prayer at graduation exercises. The order ends a court challenge to student-led prayers in nine Western states. But it leaves unanswered the broader question--how far can students go in leading prayers at school ceremonies? Several student prayer cases are making their way here. Now that could clarify what's allowed and what isn't. Pete Williams, NBC News, at the Supreme Court.

31 Clips

The Washington Post

SPORTS

Steinbrenner Will Explain

President Clinton's drug policy director plans to talk to Yankees owner George Steinbrenner and other top baseball figures about adopting stricter drug standards.

"Other owners would not sign a Darryl Strawberry," Lee Brown said at a news conference. "Sometimes you have to say enough is enough is enough. That's what I want to talk to him about."

Brown said he will be talking to Steinbrenner along with acting commissioner Bud Selig and union leader Donald Fehr.

Brown said baseball and other sports have an obligation to set an example for the young. "I wish Darryl Strawberry, the best," he said, "[but] someone who's charged with wife abuse, someone who's charged with drug use, someone who's charged with income-tax evasion—to me that does not serve as something I want my kids to follow."

■ **LIND GRIEVANCE:** The players' association filed a grievance against the Royals for not allowing 2B Jose Lind to rejoin the team. He has been on the disqualified list since June 2, when he left the team without permission after his wife served him with divorce papers. "When Lind did this, he was suffering from an emotional disturbance that would have justified Lind's placement on the club's disabled list," union lawyer Eugene Orza said in the grievance. "The club, instead, decided to discipline Lind, placing him on the disqualified list, a status which deprives Lind of his salary," \$18,055.56 per game.

■ **TRADE:** The Astros acquired C Rick Wilkins (.191, 6 HR, 14 RBI) from the Cubs for OF Luis Gonzalez and C Scott Servais.

From News Services

Washington Times

WASHINGTON, D.C.,

Sunday, July 2, 1995

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*

LEE BROWN

133

Yankees striking out with Strawberry?

The Yankees have struck out by signing Darryl Strawberry. They are sending the worst possible message to the youth of America that if you use drugs, you can be rewarded with big money in big-time sports.

The Yankee management is saying that if you draw fans and make money for the team, you'll simply play again and keep making millions a few months after any drug abuse.

THIS is no myth. Just ask Steve Howe, suspended seven times, or Dwight Gooden, who has played repeatedly after positive drug tests and now has been told the Yankees are interested in him.

This issue is larger than Darryl Strawberry. The issue here is about big-time sports and saving our kids.

You have to raise questions about what it says to kids, who make heroes out of star athletes, to pay

It is no wonder that kids may think that there are no real penalties.

enormous sums to someone who has very recently had a second positive cocaine test, and who is still under house arrest for income tax evasion.

It is no wonder that kids may think that star athletes are into drugs and that there are no real penalties. Worst of all, the drug abusing players have no real motive to change because, despite the talk and the treatment, they know they can just come back.

In the Yankees' zeal to build the gate, they are taking advantage of the fans and Darryl Strawberry, and they are destroying America's great pastime and our youth

Making money at the gate through Darryl Strawberry's drawing power is no excuse to send a seductive message, inadvertent or not, about drug abuse.

Next month, I plan to meet with Acting Baseball Commissioner Bud Selig, Yankees owner George Steinbrenner, and players union representative Donald Fehr to discuss drug use in baseball, what organized baseball can do in drug prevention efforts and to assure that in the future, major league baseball does not engage in prompt resigning of drug abusers.

From my vantage point, sports and drug use is playing the game in

the "red zone" whether it is at the high school, collegiate or professional level.

Ironically, I seem to have gotten more press attention for my criticism of the Yankees than when I simply address drugs as the nation's leading threat to our social fabric, which I and President Clinton believe it is.

When you come down to it, we cannot afford to allow sports to be simply fun and games when drugs are involved. Drug abuse is killing our kids, and major sports should be sending a positive message instead of being part of the problem.

Lee P. Brown is director of the White House Office of National Drug Control Policy. This article was written for Scripps Howard News Service.

SUNDAY, JULY 2, 1995

FORUM

LETTER TO THE SPORTS EDITOR

Waving a Red Flag on Drugs

I have had the utmost respect for Tony Kornheiser. His writing is witty, sharp, and generally to the point. However, his column of June 22 on my criticism of the Yankees signing of Darryl Strawberry is so off base that I feel it merits a response.

Mr. Kornheiser wrote, "The nation's drug czar could find more significant ways to address the drug problem than by trying to get Darryl Strawberry out of baseball ... Shouldn't I be more concerned with the former prosecutors who have been indicted for aiding the Colombian drug cartel?"

As I view my position as President Clinton's Director of National Drug Control Policy, I should be raising the issue of drug abuse in any forum, on any occasion, and to every audience where the message can be delivered. As a reading of Mr. Kornheiser's own paper, The Washington Post, would indicate even in the last month alone, I have strongly addressed the Colombian drug cartel and other non-sports related counternarcotics issues.

My concerns and actions related to breaking the Cali cartel were noted in a Post headline on Sunday, June 18: "Colombia Eases U.S. Concern ... Cali Cartel Crackdown, Leader's Arrest Gets 'Two Thumbs Up' from White House Aide." The article noted a meeting I had with Colombia government leaders urging continued aggressive action against the drug cartel.

A June 10 Post article, "Area's Anti Drug Forces Get Together in Greenbelt," reported my opening of a major anti-drug center in the region, one of seven national "high intensity drug trafficking areas (HIDTA)" I am responsible for, each of which coordinates hundreds of federal, state and local law enforcement officials. One such HIDTA in Miami played a lead role in the recent indictments of former federal prosecutors, on whom Mr. Kornheiser suggested I direct my attention.

A May 28 Washington Post article focused on research my office coordinated with the headline: "Illegal U.S. Drug Expenditures Drop; Hard-Core Use of Cocaine, Heroin Declines About 15%."

In addition, the June 27 Post's lead front-page story, "Court Allows Drug Tests", reports on my support of drug testing of school athletes as ruled permissible by the Supreme Court.

Similar articles appeared in other major media such as The New York Times, USA Today and The Los Angeles Times.

Unfortunately, Mr. Kornheiser's article on drugs never got past first base. If he had asked for my complete statement, he would have

noted that I did not "single out Strawberry" but went on to include "Steve Howe, suspended seven times," and "Dwight Gooden, who has played repeatedly after positive drug tests and now has been told the Yankees are interested in him." In my statement, I made clear the real problem is the "message to the youth of America is that if you use drugs, you can be rewarded with big money in big-time sports."

From my vantage point, drug use is for losers. Athletes who are role models, whether at the high school, collegiate or professional levels, who use drugs have struck out personally and adversely affected their whole team, plus family and friends. Ironically, I seem to have gotten more press attention for my criticism of the Yankees than when I address drugs as the nation's leading threat to our social fabric, which President Clinton and I believe it is.

When you come down to it, big-time sports are not fun and games because of the attention they bring. Drug abuse is killing our kids, and major sports should be sending a positive message instead of being part of the problem. Unfortunately, in Mr. Kornheiser's case, the message did not seem to get through. Hence, I am trying a second time.

— Lee P. Brown

Director, White House National Drug Policy Office



LEE P. BROWN

June 27, 1995
Original

School drug tests OK'd

By Joan Biskupic
The Washington Post

A1

WASHINGTON — In a decision that could touch the lives of millions of school children, the Supreme Court ruled yesterday that public schools can require students to take drug tests as a condition of playing sports.

The court by a 6-3 vote endorsed an Oregon school district's policy that forced junior high boys and girls who wanted to participate in

High court: Athletes may be screened

interscholastic athletics to provide urine samples — which were tested for marijuana, cocaine and amphetamines — under monitored conditions at school. The program covered all students, regardless of whether any of them had been suspected of drug use. Sanctions ranged from required participation in drug-

treatment programs to suspension from the team.

Lee Brown, the White House adviser on drug control policy, called the decision a "victory for kids" and drug-free schools. Brown said he expected schools nationwide to begin routine drug testing of athletes in middle

school and high school.

