

***In the Senate of the United States,***

*December 6 (legislative day, September 22), 2000.*

*Resolved,* That the bill from the House of Representatives (H.R. 4493) entitled “An Act to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***TITLE I—PROSECUTION DRUG***  
2 ***TREATMENT ALTERNATIVE***  
3 ***TO PRISON***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Prosecution Drug*  
6 *Treatment Alternative to Prison Act of 2000”.*

1 **SEC. 102. DRUG TREATMENT ALTERNATIVE TO PRISON PRO-**  
2 **GRAMS ADMINISTERED BY STATE OR LOCAL**  
3 **PROSECUTORS.**

4 (a) *PROSECUTION DRUG TREATMENT ALTERNATIVE*  
5 *TO PRISON PROGRAMS.*—*Title I of the Omnibus Crime*  
6 *Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et*  
7 *seq.) is amended by adding at the end the following new*  
8 *part:*

9 **“PART BB—PROSECUTION DRUG TREATMENT**  
10 **ALTERNATIVE TO PRISON PROGRAMS**  
11 **“SEC. 2801. PILOT PROGRAM AUTHORIZED.**

12 “(a) *IN GENERAL.*—*The Attorney General may make*  
13 *grants to State or local prosecutors for the purpose of devel-*  
14 *oping, implementing, or expanding drug treatment alter-*  
15 *native to prison programs that comply with the require-*  
16 *ments of this part.*

17 “(b) *USE OF FUNDS.*—*A State or local prosecutor who*  
18 *receives a grant under this part shall use amounts provided*  
19 *under the grant to develop, implement, or expand the drug*  
20 *treatment alternative to prison program for which the grant*  
21 *was made, which may include payment of the following ex-*  
22 *penses:*

23 “(1) *Salaries, personnel costs, equipment costs,*  
24 *and other costs directly related to the operation of the*  
25 *program, including the enforcement unit.*

1           “(2) *Payments to licensed substance abuse treat-*  
2           *ment providers for providing treatment to offenders*  
3           *participating in the program for which the grant was*  
4           *made, including aftercare supervision, vocational*  
5           *training, education, and job placement.*

6           “(3) *Payments to public and nonprofit private*  
7           *entities for providing treatment to offenders partici-*  
8           *pating in the program for which the grant was made.*

9           “(c) *FEDERAL SHARE.—The Federal share of a grant*  
10          *under this part shall not exceed 75 percent of the cost of*  
11          *the program.*

12          “(d) *SUPPLEMENT AND NOT SUPPLANT.—Grant*  
13          *amounts received under this part shall be used to supple-*  
14          *ment, and not supplant, non-Federal funds that would oth-*  
15          *erwise be available for activities funded under this part.*

16          **“SEC. 2802. PROGRAM REQUIREMENTS.**

17          *“A drug treatment alternative to prison program with*  
18          *respect to which a grant is made under this part shall com-*  
19          *ply with the following requirements:*

20                 “(1) *A State or local prosecutor shall administer*  
21                 *the program.*

22                 “(2) *An eligible offender may participate in the*  
23                 *program only with the consent of the State or local*  
24                 *prosecutor.*

1           “(3) *Each eligible offender who participates in*  
2           *the program shall, as an alternative to incarceration,*  
3           *be sentenced to or placed with a long term, drug free*  
4           *residential substance abuse treatment provider that is*  
5           *licensed under State or local law.*

6           “(4) *Each eligible offender who participates in*  
7           *the program shall serve a sentence of imprisonment*  
8           *with respect to the underlying crime if that offender*  
9           *does not successfully complete treatment with the resi-*  
10          *dential substance abuse provider.*

11          “(5) *Each residential substance abuse provider*  
12          *treating an offender under the program shall—*

13                 “(A) *make periodic reports of the progress*  
14                 *of treatment of that offender to the State or local*  
15                 *prosecutor carrying out the program and to the*  
16                 *appropriate court in which the defendant was*  
17                 *convicted; and*

18                 “(B) *notify that prosecutor and that court*  
19                 *if that offender absconds from the facility of the*  
20                 *treatment provider or otherwise violates the*  
21                 *terms and conditions of the program.*

22          “(6) *The program shall have an enforcement*  
23          *unit comprised of law enforcement officers under the*  
24          *supervision of the State or local prosecutor carrying*  
25          *out the program, the duties of which shall include*

1       *verifying an offender’s addresses and other contacts,*  
2       *and, if necessary, locating, apprehending, and arrest-*  
3       *ing an offender who has absconded from the facility*  
4       *of a residential substance abuse treatment provider or*  
5       *otherwise violated the terms and conditions of the*  
6       *program, and returning such offender to court for*  
7       *sentence on the underlying crime.*

8       **“SEC. 2803. APPLICATIONS.**

9           “(a) *IN GENERAL.*—*To request a grant under this*  
10       *part, a State or local prosecutor shall submit an applica-*  
11       *tion to the Attorney General in such form and containing*  
12       *such information as the Attorney General may reasonably*  
13       *require.*

