

105TH CONGRESS
2D SESSION

S. 2647

To provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 2), 1998

Mr. HATCH introduced the following bill, which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Drug Demand Reduction Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND
TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

- Sec. 101. Short title.
Sec. 102. Requirement to conduct national media campaign.
Sec. 103. Use of funds.
Sec. 104. Reports to Congress.
Sec. 105. Authorization of appropriations.

Subtitle B—Drug-Free Prisons and Jails

- Sec. 111. Short title.
Sec. 112. Purpose.
Sec. 113. Program authorization.
Sec. 114. Grant application.
Sec. 115. Uses of funds.
Sec. 116. Evaluation and recommendation report to Congress.
Sec. 117. Definitions.
Sec. 118. Authorization of appropriations.

Subtitle C—Drug-Free Schools Quality Assurance

- Sec. 121. Short title.
Sec. 122. Amendment to Safe and Drug-Free Schools and Communities Act.

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

- Sec. 201. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

- Sec. 211. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment
Efforts

- Sec. 221. Report on streamlining Federal prevention and treatment efforts.

1 **TITLE I—TARGETED SUBSTANCE**
2 **ABUSE PREVENTION AND**
3 **TREATMENT PROGRAMS**
4 **Subtitle A—National Youth Anti-**
5 **Drug Media Campaign**

6 **SEC. 101. SHORT TITLE.**

7 This subtitle may be cited as the “Drug-Free Media
8 Campaign Act of 1998”.

1 **SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA**
2 **CAMPAIGN.**

3 (a) **IN GENERAL.**—The Director of the Office of Na-
4 tional Drug Control Policy (in this subtitle referred to as
5 the “Director”) shall conduct a national media campaign
6 in accordance with this subtitle for the purpose of reduc-
7 ing and preventing drug abuse among young people in the
8 United States.

9 (b) **LOCAL TARGET REQUIREMENT.**—The Director
10 shall, to the maximum extent feasible, use amounts made
11 available to carry out this subtitle under section 105 for
12 media that focuses on, or includes specific information on,
13 prevention or treatment resources for consumers within
14 specific local areas.

15 **SEC. 103. USE OF FUNDS.**

16 (a) **AUTHORIZED USES.**—

17 (1) **IN GENERAL.**—Amounts made available to
18 carry out this subtitle for the support of the national
19 media campaign may only be used for—

20 (A) the purchase of media time and space;

21 (B) talent reuse payments;

22 (C) out-of-pocket advertising production
23 costs;

24 (D) testing and evaluation of advertising;

25 (E) evaluation of the effectiveness of the
26 media campaign;

1 (F) the negotiated fees for the winning
2 bidder on request for proposals issued by the
3 Office of National Drug Control Policy;

4 (G) partnerships with community, civic,
5 and professional groups, and government orga-
6 nizations related to the media campaign; and

7 (H) entertainment industry collaborations
8 to fashion antidrug messages in motion pic-
9 tures, television programming, popular music,
10 interactive (Internet and new) media projects
11 and activities, public information, news media
12 outreach, and corporate sponsorship and par-
13 ticipation.

14 (2) ADVERTISING.—In carrying out this sub-
15 title, the Director shall devote sufficient funds to the
16 advertising portion of the national media campaign
17 to meet the stated reach and frequency goals of the
18 campaign.

19 (b) PROHIBITIONS.—None of the amounts made
20 available under section 105 may be obligated or
21 expended—

22 (1) to supplant current antidrug community
23 based coalitions;

1 (2) to supplant current pro bono public service
2 time donated by national and local broadcasting net-
3 works;

4 (3) for partisan political purposes; or

5 (4) to fund media campaigns that feature any
6 elected officials, persons seeking elected office, cabi-
7 net level officials, or other Federal officials employed
8 pursuant to section 213 of Schedule C of title 5,
9 Code of Federal Regulations, unless the Director
10 provides advance notice to the Committees on Ap-
11 propriations of the House of Representatives and the
12 Senate, the Committee on Government Reform and
13 Oversight of the House of Representatives and the
14 Committee on the Judiciary of the Senate.

15 (c) **MATCHING REQUIREMENT.**—Amounts
16 made available under section 105 should be matched
17 by an equal amount of non-Federal funds for the na-
18 tional media campaign, or be matched with in-kind
19 contributions to the campaign of the same value.

20 **SEC. 104. REPORTS TO CONGRESS**

21 The Director shall—

22 (1) submit to Congress on an annual basis a re-
23 port on the activities for which amounts made avail-
24 able under section 105 have been obligated during
25 the preceding year, including information for each

1 quarter of such year, and on the specific parameters
2 of the national media campaign; and

3 (2) not later than 1 year after the date of en-
4 actment of this Act, submit to Congress a report on
5 the effectiveness of the national media campaign
6 based on measurable outcomes provided to Congress
7 previously.