American Civil Liberties Union legal director Steven Shapiro criticized the decision, saying it "makes students' rights the latest casualty of the 'War on Drugs.'"

Writing for the court, Justice Antonin Scalia rejected arguments that the urinalysis violated the student's constitutional rights to pri-

Please see COURT on 11A

FRONT
PAGE

WASHINGTON EDITION

Los Angeles Times

Tuesday
June 2
199

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DAILY
AN EDITION OF THE LOS ANGELES TIMES

High Court OKs Routine Testing of Students for Drugs

■ **Education:** Ruling involves high school athletes but has potential for exams of all pupils. Children don't have the same Fourth Amendment rights as adults, justices say.

By DAVID G. SAVAGE, TIMES STAFF WRITER

WASHINGTON—In a ruling that could make drug testing commonplace in high schools, the Supreme Court said Monday that students may be forced to undergo routine, random urine tests to see if they are using illegal drugs.

The 6-3 ruling upholds a drug-testing program for school athletes in a small Oregon logging town, but it has the potential to clear the way for the routine testing of millions of students across the country, including those in public schools, the nation's prison and military systems.

Normally, the Fourth Amendment bars government officials from searching someone without some "individualized suspicion" that the person is violating the law. But schoolchildren do not have the same rights, said Justice Antonin Scalia.

"The state's power over schoolchildren ... permit[s] a degree of supervision and control that could not be exercised over free adults," he wrote. "And of course, the effects of a drug-infested school are visited not just upon the users but upon the entire student body and faculty, as the educational process is disrupted."

Lee Brown, director of the White House Office of Drug Control Policy, hailed the decision as a "major victory" and said it "gives school districts around the country another weapon in their arsenal to combat drug use."

But the American Civil Liberties Union condemned the ruling, saying "it sends a strong message to all young people that they are merely second-class citizens."

Last year, the California Supreme Court upheld a drug-testing program for athletes at Stanford University and said the state constitution allows compelled

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FRONT
PAGE
LEAD STORY
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Intergovernmental Affairs
United States Department of Justice
10th and Constitution Ave. NW
Washington, D. C. 20530
April 2, 1996; 10:44 am

TO: Dennis Burke
Rahn Emanuel

FAX: 456-7028
456-6423

FROM: Nicholas M. Gess

TELEPHONE: (202) 514-3465
FAX: (202) 514-2504

Total Pages (excluding this cover): 2

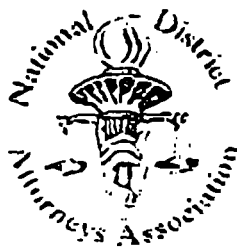
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NATIONAL DISTRICT ATTORNEYS ASSOCIATION

99 Canal Center Plaza • Suite 510 • Alexandria, Virginia 22314

Telephone: (703) 549-9222

Fax: (703) 536-3195

Office of the President

March 23, 1996

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the National District Attorneys Association, representing the local prosecutors of every town, city and county in this nation, I wish to provide you a copy of our resolution on Drug Testing Those Arrested For Felony Offenses. This resolution was adopted by our Board of Directors meeting in Phoenix, Arizona, on March 10, 1996.

In keeping with your Executive Directive of December 1995, our members believe that testing those arrested for serious felony offenses is a crucial step in preventing criminals who use drugs from returning to our streets to prey upon others. The violence that stems from the use of drugs, or from those involved in the drug culture, have been repeatedly shown to be a major cause of crime in America today. The irrational violence of many drugs users, the incessant need for money to feed drug habits or the turf battles over drug transactions bloody our city streets and rural roads alike.

Too often we see individuals arrested for violent crimes released with little or no attempt to determine the underlying cause of the abhorrent behavior; then, again too often, we see these same criminals claiming new victims. If we are to ever break this cycle of violence we need to provide the judicial system with more accurate information as to the arrestees potential for recurring violence. Drug testing is one such determinate.

In that the majority of criminal cases in the United States are tried by the local prosecutor, the National District Attorneys Association resolution appropriately calls upon the state legislatures to establish drug testing programs for each state. While the leadership of the federal government is important in establishing this innovative effort, the real thrust of this initiative must be directed at the local level to achieve significant impact on reducing drug use or violent crime.

Sincerely,

A handwritten signature in cursive script that reads "Michael P. Barnes".

Michael P. Barnes
Prosecuting Attorney, South Bend, Indiana
President, National District Attorneys Association

cc: The Attorney General
General McCaffrey



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

99 Canal Center Plaza • Suite 510 • Alexandria, Virginia 22314
Telephone: (703) 549-9222 Fax: (703) 836-5195

RESOLUTION

DRUG TESTING THOSE ARRESTED FOR FELONY OFFENSES

WHEREAS, drug abuse is the single most identifiable cause for too many of our most serious offenses at the local level; either through the transactions directly associated with drug abuse, through the incessant need to obtain funds to purchase drugs, or through the needless violence that surrounds much of the drug culture; and

WHEREAS, time-and-time again those arrested for the commission of a crime are released while awaiting trial without adequately identifying or addressing the underlying basis for either the crime itself or the individual's continued danger to society; and

WHEREAS, the rampant violence and the scourge of drug abuse that is killing our youth, makes it imperative that we take steps necessary to identify as early as possible those whose drug abuse endangers our safety; and

WHEREAS, drug testing those arrested for felony offenses provides the judicial system with a vital piece of information in assessing the dangers present in releasing an individual back into society pending trial and provides an early opportunity for intervention to break the cycle of drug use and violence.

THEREFORE BE IT RESOLVED THAT, the National District Attorneys Association strongly supports the concept of drug testing those arrested for serious offenses and urges state legislative bodies to adopt such procedures for the individual states.

Adopted by the Board of Directors, March 10, 1996 at Phoenix, Arizona.
96-02.SPR

Clinton Presidential Records Digital Records Marker

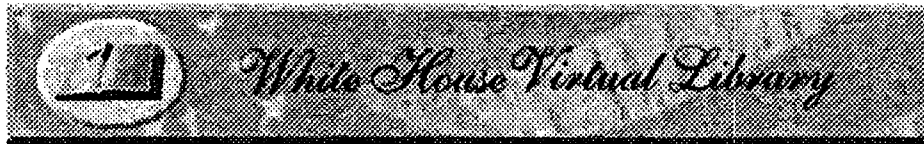
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This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: Zero-tolerance on Drinking

ZERO-TOLERANCE ON UNDERAGE DRINKING

"The Clinton Administration has encouraged states to adopt a "zero-tolerance" standard for drivers under the age of 21 who drive while intoxicated."



Saturday Radio Address

Saturday Radio Address - 1995-06-10

Listen to Address from Beginning || Download Soundfile (.au ~3.5MB)

THE WHITE HOUSE,

Office of the Press Secretary

For Immediate Release

June 10, 1995

RADIO ADDRESS BY THE
PRESIDENT TO THE NATION

The Roosevelt Room

THE PRESIDENT: Good morning. I know all Americans share my deep pride and joy in the safety of Captain Scott O'Grady. We're proud of his courage and his tenacity. And we are very grateful to our Armed Forces for his swift and brilliant rescue. I'm glad we have him back safe and secure.

Today I want to talk about a very real threat to the safety and security of young Americans here at home: Drunk driving. Drunk driving, especially by young people, is one of the most serious and one of the most avoidable threats to public health in America. I'm joined in the White House by members of Mothers Against Drunk Driving, Student Against Drunk Driving, Aaa, and the National Safety Council. In no small measure because of the determined work of private organizations like these, we have taken some very important steps over the last decade to reduce drunk driving.

Most of us who were governors of our states during that period strengthened our own laws against drunk driving. In 1984, President Reagan signed a bill giving states a strong incentive to raise their drinking age to 21. Today that is the law of the land in every state. As a result, teenagers can no longer drive to neighboring states with lower drinking ages. This happened all the time before we had a uniform drinking age, and all too often with tragic consequences.