14           “(b) *CERTIFICATIONS.*—*Each such application shall*  
15       *contain the certification of the State or local prosecutor that*  
16       *the program for which the grant is requested shall meet each*  
17       *of the requirements of this part.*

18       **“SEC. 2804. GEOGRAPHIC DISTRIBUTION.**

19           “*The Attorney General shall ensure that, to the extent*  
20       *practicable, the distribution of grant awards is equitable*  
21       *and includes State or local prosecutors—*

22                   “(1) *in each State; and*

23                   “(2) *in rural, suburban, and urban jurisdictions.*

1 **“SEC. 2805. REPORTS AND EVALUATIONS.**

2       *“For each fiscal year, each recipient of a grant under*  
3 *this part during that fiscal year shall submit to the Attor-*  
4 *ney General a report regarding the effectiveness of activities*  
5 *carried out using that grant. Each report shall include an*  
6 *evaluation in such form and containing such information*  
7 *as the Attorney General may reasonably require. The Attor-*  
8 *ney General shall specify the dates on which such reports*  
9 *shall be submitted.*

10 **“SEC. 2806. DEFINITIONS.**

11       *“In this part:*

12               *“(1) The term ‘State or local prosecutor’ means*  
13 *any district attorney, State attorney general, county*  
14 *attorney, or corporation counsel who has authority to*  
15 *prosecute criminal offenses under State or local law.*

16               *“(2) The term ‘eligible offender’ means an indi-*  
17 *vidual who—*

18                       *“(A) has been convicted of, or pled guilty to,*  
19 *or admitted guilt with respect to a crime for*  
20 *which a sentence of imprisonment is required*  
21 *and has not completed such sentence;*

22                       *“(B) has never been convicted of, or pled*  
23 *guilty to, or admitted guilt with respect to, and*  
24 *is not presently charged with, a felony crime of*  
25 *violence, a major drug offense, or a crime that*

1           *is considered a violent felony under State or*  
2           *local law; and*

3           “(C) *has been found by a professional sub-*  
4           *stance abuse screener to be in need of substance*  
5           *abuse treatment because that offender has a his-*  
6           *tory of substance abuse that is a significant con-*  
7           *tributing factor to that offender’s criminal con-*  
8           *duct.*

9           “(3) *The term ‘felony crime of violence’ has the*  
10          *meaning given such term in section 924(c)(3) of title*  
11          *18, United States Code.*

12          “(4) *The term ‘major drug offense’ has the mean-*  
13          *ing given such term in section 36(a) of title 18,*  
14          *United States Code.”.*

15          (b) *AUTHORIZATION OF APPROPRIATIONS.—Section*  
16          *1001(a) of title I of the Omnibus Crime Control and Safe*  
17          *Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by add-*  
18          *ing at the end the following new paragraph:*

19          “(24) *There are authorized to be appropriated to*  
20          *carry out part BB \$10,000,000 for each of fiscal*  
21          *years 2001 through 2003.”.*

1 **TITLE II—FEDERAL DRUG**  
2 **TREATMENT ALTERNATIVE**  
3 **SENTENCING**

4 **SEC. 201. SHORT TITLE.**

5 *This title may be cited as the “Federal Drug Treat-*  
6 *ment Alternative Sentencing Act of 2000”.*

7 **SEC. 202. ESTABLISHMENT.**

8 *The court, upon the conviction of an individual for*  
9 *a misdemeanor under section 404(a) of the Controlled Sub-*  
10 *stances Act (21 U.S.C. 844(a)), if the individual is a de-*  
11 *fendant described in section 3553(f)(2) of title 18, United*  
12 *States Code, shall consider sentencing that individual to a*  
13 *term of probation that includes a condition, or a term of*  
14 *imprisonment that includes a recommendation, of partici-*  
15 *pation in substance abuse treatment, including a drug de-*  
16 *pendency program as described under this title.*

17 **SEC. 203. PROBATION PROGRAMS.**

18 *(a) GENERALLY.—If the court imposes a sentence of*  
19 *probation pursuant to section 202, the sentence of probation*  
20 *shall be subject to subtitle B of chapter 227 of title 18,*  
21 *United States Code. In considering discretionary conditions*  
22 *of probation under section 3563(b) of such title, the court*  
23 *shall consider and use, where appropriate to assure partici-*  
24 *pation in substance abuse treatment, any of the following:*

25 *(1) Day fines.*

- 1           (2) *House arrest.*
- 2           (3) *Electronic monitoring.*
- 3           (4) *Intensive probation supervision.*
- 4           (5) *Day reporting centers.*
- 5           (6) *Intermittent confinement.*
- 6           (7) *Treatment in therapeutic community.*

