

**Calendar No. 6**

107TH CONGRESS  
1ST SESSION

**S. 79**

To encourage drug free and safe schools.

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**IN THE SENATE OF THE UNITED STATES**

JANUARY 22, 2001

Mr. HELMS introduced the following bill; which was read the first time

JANUARY 23, 2001

Read the second time and placed on the calendar

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**A BILL**

To encourage drug free and safe schools.

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.**

4 This Act may be cited as the “Safe Schools Act of  
5 2001”.

6 **SEC. 2. SAFE SCHOOLS.**

7 (a) AMENDMENTS TO THE GUN-FREE SCHOOLS ACT  
8 OF 1994.—Part F of title XIV of the Elementary and Sec-

1 secondary Education Act of 1965 (20 U.S.C. 8921 et seq.)

2 is amended—

3 (1) in section 14601 (20 U.S.C. 8921)—

4 (A) in subsection (a)—

5 (i) by striking “Gun-Free” and insert-  
6 ing “Safe”; and

7 (ii) by striking “1994” and inserting  
8 “2001”;

9 (B) in subsection (b)(1), by inserting after  
10 “determined” the following: “to be in posses-  
11 sion of felonious quantities of an illegal drug,  
12 on school property under the jurisdiction of, or  
13 in a vehicle operated by an employee or agent  
14 of, a local educational agency in that State, or”;  
15 and

16 (C) in subsection (b)(4)—

17 (i) by striking “DEFINITIONS.—For  
18 the purpose of this section, the” and in-  
19 serting the following: “DEFINITIONS.—For  
20 purposes of this section:

21 “(1) WEAPON.—The”; and

22 (ii) by adding at the end the fol-  
23 lowing:

24 “(2) ILLEGAL DRUG.—The term ‘illegal drug’  
25 means a controlled substance, as defined in section

1 102(6) of the Controlled Substances Act (21 U.S.C.  
2 802(6)), the possession of which is unlawful under  
3 such Act (21 U.S.C. 801 et seq.) or under the Con-  
4 trolled Substances Import and Export Act (21  
5 U.S.C. 951 et seq.), but does not include a con-  
6 trolled substance used pursuant to a valid prescrip-  
7 tion or as authorized by law.

8 “(3) ILLEGAL DRUG PARAPHERNALIA.—The  
9 term ‘illegal drug paraphernalia’ means drug para-  
10 phernalia, as defined in section 422(d) of the Con-  
11 trolled Substances Act (21 U.S.C. 863(d)), except  
12 that the first sentence of that section shall be ap-  
13 plied by inserting ‘or under the Controlled Sub-  
14 stances Import and Export Act (21 U.S.C. 951 et  
15 seq.)’ before the period.

16 “(4) FELONIOUS QUANTITIES OF AN ILLEGAL  
17 DRUG.—The term ‘felonious quantities of an illegal  
18 drug’ means any quantity of an illegal drug—

19 “(A) possession of which (quantity) would,  
20 under Federal, State, or local law, either con-  
21 stitute a felony or indicate an intent to dis-  
22 tribute; or

23 “(B) that is possessed with an intent to  
24 distribute.”;

1 (D) in subsection (d)(2)(C), by inserting  
2 “illegal drugs or” before “weapons”; and

3 (E) by striking subsection (f);

4 (2) in section 14602(a) (20 U.S.C. 8922(a))—

5 (A) by inserting after “who” the following:

6 “is in possession of an illegal drug, or illegal  
7 drug paraphernalia, on school property under  
8 the jurisdiction of, or in a vehicle operated by  
9 an employee or agent of, such agency, or who”;

10 and

11 (B) by striking “served by” and inserting  
12 “under the jurisdiction of”; and

13 (3) in section 14603 (20 U.S.C. 8923)—

14 (A) in paragraph (1)—

15 (i) by striking “policy of the Depart-  
16 ment in effect on the date of enactment of  
17 the Improving America’s Schools Act of  
18 1994” and inserting “policy in effect on  
19 the date of enactment of the Safe Schools  
20 Act of 2001”; and

21 (ii) by adding “and” at the end;

22 (B) in paragraph (2)—

23 (i) by striking “engaging” and insert-  
24 ing “possessing illegal drugs, or illegal  
25 drug paraphernalia, on school property, or

1 in vehicles operated by employees or agents  
2 of, schools or local educational agencies, or  
3 engaging”; and

4 (ii) by striking “; and” and inserting  
5 a period; and

6 (C) by striking paragraph (3).

7 (b) COMPLIANCE DATE; REPORTING.—

8 (1) COMPLIANCE DATE.—A State shall have 2  
9 years from the date of enactment of this Act to com-  
10 ply with the requirements established under the  
11 amendments made by subsection (a).

12 (2) REPORTS.—

13 (A) ON APPROACHES FOR DISCIPLINE.—

14 Not later than 2 years after the date of enact-  
15 ment of this Act, the Secretary of Education  
16 shall submit to Congress a report analyzing the  
17 strengths and weaknesses of approaches regard-  
18 ing the disciplining of children with disabilities.

19 (B) ON COMPLIANCE.—Not later than 3

20 years after the date of enactment of this Act,  
21 the Secretary of Education shall submit to Con-  
22 gress a report on any State that is not in com-  
23 pliance with the requirements of this part.

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