The crime bill I signed into law last year puts tough new penalties on the books for people who drive drunk with children in

their cars. It also makes it easier for states to prosecute anybody who drives under the influence of drugs or alcohol. And deaths due to drinking and driving have dropped as a result of the progress we've made, 30 percent in the last 12 years. The number of people under 21 killed because of drunk driving has dropped 50 percent since 1984.

This is good progress, and I expect the new penalties in the crime bill will help to improve things even more. But it's not good enough. Some 18,000 people will die this year because someone sat down at the wheel after sitting down at a bar. That's about one every 30 minutes. Well over a million people will be injured, one every 26 seconds.

This may sound unbelievable; it's certainly unacceptable. But over 40 percent of all Americans will be involved in an alcohol-related crash at some time in their lives. Twenty-two hundred people were killed last year because of young drivers who were drinking and driving. Of that group, 1,600 were young people themselves. There's something wrong in America when hundreds and hundreds of our young people are dying because hundreds and hundreds of our young people are drinking and driving.

In most states drunk driving is defined as a blood alcohol content of .1 percent. When under-age drinkers become under-age drunk drivers, I believe we should go further. I want Congress to call on the states to adopt **zero tolerance** laws for teenage drinking and driving. A blood alcohol content of .02 percent, the equivalent of one beer, one wine cooler or one shot of alcohol, should be enough to trigger the drunk driving penalties for people under 21. After all, if it's illegal for people under 21 to drink at all, it should certainly be illegal for them to drink and drive. That's a no-brainer.

Zero tolerance will save lives. It's already saving lives in 24 states, including my home state. Alcohol-related crashes are down 10 to 20 percent in those states overall. And in some states like Maine and New Mexico, all fatal crashes at night involving young people actually dropped by one-third after they adopted a **zero tolerance** law. Unfortunately, there are still 26 states, including large states like New York, Texas and Florida, that draw thousands of vacationing teenagers every year, without these **zero tolerance** laws. It's time to have **zero tolerance** for under-age drunk driving all across America, not just in some states.

As we redefine the relationships between states and the federal government, it is clear there are many things the states can do better than we can do in Washington. And I've done as much as I could to push more authority and decision-making back down to the states, to encourage innovation in important areas like welfare and health care reform. But there are other things that are so important to our safety, our security, to our children and our future that the federal government has a responsibility to act.

I don't think that there's any question that the fight against teenage drunk driving demands national action. Congress should make **zero tolerance** the law of the land. Drinking and driving don't mix for anyone. They certainly shouldn't be mixed by teenagers. The faster we act the sooner the states will act, and the more lives we'll save. Let's get to it.

Thanks for listening.

End



To comment on this service: feedback@www.whitehouse.gov



BARRY RIV from **BOB WEINER**
THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

September 28, 1995

The Honorable John W. Warner
Chairman
Subcommittee on Transportation and Infrastructure
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510-6175

Dear Mr. Chairman:

As the conferees prepare to meet to resolve the differences between the House and Senate versions of S. 440, the "National Highway System Designation Act of 1995," I would like to offer the Department's comments on this significant legislation. I congratulate the Committees' leadership for their bipartisan efforts to achieve enactment, and I pledge the Administration's assistance throughout the conference process.

The Department applauds the efforts of the Committees involved to enact a National Highway System (NHS) bill. However, if the NHS is not designated by October 1 as mandated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), we will be unable to apportion \$5.4 billion in highway user funds due to the States next week. I am very concerned that the failure to designate the NHS by October 1 would delay important infrastructure development projects and result in the loss of thousands of jobs.

We have previously communicated our concerns about certain provisions included in the respective House- and Senate-passed bills. We believe progress has been made in developing an acceptable bill, particularly in light of House action eliminating provisions to move the transportation trust funds off-budget and to compel the early reauthorization of ISTEA. However, some of our most serious concerns with this legislation have not been remedied.

Our Nation's traffic fatality rate is at a record low level, due in large part to Federal safety programs. Yet even with this marvelous safety record and higher vehicle safety standards, more than 40,000 Americans are killed and several million are injured every year in motor vehicle crashes. Repealing the programs that have laid the foundation for this record low fatality rate is a step in the wrong direction.

I am deeply troubled by the prospective repeal of the National Maximum Speed Limit. The Federal role in setting speed limits on the Nation's highway system responds to a grave national problem: speed is a major contributing factor in one-third of all fatal highway crashes, killing about 1,000 Americans every month and costing the Nation a staggering \$24 billion each year. Allowing speed limits to rise above 55 m.p.h. and 65 m.p.h. simply means that more Americans will die and be injured on our highways.

Both the House and Senate bills will lead to serious threats to public health and safety. I strongly oppose the House's total repeal of the National Maximum Speed Limit law as well as the Senate's

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repeal of the statute's speed limit requirements for cars and light trucks. Evidence indicates that both raising speed limits and setting different speed limits increase speed variance. Crash involvement rates rise as speed variance increases. In addition, the Senate provision implies that higher speeds are a danger for only large trucks and buses. Evidence on the effects of a lower speed limit for trucks is inconclusive. The Senate's approach could affect safety in ways we cannot now determine.

Both bills include provisions to repeal the fund transfer provision for a State's failure to adopt a motorcycle helmet use law. These laws save thousands of lives, prevent tens of thousands of injuries, and save billions of taxpayer dollars every year. We oppose the elimination of the Federal incentive to enact these critical safety laws and urge the Conferees to reject this change.

The Department's motor carrier safety regulations have set the standards for the safe operation of commercial motor vehicles by competent and qualified drivers. Under these standards, the number of motor carrier accidents has continued to fall over the last 15 years, while the volume of truck traffic has increased over this period. The House provisions exempting from the hours-of-service regulations certain categories of drivers are a threat to that record. We oppose these special exemptions and prefer to work with these industries to explore whether their concerns can be accommodated under our existing waiver authority. For example, we are currently seeking ways to provide relief to farmers and retail farm suppliers from hour-of-service requirements due to their seasonal planting and harvesting demands.

The Department also opposes the provision in the House bill that would raise the weight threshold for commercial motor vehicles subject to the Department's motor carrier safety regulations. Removing this large percentage of all trucks from regulatory oversight could erode prior compliance accomplishments achieved over many years for this group of vehicles and could threaten the Federal-State partnership that has proven essential to effective enforcement of a comprehensive and uniform motor carrier safety program. In the absence of Federal standards, individual States could once again impose a patchwork of non-uniform requirements on motor carriers and drivers, potentially increasing compliance costs for members of the interstate trucking industry forced to meet different regulatory standards in each jurisdiction in which they operate.

The Department strongly endorses and commends the House and Senate for their respective actions supporting "Zero Tolerance" laws for drivers under age 21 who operate a motor vehicle and have a blood-alcohol concentration above .02 percent. The combination of drinking and driving by young people is one of the most serious threats to public health and safety. Twenty-four States and the District of Columbia have enacted Zero Tolerance laws. These laws work. This is a very positive step that will save many lives and reduce medical and other costs.

While the Administration is pleased about including a Zero Tolerance provision in the NHS bill, I am extremely troubled by so many highly objectionable measures that are entirely unrelated to designating the NHS and that will have a tragic effect on health and safety. One of the major reasons for an NHS is to increase the safety and efficiency of highway operations across the country. In approving the NHS, we should not at the same time be faced with the diminution of longstanding safety laws. It is wrong for the NHS to come at the price of past gains in safety.

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The House-passed bill would require an act of Congress for any future changes to the NHS, but this provision will totally undermine the effectiveness of the system. It is unworkable to require the approval of Congress for specific additions or deletions to the System or approval of intermodal connections to the System. After designation by Congress, we believe changes to the NHS should be made administratively by the Department at the request of the State and local governments involved under standards set by Congress. The NHS will be a dynamic system that will require an efficient process to accommodate such future change. We pledge to work closely with the Congress at all times, but we urge that future NHS changes be made administratively.