7           (b) *ALTERNATIVE SENTENCE.—In order to assure par-*  
 8 *ticipation in substance abuse treatment each offender who*  
 9 *participates in a substance abuse program pursuant to this*  
 10 *section shall serve a sentence of imprisonment with respect*  
 11 *to the underlying offense if that offender does not success-*  
 12 *fully complete such a substance abuse treatment program.*

13          (c) *PREFERENCE FOR COMMUNITY-BASED PRO-*  
 14 *GRAMS.—The court shall order, to the greatest extent prac-*  
 15 *ticable, that substance abuse treatment for an individual*  
 16 *sentenced under subsection (a) shall be provided in the lo-*  
 17 *cality in which the individual resides.*

18 **SEC. 204. DRUG DEPENDENCY PROGRAM.**

19          (a) *IN GENERAL.—The Bureau of Prisons (referred to*  
 20 *in this title as the “Bureau”) shall maintain a drug de-*  
 21 *pendency program for offenders sentenced to incarceration*  
 22 *under this title. The program shall consist of—*

- 23           (1) *residential substance abuse treatment; and*
- 24           (2) *aftercare services.*

1       **(b) REPORT.**—*The Bureau of Prisons shall transmit*  
2 *to the Congress on January 1, 2002, and on January 1*  
3 *of each year thereafter, a report. Such report shall*  
4 *contain—*

5           (1) *a detailed quantitative and qualitative de-*  
6 *scription of each substance abuse treatment program,*  
7 *residential or not, operated by the Bureau; and*

8           (2) *a complete statement of to what extent the*  
9 *Bureau has achieved compliance with the require-*  
10 *ments of this title.*

11 **SEC. 205. DEFINITIONS.**

12 *In this title—*

13           (1) *the term “residential substance abuse treat-*  
14 *ment” means a course of individual and group activi-*  
15 *ties, lasting between 9 and 12 months, in residential*  
16 *treatment programs—*

17                   (A) *directed at the substance abuse problems*  
18 *of the convicted person;*

19                   (B) *intended to develop a person’s cognitive,*  
20 *behavioral, social, vocational, and other skills so*  
21 *as to solve the convicted person’s substance abuse*  
22 *and related problems; and*

23                   (C) *shall include—*

24                           (i) *addiction education;*

1           (ii) individual, group, and family  
2           counseling pursuant to individualized treat-  
3           ment plans;

4           (iii) opportunity for involvement in  
5           Alcoholics Anonymous, Narcotics Anony-  
6           mous, or Cocaine Anonymous;

7           (iv) parenting skills training, domestic  
8           violence counseling, and sexual abuse coun-  
9           seling, where appropriate;

10          (v) HIV education counseling and test-  
11          ing, when requested, and early intervention  
12          services for seropositive individuals;

13          (vi) services that facilitate access to  
14          health and social services, where appro-  
15          priate and to the extent available; and

16          (vii) planning for and counseling to  
17          assist reentry into society, including refer-  
18          rals to appropriate educational, vocational,  
19          and other employment-related programs (to  
20          the extent available), referrals to appro-  
21          priate outpatient or other drug or alcohol  
22          treatment, counseling, transitional housing,  
23          and assistance in obtaining suitable afford-  
24          able housing and employment upon comple-

1           tion of treatment (and release from prison,  
2           if applicable);

3           (2) the term “aftercare services” means a course  
4           of individual and group treatment for a minimum of  
5           one year or for the remainder of the term of incarcer-  
6           ation if less than one year, involving sustained and  
7           frequent interaction with individuals who have suc-  
8           cessfully completed a program of residential substance  
9           abuse treatment, and shall include consistent personal  
10          interaction between the individual and a primary  
11          counselor or case manager, participation in group  
12          and individual counseling sessions, social activities  
13          targeted toward a recovering substance abuser, and,  
14          where appropriate, more intensive intervention; and

15          (3) the term “substance abuse or dependency”  
16          means the abuse of or dependency on drugs or alcohol.

17 **SEC. 206. STUDY OF THE EFFECT OF MANDATORY MINIMUM**  
18                                   **SENTENCES FOR CONTROLLED SUBSTANCE**  
19                                   **OFFENSES.**

20          Not later than 1 year after the date of enactment of  
21 this Act, the United States Sentencing Commission shall  
22 submit to the Committees on the Judiciary of the House  
23 of Representatives and the Senate a report regarding man-  
24 datory minimum sentences for controlled substance offenses,  
25 which shall include an analysis of—

1           (1) *whether such sentences may have a dis-*  
2           *proportionate impact on ethnic or racial groups;*

3           (2) *the effectiveness of such sentences in reducing*  
4           *drug-related crime by violent offenders; and*

5           (3) *the frequency and appropriateness of the use*  
6           *of such sentences for nonviolent offenders in contrast*  
7           *with other approaches such as drug treatment pro-*  
8           *grams.*

Attest:

*Secretary.*



106TH CONGRESS  
2D SESSION

**H. R. 4493**

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**AMENDMENT**