8 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated to the Office
10 of National Drug Control Policy to carry out this subtitle
11 \$195,000,000 for each of fiscal years 1999 through 2002.

12 **Subtitle B—Drug-Free Prisons and**
13 **Jails**

14 **SEC. 111. SHORT TITLE.**

15 This subtitle may be cited as the “Drug-Free Prisons
16 and Jails Act of 1998”.

17 **SEC. 112. PURPOSE.**

18 The purpose of this subtitle is to provide for the es-
19 tablishment of model programs for comprehensive treat-
20 ment of substance-involved offenders in the criminal jus-
21 tice system to reduce drug abuse and drug-related crime,
22 and reduce the costs of the criminal justice system, that
23 can be successfully replicated by States and local units of
24 government through a comprehensive evaluation.

1 **SEC. 113. PROGRAM AUTHORIZATION.**

2 (a) ESTABLISHMENT.—The Director of the Bureau
3 of Justice Assistance shall establish a model substance
4 abuse treatment program for substance-involved offenders
5 by—

6 (1) providing financial assistance to grant re-
7 cipients selected in accordance with section 114(b);
8 and

9 (2) evaluating the success of programs con-
10 ducted pursuant to this subtitle.

11 (b) GRANT AWARDS.—The Director may award not
12 more than 5 grants to units of local government and not
13 more than 5 grants to States.

14 (c) ADMINISTRATIVE COSTS.—Not more than 5 per-
15 cent of a grant award make pursuant to this subtitle may
16 be used for administrative costs.

17 **SEC. 114. GRANT APPLICATION.**

18 (a) CONTENTS.—An application submitted by a unit
19 of local government or a State for a grant award under
20 this subtitle shall include each of the following:

21 (1) STRATEGY.—A strategy to coordinate pro-
22 grams and services for substance-involved offenders
23 provided by the unit of local government or the
24 State, as the case may be, develop in consultation
25 with representatives from all components of the
26 criminal justice system within the jurisdiction, in-

1 including judges, law enforcement personnel, prosecu-
2 tors, corrections personnel, probation personnel, pa-
3 role personnel, substance abuse treatment personnel,
4 and substance abuse prevention personnel.

5 (2) CERTIFICATION.—A certification that—

6 (A) Federal funds made available under
7 this subtitle will not be used to supplant State
8 or local funds, but will be used to increase the
9 amounts of such funds that would, in the ab-
10 sence of Federal funds, be made available for
11 law enforcement activities; and

12 (B) the programs developed pursuant to
13 this subtitle meet all requirements of this sub-
14 title.

15 (b) REVIEW AND APPROVAL.—Subject to section
16 113(b), the Director shall approve applications and make
17 grant awards to units of local governments and States
18 that show the most promise for accomplishing the pur-
19 poses of this subtitle consistent with the provisions of sec-
20 tion 115.

21 **SEC. 115. USES OF FUNDS.**

22 A unit of local government or State that receives a
23 grant award under this subtitle shall use such funds to
24 provide comprehensive treatment programs to inmates in
25 prisons or jails, including not less than 3 of the following:

1 (1) Tailored treatment programs to meet the
2 special needs of different types of substance-involved
3 offenders.

4 (2) Random and frequent drug testing, includ-
5 ing a system of sanctions.

6 (3) Training and assistance for corrections offi-
7 cers and personnel to assist substance-involved of-
8 fenders in correctional facilities.

9 (4) Clinical assessment of incoming substance-
10 involved offenders.

11 (5) Availability of religious and spiritual activ-
12 ity and counseling to provide an environment that
13 encourages recovery from substance involvement in
14 correctional facilities.

15 (b) Education and vocational training.

16 (7) A substance-free correctional facility policy.

17 **SEC. 116. EVALUATION AND RECOMMENDATION REPORT**
18 **TO CONGRESS.**

19 (a) EVALUATION.—

20 (1) IN GENERAL.—The Director shall enter into
21 a contract, with an evaluating agency that has dem-
22 onstrated experience in the evaluation of substance
23 abuse treatment, to conduct an evaluation that in-
24 corporates the criteria described in paragraph (2).

1 (2) EVALUATION CRITERIA.—The Director, in
2 consultation with the Directors of the appropriate
3 National Institutes of Health, shall establish mini-
4 mum criteria for evaluating each program. Such cri-
5 teria shall include—

6 (A) reducing substance abuse among par-
7 ticipants;

8 (B) reducing recidivism among partici-
9 pants;

10 (C) cost effectiveness of providing services
11 to participants; and

12 (D) a data collection system that will
13 produce data comparable to that used by the
14 Office of Applied Studies of the Substance
15 Abuse and Mental Health Services Administra-
16 tion and the Bureau of Justice Statistics of the
17 Office of Justice Programs.