I continue to be concerned about proposals to make fundamental changes in the transit laws prior to a comprehensive reauthorization of ISTEA. The House-passed bill severely restricts the Federal Transit Administration's authority to enter into full funding grant agreements and alters the formula for transit operating assistance. We believe that the NHS approval bill is an inappropriate vehicle in which to consider any changes to the transit program.

Two other provisions in the House-passed bill on outdoor advertising cause concern, and we urge the conferees not to include them. One would allow States to post billboards in commercial and industrial areas along routes designated by States as scenic byways. This would undermine the ongoing Federal-State partnership to preserve and enhance the Nation's scenic roads. A second provision would permit advertising on motorist call boxes by corporations or other organizations sponsoring these boxes. Advertising is an unnecessary distraction to the act of driving a vehicle, and when advertising is combined with traffic control signs and devices, travel is more difficult and dangerous because drivers are forced to distinguish essential driving information from the advertising.

Another provision in the House bill, which we find objectionable, would rescind the balance of Congestion Pricing Pilot Program funds and transfer authorized funding for fiscal years 1996 and 1997 to a new high priority project restoration program. We believe that this will send the wrong signal to communities that are beginning to pursue congestion pricing initiatives, impede the success of a new and important program the Department has launched to encourage pricing initiatives by toll authorities, and frustrate our efforts to achieve the ISTEA goals of significant congestion relief and increased efficiency of our transportation system.

The House bill would also evade deficit reduction restrictions to increase highway spending by \$2.2 billion, including almost \$150 million for highway demonstration projects, during the next five years over the amounts which would normally be permitted under current law. Therefore, for pay-as-you-go scoring purposes, the Office of Management and Budget's preliminary scoring estimate of the House-passed bill is that it would increase outlays by \$2.2 billion during fiscal years 1996-2000.

We strongly support the provisions in the Senate-passed bill to provide innovative financing measures to give the States and local governments more flexibility and more options to stretch the Federal transportation dollar and to increase both public and private investment in infrastructure. The Senate measures are consistent with the Administration's legislative proposal on this subject, but we would urge the conference to include the Administration's provision for the establishment of State Infrastructure Banks. These innovations, especially in the current budgetary climate, provide creative,

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new opportunities to meet transportation needs. The Department also endorses the Senate provision allowing States more flexibility to use highway funds to support Amtrak. We believe, however, that Amtrak should continue to be subject to the same eligibility criteria for funds under the Congestion Mitigation and Air Quality Improvement Program applicable to all other recipients.

Finally, we also support the Senate proposal to transfer ownership of the Woodrow Wilson Memorial Bridge to a regional authority and support efforts to review all available financing options for this facility. The bridge is nearing the end of its service life and lacks the capacity to carry current traffic volume. Since this is a federally owned bridge, it is imperative that Congress and the Department address these structural, operational, and capacity problems. Transfer of ownership of the bridge from the Federal government to an interstate authority would ensure that the needs of this bridge are addressed in a manner consistent with that of other bridges on the Interstate System, all of which are owned by the States.

You as Conferees have the opportunity to complete the designation of the National Highway System, which is the product of years of cooperative, productive efforts by all levels of government. Congress, the Administration, States, and localities will be able to take justifiable pride in this achievement. I want to especially note the exemplary work of the Federal Highway Administration in developing the NHS. It is now critical that the legislative focus be on NHS approval. I hope that some of the more contentious issues which are not germane to the NHS can be set aside in the interest of timely enactment of this crucial legislation. I emphasize that the Department would strongly oppose enactment of legislation that would erode our safety efforts—specifically the provisions regarding speed limit repeal, motorcycle helmet use laws, and motor carrier hours-of-service exemptions and weight threshold increases discussed above. I urge that the national good and safety of our citizens be the basis for designating this important transportation system which is to serve us into the 21st Century.

I want to reiterate, on behalf of the Administration, our willingness to assist you during the conference committee deliberations. In that regard, I have enclosed a comparison chart of the significant provisions facing the Conferees which includes the Administration's positions. We hope this will be helpful in your consideration of these vital conference issues. The Office of Management and Budget advises that, from the standpoint of the Administration's program, it has no objection to the submission of these views to the Committee.

Sincerely,



Federico Peña

Enclosure

7906

Federal Register / Vol. 59, No. 31 / Tuesday, February 15, 1994 / Notices

Existing Safety Problem

General Information and Definitions

Throughout this document, we have generally relied on or referred to the results of many studies concerning alcohol. Parenthetical references to these studies are included in the text; their full names are listed alphabetically in a bibliography in Appendix A. Copies of these studies have been placed in OST rulemaking docket 44674. It is important to note that the test data we have are not complete; often the database includes only those tests that were performed. Post-accident tests are conducted after some accidents, but not others, depending upon current regulatory requirements, the availability of testing personnel, and location and timing of accidents. When they are conducted, they may occur hours after the accident (e.g., in the railroad industry it takes an average of 8 hours before the post-accident tests can be conducted). Also, data are not comparable among the transportation modes, because of differences in reporting requirements, databases, and time periods. In addition, the referenced studies generally used different parameters and are therefore not comparable to each other.

Many of the words relating to alcohol are used interchangeably in our society, which may cause some confusion. In this document, we use the terms "driving while intoxicated" (DWI) and "driving under the influence" (DUI) to refer to the same thing: Violation of State and/or Federal alcohol concentration standards defining intoxication. "Zero tolerance" refers to an alcohol concentration standard of 0.00, or in some cases, 0.01 or 0.02. Limits on current testing technology establish the limit of detection at 0.02 concentration for accuracy and precision. "Impairment" and "under the influence" refer to the effect of alcohol ingestion on the performance of a safety-sensitive function, without regard to a specific alcohol concentration.

The Effects of Alcohol

The potential effects of alcohol misuse are substantial in terms of lives lost, injuries and environmental and property damage. Alcohol misuse claims at least 100,000 lives annually 25 times as many as all illegal drugs combined. In 1992, 39,235 deaths occurred on our nation's highways, of which 36 percent involved a legally intoxicated driver or non-occupant (e.g., pedestrian), and another 9 percent involved a driver or non-occupant with at least some alcohol (with an alcohol concentration over 0.01). Alcohol is

involved in 45 percent of total highway fatalities. (National Highway Traffic Safety Administration, "Traffic Safety Facts 1992—Alcohol").

Ethanol (the psychoactive component of alcoholic beverages) is a central nervous system depressant. It has been widely recognized for years that consumption of alcohol can degrade performance of demanding or delicate tasks. There is less agreement, however, about how much alcohol must be ingested before a significant degradation of performance occurs. Studies have indicated that the effects of alcohol vary among individuals, and, even for a given individual, alcohol will have varying effects depending on such factors as motivation, fatigue, and previous experience with alcohol (Zero Alcohol, 1987; Ryder, 1981; Landauer, 1983; Lister, 1983). One reason for the substantial variation among individuals is that ingestion of a specified quantity of alcohol by two people will not necessarily produce the same alcohol concentration in each, even if they have the same body weight (Zero Alcohol, 1987).

In one study, for example, it was found that a given body-weight-adjusted dose of ethanol could produce a range of alcohol concentrations of 0.035 to 0.065 (O'Neill, 1983). In addition, alcohol appears to enter the blood stream at different rates in different people (Zero Alcohol, 1987). In another study, subjects were given controlled doses and had equal amounts of food in their system. Nevertheless, the time required to reach the peak alcohol concentration varied from 15 to 90 minutes after ingestion (Wilson, 1984).

There also are performance differences between individuals that are unrelated to their blood alcohol concentration. It appears that highly skilled professionals may be better able to compensate for the physiological effects of alcohol than persons who are less skilled, particularly at lower alcohol concentrations. In two studies comparing the effect of alcohol on the performance of racing drivers and ordinary drivers on a closed track, the skill of the ordinary drivers showed some degradation at an alcohol concentration of 0.05, while the racing drivers showed no impairment until they reached substantially higher alcohol concentrations (Forney, 1961). Similarly, in a comparison of nonprofessional and professional pilots at alcohol concentrations of 0.04, 0.08, and 0.12, the nonprofessionals made numerous errors in tracking, while the professionals' tracking ability did not decrease even at the highest alcohol concentration (Billings, 1972). The

study noted, however, that the professional pilots committed more procedural errors than normal after alcohol consumption. Compounding factors, such as fatigue and unexpected challenges, also are likely to effect results in a real-world situation.

Most States have adopted an alcohol concentration of 0.10 as the definition of intoxication in connection with laws imposing civil or criminal penalties for driving under the influence for non-commercial as well as for commercial operators. Some use it as a rebuttable presumption of a violation; others as a per se violation. Ten states have lowered their alcohol concentration standards to 0.08; and a number of states have adopted or are in the process of considering adoption of the existing 0.04 FHWA alcohol concentration standard for commercial drivers established by previous rulemaking. States with alcohol concentration standards for operating recreational vessels or aircraft typically use 0.10.

As indicated above, however, a number of laboratory studies have shown that performance on some tasks can begin to degrade at alcohol concentrations well under 0.10 (Moskowitz, 1973; Drew, 1959; Landauer, 1963; NHTSA, 1988). Some studies have suggested that performance degrades in a linear fashion, beginning with the lowest levels tested (Moskowitz, 1985; Drew, 1959). Blood alcohol concentrations (BAC) lower than 0.05 have been associated with increases in errors in tasks requiring divided attention, and it appears that cognitive performance is decreased for most individuals at BAC's of 0.04 or less (Zero Alcohol, 1987; Evans, 1974). Low alcohol concentrations have also been shown to effect a driver's stopping distance and to increase errors in steering (Laurati, 1977). There is no definitive answer to how much the risk of accident occurrence increases as a result of the performance deficit, but some relationship can be assumed. Those OAs in the Department that have set existing alcohol concentration standards for transportation workers (FAA, FHWA, FRA and Coast Guard) generally have used 0.04 as the prohibited concentration.

In its most recent edition of "Fatality Facts," the Insurance Institute for Highway Safety notes that "even at BACs as low as 0.02%, alcohol affects driving ability and crash likelihood. The probability of a crash begins to increase significantly at 0.05% BAC and climbs rapidly after about 0.08%. For drivers with BACs above 0.15% on weekend nights, the likelihood of being killed in a single-vehicle crash is more than 380

effective date of the final rules in which implement the requirements and all employers have nearly two years. To accommodate the annual reporting requirements, large employers must implement these programs on January 1, 1995 and small employers must implement these programs on January 1, 1996. Each OA final rule defines employer size and notes variations justified by industry differences; FAA and FRA have a three tier phase-in for covered employers and contractors. The timetables generally allow smaller employers to join alcohol misuse programs already established by larger employers or consortia, which should reduce their costs. Consideration and appropriate mitigation of the rules' impacts on smaller employers is required by the Regulatory Flexibility Act and Executive Order 12866, "Regulatory Planning and Review." We believe it appropriate for small employers to have more time since their size alone may make it more difficult to implement an alcohol misuse prevention program within one year (lack of expertise, resources, etc.). Our experience in the drug testing area shows that these implementation schedules provide sufficient time for larger employers to establish their programs.

All employers must have an alcohol misuse program in place January 1, 1996. Thus, employers that begin to operate after the effective date of these rules must have their programs in place by the deadline according to size or by the time they initiate their operation, whichever is later. These timetables also take into account the time needed by the manufacturers to produce the required modifications to breath test devices or to develop alternative devices. In addition, they will allow time to develop conforming products lists (CPLs) for other screening devices and to complete the blood alcohol testing rulemaking.

Prohibitions

The OAs are establishing the following combination of prohibitions designed to prevent any adverse alcohol effect on a covered employee during performance of safety-sensitive functions.

Alcohol Concentration

Unlike some other drugs, alcohol is a legal substance with legally and socially acceptable uses for persons 21 years of age and older. The Department already has some prohibitions on alcohol misuse. Those OAs that traditionally have regulated employee safety-related conduct in commercial transportation (FAA, FHWA, FRA and USCG) have

selected a 0.04 alcohol concentration as the per se standard for determining whether an individual is under the influence of alcohol, and prohibit any use of alcohol on the job. Some OAs (FAA, FHWA and USCG) subject certain persons to pre-duty abstinence periods. FHWA rules require that commercial vehicle operators with any measurable amount or detectable presence of alcohol be placed out-of-service for a 24-hour period. Until adoption of these rules, RSPA and FTA did not have alcohol concentration prohibitions, primarily because neither directly regulates employees.

Today's final rules prohibit covered employees from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. It is not possible to relate a given alcohol concentration definitively to impairment in specific individuals. However, as noted earlier, the presence of any alcohol can have an adverse effect on an individual. As a result, the rules define alcohol concentration in terms of breath testing measurement and specifically relate a violation of this prohibition to the alcohol concentration as indicated on the breath testing device. In addition, no employer who actually knows that an employee has that concentration can permit the employee to perform or continue to perform safety-sensitive functions.

Commenters addressing the proposed breath alcohol concentration standard generally supported one of three choices: a 0.04 alcohol concentration standard that triggers the full sanctions of the rule with no consequences attached to lower levels; a similar 0.02 standard; or the proposed 0.02/0.04 standard with its bifurcated consequences.

Most commenters supported a 0.04 alcohol concentration standard. These commenters noted that this standard has been in place in aviation, maritime, and railroad regulations for a number of years, and is the standard that the States are required to adopt for commercial motor vehicle drivers. Many commenters also noted that the evidence of impairment below 0.04 was equivocal, with as many or more studies finding no impairment below that concentration as those that identified some impairment. Commenters further stated that the bifurcated system would be difficult to implement and hard for employees to understand. Finally, both labor organizations and employers stated that a likely consequence of a test result between 0.02 and 0.039 would be termination of employment under

company authority. Labor organizations stated that this consequence would be unfair and that, if the final rules imposed a standard lower than 0.04, employers should be prohibited from terminating employees based on such a result.

We agree with commenters that an alcohol concentration of 0.04 represents the point at or above which impairment for most individuals rises dramatically, thus justifying its use as the standard for commercial transportation employees and for imposing full sanctions under the rules issued today. However, adoption of a "bright line" 0.04 alcohol concentration standard, while consistent with current regulations, does not address what to do with an employee who tests below 0.04.

The existing rules that impose a 0.04 standard generally do not require testing unless there is a triggering event, so the problem of what to do with lower alcohol concentrations is not faced. In addition, when individuals exceed the standard, action is generally taken against a license or some other significant sanction is imposed. Under the rules the OAs are issuing today, we face the problem of whether a person who tests below 0.04 should be permitted to continue performing safety-sensitive functions. Studies about the effects of any alcohol raise our concern about the effects of lower alcohol concentrations on transportation employees. For example, the National Academy of Sciences (NAS) noted that several credible studies measuring task performance at low blood alcohol concentrations indicate that, "[a]lthough individual reactions to alcohol vary depending on . . . [various] factors . . . , sensory and cognitive performance is significantly reduced at or below 0.04 percent BAC." (Zero Alcohol, 1987) The study concluded that "across broad populations of drivers, BACs exceeding about 0.04 to 0.06 clearly increase the probability of causing a crash. . . . [W]hen the driver's age and experience with alcohol are controlled for statistically, the risk of crash involvement increases at any recorded BAC above zero."

A recent NHTSA report to Congress stated that "[a]lthough the effects of alcohol on impairment and crash risk appear more dramatically above 0.05 or 0.08, for some drivers, any measurable alcohol puts them at increased risk." (Alcohol Limits, 1991) It noted that relatively few studies have looked at alcohol concentrations below 0.04; therefore, only a small number of studies have found clearly impairing effects for alcohol concentrations below 0.04 (commenters noted this as well).