18 (b) REPORT.—The Director shall submit to the ap-
19 propriate committees, at the same time as the President’s
20 budget for fiscal year 2001 is submitted, a report that—

21 (1) describes the activities funded by grant
22 awards under this subtitle;

23 (2) includes the evaluation submitted pursuant
24 to subsection (a); and

1 (3) makes recommendations regarding revisions
2 to the authorization of the program, including exten-
3 sion, expansion, application requirements, reduction,
4 and termination.

5 **SEC. 117. DEFINITIONS.**

6 In this subtitle:

7 (1) **APPROPRIATE COMMITTEES.**—The term
8 “appropriate committees” means the Committees on
9 the Judiciary and the Committees on Appropriations
10 of the House of Representatives and the Senate.

11 (2) **DIRECTOR.**—The term “Director” means
12 the Director of the Bureau of Justice Assistance.

13 (3) **SUBSTANCE-INVOLVED OFFENDER.**—The
14 term “substance-involved offender” means an indi-
15 vidual under the supervision of a State or local
16 criminal justice system, awaiting trial or serving a
17 sentence imposed by the criminal justice system,
18 who—

19 (A) violated or has been arrested for violat-
20 ing a drug or alcohol law;

21 (B) was under the influence of alcohol or
22 an illegal drug at the time the crime was com-
23 mitted;

24 (C) stole property to buy illegal drugs, or

1 (D) has a history of substance abuse and
2 addiction.

3 (4) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means any city, county,
5 township, town, borough, parish, village, or other
6 general purpose political subdivision of a State, an
7 Indian tribe which performs law enforcement func-
8 tions as determined by the Secretary of the Interior
9 and any agency of the District of Columbia govern-
10 ment or the United States Government performing
11 law enforcement functions in and for the District of
12 Columbia, and the Trust territory of the Pacific Is-
13 lands.

14 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to carry out this subtitle from the Violent Crime
17 Reduction Trust Fund as authorized by title 31 of the Vio-
18 lent Crime and Control and Law Enforcement Act of 1994
19 (42 U.S.C. 14211)—

20 (1) for fiscal year 1999, \$30,000,000; and

21 (2) for fiscal year 2000, \$20,000,000.

22 (b) RESERVATION.—The Director may reserve each
23 fiscal year not more than 20 percent of the funds appro-
24 priated pursuant to subsection (a) for activities required
25 under section 116.

1 **Subtitle C—Drug-Free Schools**
2 **Quality Assurance**

3 **SEC. 121. SHORT TITLE.**

4 This subtitle may be cited as the “Drug-Free Schools
5 Quality Assurance Act”.

6 **SEC. 122. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS**
7 **AND COMMUNITIES ACT.**

8 Subpart 3 of title IV of the Elementary and Second-
9 ary Education Act of 1965 (20 U.S.C. 7141 et seq.) is
10 amended by adding at the end the following:

11 **“SEC. 4134. QUALITY RATING.**

12 “(a) IN GENERAL.—The chief executive officer of
13 each State, or in the case of a State in which the constitu-
14 tion or law of such State designates another individual,
15 entity, or agency in the State to be responsible for edu-
16 cation activities, such individual, entity, or agency, is au-
17 thorized and encouraged—

18 “(1) to establish a standard of quality for drug,
19 alcohol, and tobacco prevention programs imple-
20 mented in public elementary schools and secondary
21 schools in the State in accordance with subsection
22 (b); and

23 “(2) to identify and designate, upon application
24 by a public elementary school or secondary school,

1 any such school that achieves such standard as a
2 quality program school.

3 “(b) CRITERIA.—The standard referred to in sub-
4 section (a) shall address, at a minimum—

5 “(1) a comparison of the rate of illegal use of
6 drugs, alcohol, and tobacco by students enrolled in
7 the school for a period of time to be determined by
8 the chief executive officer of the State;

9 “(2) the rate of suspensions or expulsions of
10 students enrolled in the school for drug, alcohol, or
11 tobacco-related offenses;

12 “(3) the effectiveness of the drug, alcohol, or
13 tobacco prevention program as proven by research;

14 “(4) the involvement of parents and community
15 members in the design of the drug, alcohol, and to-
16 bacco prevention program; and

17 “(5) the extent of review of existing community
18 drug, alcohol, and tobacco prevention programs be-
19 fore implementation of the public school program.

20 “(c) REQUEST FOR QUALITY PROGRAM SCHOOL
21 DESIGNATION.—A school that wishes to receive a quality
22 program school designation shall submit a request and
23 documentation of compliance with this section to the chief
24 executive officer of the State or the individual, entity, or
25 agency described in subsection (a), as the case may be.