NHTSA noted that individuals performing more complex tasks (especially those involving a subsidiary task requiring time-sharing or divided attention) often show evidence of impairment at alcohol concentrations as low as 0.02. NHTSA concluded that one cannot specify an alcohol concentration above which all drivers are dangerous and below which they are safe or at "normal" risk.

The Transportation Research Board, in a study performed for the FHWA during its Commercial Driver's License rulemaking, recommended a 0.04 BAC as the concentration where the serious penalties should apply to commercial motor vehicle drivers, but it noted that some degree of impairment such as slowed reaction time, loss of coordination, and deterioration in judgment begins with any BAC above zero. (Zero Alcohol, 1987) FHWA, in fact, adopted this recommendation in promulgating its existing rules, from which we derived the bifurcated alcohol concentration standard proposed in the NPRMs. The FHWA rule imposes full sanctions for alcohol test results of 0.04 and over. It requires removal of the employee from service for 24 hours for any alcohol test result between 0.00 and 0.04. Commercial motor vehicle operators engaged in interstate commerce have understood and complied with this bifurcated standard for several years, so other transportation industry employees should not have trouble understanding the standard. We do not believe that it is necessary to adopt a "bright line" 0.02 or 0.04 alcohol concentration standard to avoid confusion.

Commenters who supported a 0.02 standard generally favored a "zero tolerance" policy, and believed that the rules should set the standard at the lowest level of accurate detection. Many of these commenters stated that any person who would use alcohol sufficiently close in time to the performance of safety-sensitive duties to have any measurable alcohol concentration was acting in a manner contrary to safety and should be appropriately sanctioned. Additionally, like those commenters supporting a 0.04 standard, many commenters believed that a single standard would be easier to implement, understand, and enforce. We believe that the imposition of the relatively severe rule sanctions at the 0.02 "bright line" alcohol concentration proposed by some commenters is not justified. Although the available studies support removing the employee from safety-sensitive functions, the level of impairment or adverse effect does not warrant the additional actions required

for concentrations of 0.04 and above. Employers will likely review employee test results between 0.02 and 0.04 on a case-by-case basis to determine any appropriate action under their own authority.

A few commenters supported one of two other positions: absolute zero tolerance, with anything over 0.00 resulting in a rule violation, or a standard similar to those used by the States for driving while intoxicated (0.08 or 0.10). They presented the former position as being most consistent with safety. The NAS and the National Transportation Safety Board (NTSB) have favored setting an explicit policy of zero BAC. The NTSB said that "[i]t should be absolutely clear that no alcohol is acceptable in commercial transportation because research has demonstrated that low blood alcohol levels can produce impairment." Its comments on these rules reiterate this position. As several commenters who favored an 0.02 standard noted, adoption of an absolute zero standard is not possible, as discussed below, because of the current limits on testing technology. Commenters supporting the latter standard based on State law believed that it would sufficiently protect safety without unnecessarily infringing on employees' rights. Adoption of either the 0.08 or 0.10 standard would be a step back from the current requirements imposed on commercial operators. In light of the studies referred to above, it also would be inconsistent with ensuring public safety.

Those commenters who favored the proposed bifurcated system believed it would provide employers with the greatest flexibility in ensuring that alcohol use at very low levels did not adversely affect safety while not requiring the more significant costs (evaluation, replacement, etc.) or stigma associated with a rule violation. These commenters did not believe that the provision would be difficult to understand or enforce. We agree with them.

Having any standard other than 0.00 raises troubling questions about whether an employer should allow an employee whose test shows an alcohol concentration between 0.00 and 0.04 to continue performing a safety-sensitive function. Clearly, the Department's concern about public safety and an employer's additional concern about liability are raised in a situation in which an employee "passed" a test with an indicated alcohol concentration below 0.04 and then begins or resumes performing safety-sensitive functions. The likelihood of being involved in an

accident when performing safety-sensitive functions with a measurable alcohol concentration is increased. Therefore, we are adopting the 0.02-0.04 standard, as proposed, with the two-tiered system of consequences. The covered employees must be removed from a safety-sensitive position at any alcohol concentration of 0.02 or greater. If the employee's alcohol concentration is 0.02 or greater but less than 0.04, the employee will not be allowed to perform safety-sensitive functions until (1) the next scheduled duty period (usually the next day), if at least eight hours has elapsed (24 hours for those regulated by FHWA), or (2) a retest shows the alcohol concentration has fallen below 0.02. If the employee has an alcohol concentration of 0.04 or greater, the employee cannot return to a safety-sensitive function until (1) evaluated, (2) treated, if required by a SAP, and (3) retested with a result below 0.02. In either case, the employee will be prevented from posing any danger to the public. An employer can take more serious action for the presence of alcohol at any concentration if it has authority to do so independent of DOT regulations.

The Department has used the 0.02 alcohol concentration as the lower standard rather than 0.00, because it represents the lowest level at which a scientifically accurate alcohol concentration can be measured given the limitations of any current technology (e.g., blood, breath). Results below 0.02 cannot be verified as indicating consumption of alcohol (could represent natural ketosis) and would be forensically insufficient to support consequences under these rules. We cannot be sure if such results indicate if the employee really has any alcohol in his or her system. In essence, use of a 0.02 standard represents a zero tolerance standard for alcohol.

Some commenters raised questions about relying on the NHTSA CPL for testing devices that must measure as low as 0.02. NHTSA's model specifications for devices on the CPL were developed for police use under criminal laws prohibiting alcohol concentrations of 0.10 and above. Although all of the EBTs on the CPL exceed existing requirements, on September 17, 1993, NHTSA published a notice modifying the model specifications for evidential breath testing devices to be consistent with the requirements of these rules and updating the list of conforming products (58 FR 48705). The new specifications establish evaluations for precision and accuracy of devices at the 0.0, 0.02, 0.04, 0.08 and 0.16 alcohol



a FAX from...

The U.S. Department of Transportation
Office of the Secretary
Office of Public Affairs
News Division - Roslyn Kaiser
Washington, D.C. 20590



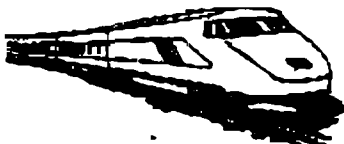
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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 28, 1995

STATEMENT BY THE PRESIDENT

Today I have signed into law S. 440, the "National Highway System Designation Act of 1995." This Act advances my Administration's continued commitment to strategic investment in our Nation's infrastructure. It releases immediately more than \$5 billion in funding for highway and other transportation projects. It also implements my proposal for a "Zero Tolerance" policy toward drinking and driving by those under age 21.

I am disturbed, however, by the repeal of certain key safety measures and will work to mitigate the impact of their repeal.

This Act is the culmination of several years' work by all levels of government to identify highways of national significance -- routes that will support our Nation's needs for efficient, safe, and reliable transportation. The designation of the National Highway System makes clear that transportation infrastructure should be viewed as a single system, with each mode complementing the others. Manufacturers and shippers rely on several modes of transportation to deliver their products to consumers in the most efficient manner possible. The National Highway System unites these different modes by providing access to major ports, airports, rail stations, and public transit facilities. The National Highway System also provides 53 critical connections to Canada and Mexico so that goods can move across our Nation's borders efficiently.

In 1992, I saw the way in which our Nation's highways reach all Americans. Vice President Gore and I traveled much of this great land in buses, and we met the American people where they live and where they work. Whether at a truck stop in Carlisle, Pennsylvania, or at dusk on U.S. Highway 51 in Sandoval, Illinois, we saw and heard what access and mobility mean to opportunity and economic well-being. It was during our first bus trip, from New York City to St. Louis, Missouri, that I made a commitment to rebuild America. And I'm proud to say, this National Highway System bill builds on all the work we have done in the last 3 years to do just that.

But the National Highway System is also something more. It is a prime example of the strategic investment of Federal resources. The National Highway System comprises only 4 percent of our Nation's highways, but these roads carry almost half of our highway traffic and most of our Nation's truck and tourist traffic. The improvements made to these roads will not only support our Nation's economic, national defense, and mobility needs, but directly and significantly improve the safety of these key national roadways. The funds released by this legislation and used to upgrade noninterstate highways will provide significant safety benefits.

This Act also includes an essential and commonsense highway safety measure. Last June, I called on the Congress to make "Zero Tolerance" the law of the land and require States to adopt a Zero Tolerance standard for drivers under the age of 21. It is already against the law for young people to consume alcohol. This national standard will reinforce these laws by making it effectively illegal for young people who have been drinking to drive an automobile.

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Many States have already enacted Zero Tolerance laws. These laws work -- alcohol-related crashes involving teenage drivers are down as much as 20 percent in those States. When all States have these laws, hundreds more lives will be saved and thousands of injuries will be prevented. I commend the Congress for heeding my call and making Zero Tolerance the standard nationwide for drivers under the age of 21.

S. 440 establishes innovative ways to attract new forms of investment in transportation and gives States greater flexibility and more options to utilize limited Federal transportation funds effectively. It also eliminates unnecessary Federal requirements such as those concerning highway building materials and program management. This will enable Federal transportation officials to focus their efforts on the most useful and cost-effective ways of achieving important safety aims and increase States' discretion to implement their highway programs in ways best suited to their own circumstances.

In approving S. 440, however, I must note that some of my most serious concerns with this legislation have not been remedied. I am deeply disturbed by the repeal of both the national maximum speed limit law and the law encouraging States to enact motorcycle helmet use laws. I am also disturbed that this Act could potentially exempt large numbers of small- to medium-sized trucks and their drivers from critical safety regulations governing driver qualifications and truck maintenance.

Without question, these laws have saved lives. The States, now given greater authority over issues of highway safety, must exercise this authority responsibly. I am, therefore, strongly committed to the requirement in this Act for Federal and State officials to work together to assess the costs and benefits of any change in speed limits. I have instructed the Secretary of Transportation to develop an action plan to promote safety consistent with my Administration's continuing commitment to highway safety. My Administration will redouble our efforts to protect those who travel on our Nation's highways.

Although I am disappointed by the Congress' actions on these important safety measures, I believe that this legislation will benefit the Nation by designating and funding the National Highway System, strengthening the backbone of our transportation system, providing jobs and economic opportunities, funding vital transportation projects in every State, and making Zero Tolerance the law of the land.

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 28, 1995.

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S. 440-24

**SEC. 322. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FED-
ERALLY ASSISTED PROJECTS.**

Section 323 of title 23, United States Code, is amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following:

“(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SER-
VICES.—Nothing in this title or any other law shall prevent a person
from offering to donate funds, materials, or services in connection
with a project eligible for assistance under this title. In the case
of such a project with respect to which the Federal Government
and the State share in paying the cost, any donated funds, or
the fair market value of any donated materials or services, that
are accepted and incorporated into the project by the State highway
department shall be credited against the State share.”

**SEC. 323. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN
REPORTS AND SURVEYS.**

Section 409 of title 23, United States Code, is amended by
inserting “or collected” after “compiled”.

SEC. 324. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23,
United States Code, is amended by striking “the date of enactment
of this section” and inserting “December 18, 1991”.

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is
amended—

(1) in paragraph (3)—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:

“(B) A State shall be treated as having met the requirement
of this paragraph if—

“(i) the State provides to the Secretary a written certifi-
cation that the highest court of the State has issued a
decision indicating that implementation of subparagraph
(A) would constitute a violation of the constitution of the
State; and

“(ii) the State demonstrates to the satisfaction of the
Secretary that—

“(I) the alcohol fatal crash involvement rate in
the State has decreased in each of the 3 most recent
calendar years for which statistics for determining such
rate are available; and

“(II) the alcohol fatal crash involvement rate in
the State has been lower than the average such rate
for all States in each of such calendar years.”; and

(2) by adding at the end the following:

“(7) Any individual under age 21 with a blood alcohol
concentration of 0.02 percent or greater when driving a motor
vehicle shall be deemed to be driving while intoxicated or
driving under the influence of alcohol.”

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is
amended by striking paragraph (1) and redesignating paragraphs
(2) through (7) as paragraphs (1) through (6), respectively.

**SEC. 325. REFERENCES TO COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE.**

(a) RAILWAY-HIGHWAY CROSSINGS REPORT.—The third sentence
of section 130(g) of title 23, United States Code, is amended by

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Safe & Drug Free Schools

Divider Title: _____

SAFE & DRUG FREE SCHOOLS

"President Clinton expanded the Drug Free School Act into the Safe and Drug Free Schools Act in 1994, making violence prevention a key part of that program. The President has fought throughout his term for full funding of the program, fighting back a \$266 million cut by the House in 1996. Over 97% of the school districts in the country use these funds to keep violence and drugs away from students and our schools."

Attachment #1

Safe and Drug-Free Schools Program

Drug and violence prevention materials produced by the U.S. Department of Education's Safe and Drug-Free Schools Program are available without charge by calling 1-800-624-0100 or by writing to SDFSP, 600 Independence Ave., SW, Room 604 Portals, Washington, D.C. 20202-6123.

Publications***The Challenge***

A newsletter for teachers published four times each year during the school year. Each issue is devoted to a single theme and provides basic information, lesson plans, classroom activities, research findings, and promising practices. Recent topics have included alcohol prevention, using the arts to convey prevention messages, law-related education, drug-exposed children in the classroom, and techniques for teaching drug and violence prevention. More than 250,000 copies of each issue are distributed.

Growing Up Drug Free: A Parent's Guide to Prevention

Provides important information on child development at four key stages of growth and suggests activities to reinforce drug prevention messages in the home. Available in English and Spanish. More than 27 million copies distributed to date. 1990

Safe and Drug-Free Schools Recognition Program: 1994-95 Winning Schools Abstracts

Describes prevention programs at schools recognized in the 1994-95 Recognition Program. Other titles in this series are *Success Stories from Drug-Free Schools: A Guide for Educators, Parents & Policymakers* and *Success Stories '94: A Guide to Safe, Disciplined & Drug-Free Schools*. 1995

Learning to Live Drug Free; A Curriculum Model for Prevention

Provides a nucleus of information, background, and classroom activities that helps schools infuse prevention education throughout a variety of core subject areas. The curriculum model is based on drug prevention education research and familiarity with what works in the classroom. It provides a flexible framework that can accommodate a variety of drug prevention education approaches and techniques and may either be used as a stand-alone curriculum or as a supplement to other curricula schools may already be using. 1991

What Works: Schools Without Drugs

Outlines a plan for achieving schools without drugs and describes what parents, schools, students, and communities can do. Provides a practical synthesis of the most reliable and significant findings available on drug use by school-age youth and lists resources and organizations that parents, students, and educators can turn to for help. First published in 1986, *Schools Without Drugs* has been revised and updated several times. More than 4 million copies have been distributed. Revised 1992

Drug Prevention Curricula: A Guide to Selection and Implementation

Gives information about the cognitive and affective aims of drug prevention curricula and discusses the critical elements of comprehensive, school-wide programs. Shows what to look for when adopting or adapting ready-made curricula, describes what the overall goals of a good K-12 curriculum should be, discusses instructional approaches for different grade levels, ways of reaching high-risk populations and suggestions for involving parents and the community in choosing, implementing, and supporting the curriculum. 1988

Youth and Alcohol

Reprints of four reports to the Surgeon General of the United States by the Inspector General of the Department of Health and Human Services. The reports cover the consequences of underage alcohol use, a national survey on youth drinking habits, access, attitudes, and knowledge, drinking and crime, laws and enforcement. Also contains a compendium of State laws. 1994

Youth and Tobacco

Adapted from *Preventing Tobacco Use Among Young People: A Report of the Surgeon General* published in 1994. Provides information for educators about the seriousness of tobacco use and the relationship of tobacco use to other adolescent problem behaviors. 1995

Safeguarding Our Youth: Violence Prevention for Our Nation's Children

Proceedings from a violence prevention forum held July 20-21, 1993, sponsored by the Department of Education in collaboration with Justice, Health and Human Services, and Housing and Urban Development and the National School Safety Center. 1993