1 “(d) PUBLIC NOTIFICATION.—Not less than once a
2 year, the chief executive officer of each State or the indi-
3 vidual, entity, or agency described in subsection (a), as
4 the case may be, shall make available to the public a list
5 of the names of each public school in the State that has
6 received a quality program school designation in accord-
7 ance with this section.”.

8 **TITLE II—STATEMENT OF**
9 **NATIONAL ANTIDRUG POLICY**
10 **Subtitle A—Congressional Leader-**
11 **ship in Community Coalitions**

12 **SEC. 201. SENSE OF CONGRESS.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) Illegal drug use is dangerous to the physical
15 well-being of the Nation’s youth.

16 (2) Illegal drug use can destroy the lives of the
17 Nation’s youth by diminishing their sense of moral-
18 ity and with it everything in life that is important
19 and worthwhile.

20 (3) According to recently released national sur-
21 veys, drug use among the Nation’s youth remains at
22 alarmingly high levels.

23 (4) National leadership is critical to conveying
24 to the Nation’s youth the message that drug use is
25 dangerous and wrong.

1 (1) Illegal drug use is harmful and wrong.

2 (2) Illegal drug use can kill the individuals in-
3 volved or cause the individuals to hurt or kill others,
4 and such use strips the individuals of their moral
5 sense.

6 (3) The greatest threat presented by such use
7 is to the youth of the United States, who are ille-
8 gally using drugs in increasingly greater numbers.

9 (4) The people of the United States are more
10 concerned about illegal drug use and crimes associ-
11 ated with such use than any other current social
12 problem.

13 (5) Efforts to legalize or otherwise legitimize
14 drug use present a message to the youth of the
15 United States that drug use is acceptable.

16 (6) Article VI, clause 2 of the Constitution of
17 the United States states that “[t]his Constitution,
18 and the laws of the United States which shall be
19 made in pursuance thereof; and all treaties made, or
20 which shall be made, under the authority of the
21 United States, shall be the supreme law of the land;
22 and judges in every state shall be bound thereby,
23 any thing in the Constitution or laws of any state
24 to the contrary notwithstanding.”.

1 (7) The courts of the United States have re-
2 peatedly found that any State law that conflicts with
3 a Federal law or treaty is preempted by such law or
4 treaty.

5 (8) The Controlled Substances Act (21 U.S.C.
6 801 et seq.) strictly regulates the use and possession
7 of drugs.

8 (9) The United Nations Convention Against Il-
9 licit Traffic in Narcotic Drugs and Psychotropic
10 Substances Treaty similarly regulates the use and
11 possession of drugs.

12 (10) Any attempt to authorize under State law
13 an activity prohibited under such Treaty or the Con-
14 trolled Substances Act would conflict with that Trea-
15 ty or Act.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the several States, and the citizens of such
19 States, should reject the legalization of drugs
20 through legislation, ballot proposition, constitutional
21 amendment, or any other means; and

22 (2) each State should make efforts to be a
23 drug-free State.

1 **Subtitle C—Report on Streamlining**
2 **Federal Prevention and Treat-**
3 **ment Efforts**

4 **SEC. 221. REPORT ON STREAMLINING FEDERAL PREVEN-**
5 **TION AND TREATMENT EFFORTS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the effort of the Federal Government to re-
9 duce the demand for illegal drugs in the United
10 States are frustrated by the fragmentation of those
11 efforts across multiple departments and agencies;
12 and

13 (2) improvement of those efforts can best be
14 achieved through consolidation and coordination.

15 (b) REPORT REQUIREMENT.—

16 (1) IN GENERAL.—Not later than 18 months
17 after the date of enactment of this Act, the Director
18 of the Office of National Drug Control Policy shall
19 prepare and submit to the appropriate committees a
20 report evaluating options for increasing the efficacy
21 of drug prevention and treatment programs and ac-
22 tivities by the Federal Government. Such option
23 shall include the merits of a consolidation of pro-
24 grams into a single agency, transferring programs
25 from 1 agency to another, and improving coordinat-

1 ing mechanisms and authorities. The report shall
2 also include a thorough review of the activities and
3 potential consolidation of existing Federal drug in-
4 formation clearinghouses.

5 (2) RECOMMENDATION AND EXPLANATORY
6 STATEMENT.—The study submitted under para-
7 graph (1) shall identify options that are determined
8 by the Director to have merit, and an explanation
9 which options should be implemented.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to the Office
12 of National Drug Control Policy to carry out this
13 subsection \$1,000,000 for contracting, policy re-
14 search, and related costs.

15 (c) APPROPRIATE COMMITTEES DEFINED.—In this
16 section, the term “appropriate committees” means the
17 Committee on Appropriations, the Committee on Com-
18 merce, and the Committee on Education and the Work-
19 force of the House of Representatives, and the Committee
20 on Appropriations, and Committee on Labor and Human
21 Resources of the Senate.

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