Risk and Reality: Implications of Prenatal Exposure to Alcohol and Other Drugs

One of a series of products developed by the Department of Education and the Department of Health and Human Services to address the needs of administrators and teachers for accurate, up-to-date information on the effects of prenatal exposure to alcohol and other drugs. This document reviews the literature on prenatal drug exposure and examines what is known about the implications for education. 1994

Early Childhood Drug Prevention Materials

Contains two sets of materials designed to introduce children between the ages of three and five to concepts and attitudes that help to prevent drug use and other harmful behaviors later in life. *Building Blocks* consists of six children's picture books, a parent's guide, and a caregiver's guide. *Ready, Set, Go!* contains a children's picture book, a parent's magazine, and a home visitor's guide. 75,000 sets of these materials have been mailed to Head Start and other preschool programs. 1996

Creating Safe Schools

A resource kit containing seven previously published documents on aspects of creating and implementing violence prevention programs in schools. 1996

Videos

The following videos are designed for classroom use in the grades noted. Each is accompanied by a teacher's guide and several contain lesson plans and student activities. These videos are designed to provide young people with information about drugs and their effects and strengthen motivation to remaining drug free. All are close captioned for the hearing impaired and those marked with an asterisk (*) are available with descriptive video for the vision impaired.

Grades 1-6

The Drug Avengers (animated)

Grades 4-6

Fast Forward Future
Straight Up

Grades 7-9

*Changing Channels**
*Straight Talk**
Straight At Ya
Lookin' Good

Grades 7-12

Downfall: Sports & Drugs

Grades 10-12

Hard Facts
Private Victories

The following videos are intended as teacher training supplements and may be used in self-directed training or as part of training sessions with a facilitator.

The Art of Prevention - Demonstrates techniques of using the arts to teach drug prevention.

Murals Reflecting Prevention - A step-by-step guide to creating murals with drug and violence prevention themes in the school and in the community. 1994

Olympic Spirit: Building Resiliency in Youth Describes how teachers can strengthen attributes of resiliency in young people. Uses themes from the Olympic Games to discuss the development of core competencies: civic, cognitive, physical, and social. 1995

Florida's Challenge: A Guide to Educating Substance-Exposed Children - Developed by the Florida Department of Education. Contains a participant's workbook for self-directed learning.

1992

Nation's Challenge: A Guide for Educators of Children Affected by Alcohol and Other Drugs - An information video and resource guide based on a nationwide teleconference on issues related to educating substance-exposed children in the classroom. 1994

Teaching children Affected by Substance Abuse - One of a series of products developed in collaboration with the Department of Health and Human Services for preschool and elementary school teachers.

1994

"...and down will come baby" - A video and discussion guide designed to promote awareness of the effects of prenatal drug use among teenagers who are at risk for both unplanned pregnancy and substance use. 1996

Attachment #2

Safe and Drug-Free Schools Program

Publications Six Months Old and Future Publications

Recent Publications:*Early Childhood Drug Prevention Materials*

Contains two sets of materials designed to introduce children between the ages of three and five to concepts and attitudes that help to prevent drug use and other harmful behaviors later in life. *Building Blocks* consists of six children's picture books, a parent's guide, and a caregiver's guide. *Ready, Set, Go!* contains a children's picture book, a parent's magazine, and a home visitor's guide. 75,000 sets of these materials have been mailed to Head Start and other preschool programs. 1996

Creating Safe Schools

A resource kit containing seven previously published documents on aspects of creating and implementing violence prevention programs in schools. 1996

**Forthcoming Publications***A Guide to Alternative Activities*

Describes after-school, weekend, and summer activities that have been used by schools and community-based organizations to provide safe, drug- and violence-free activities for young people outside of school hours.



Expected delivery date: April 1996

Building Conflict Resolution Programs in Schools

Discusses the definition, origins, and responses of conflict and the principles of conflict resolution. Describes appropriate developmental and systemic practices and outlines steps to implementation of conflict resolution programs in schools. Developed in conjunction with the Department of Justice.



Expected delivery date: March 1996

Murals Reflecting Prevention: Lessons from Model Communities

Describes experiences and lessons learned by five sites selected as model communities for implementation of the Murals Reflecting

Prevention Project. Gives techniques of community collaboration in arts-based projects to develop prevention themes. ✓

Expected delivery date: January 1996

Manual on Safe and Orderly Schools: ED and Justice are preparing a manual for

Uniforms in Public Schools

* maybe POTUS + Justice

Recent Videos:

"...and down will come baby" - A video and discussion guide designed to promote awareness of the effects of prenatal drug use among teenagers who are at risk for both unplanned pregnancy and substance use. 1996

Forthcoming Videos

Five American Handguns, Five American Kids - A documentary produced by HBO that portrays five families adversely affected by the misuse of handguns. Videos are being donated by HBO. The accompanying discussion guide is a joint project of the Safe and Drug-Free Schools Program and the Center to Prevent Handgun Violence.

Expected delivery date: March 1996

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Divider Title: Combatting Youth Drug Use

COMBATTING YOUTH DRUG USE

"The number one goal of President Clinton's 1996 National Drug Control strategy is to motivate America's youth to reject illegal drugs and substance abuse. The first ever White House Conference on Youth, Drug Use and Violence in March 1996 launched a national media literacy and drug deglamorization campaign aimed at youth."

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Fewer Guns

Divider Title: _____

FEWER GUNS IN THE HANDS OF OUR CHILDREN

"President Clinton signed into law a youth handgun ban in his 1994 Crime Bill. The ban makes it a federal offence, with some exceptions, for an adult to transfer a handgun to a juvenile, or for a juvenile under the age of 18 to knowingly possess a handgun or handgun ammunition."

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Divider Title: Tracking Illegal Gun Sales

TRACKING ILLEGAL SALES OF GUNS TO KIDS

"President Clinton signed initiated a crackdown on gun traffickers -- who peddle their arms to kids -- through a Federal Tracking System and law enforcement task forces. This will cut the supply of those firearms by helping to identify and prosecute traffickers."

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Zero Tolerance

Divider Title: _____

ZERO TOLERANCE

" In October 1994, President Clinton signed into law the Gun-Free Schools Act, and issued a Presidential Directive later that month to enforce "zero-tolerance" in our schools -- you bring a gun to school, you don't come back for a year."

Gun Free Schools Act

The Gun Free Schools Act of 1994 amends the Elementary and Secondary Education Act to require that local educational agencies must have in effect a policy requiring schools to expel for one year any student who brings a firearm to school.

Schools and Guns: a Dangerous Mix.

Nearly one in 25 students (4%) missed a day of school because they felt unsafe in school or going to and from school.

More than one in ten students (12%) carried a weapon on school property in the 30 days preceding the survey.

One out of 14 students (7%) were threatened or injured with a weapon on school property during the 12 months before the survey.

Nearly one-fourth of students nationwide had carried a weapon (e.g. gun, knife, club) in the 30 days preceding the survey -- 7.9% carried a gun in the 30 days preceding the survey.

(source: 1995 CDC, Youth Risk Behavior Surveillance Survey.)

Strong Federal Enforcement. The President signed a memo on October 22, 1994 to the Secretary of Education directing him to vigorously enforce the Gun Free Schools Act including terminating federal funds to schools that do not comply.

"In the case of the Gun-Free Schools Act, enforcement should include termination of Federal assistance if you determine that a State is not in compliance."

Zero Tolerance Works. In cities that have implemented similar zero tolerance policies, schools have reported fewer weapons and fewer assaults. For example, San Diego has a zero tolerance policy in effect. The number of guns brought to school and the number of assaults with weapons in schools have gone down since this policy began:

	1992-3	1993-4	1994-5 *
Guns brought to school	30	14	5 (so far)
Assaults with weapons	355	230	

*school year has not ended

(source: Director of School Security for San Diego City Schools, Alex Rascon)