

105TH CONGRESS
2D SESSION

H. R. 4550

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1998

Mr. PORTMAN (for himself, Mr. BARRETT of Wisconsin, Mr. GINGRICH, Mr. HASTERT, Mr. MCCOLLUM, Mr. SOUDER, Mr. UNDERWOOD, Mr. BALLENGER, Ms. GRANGER, Mr. HOBSON, Mr. LEWIS of Kentucky, and Mr. MICA) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, Small Business, Transportation and Infrastructure, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Drug Demand Reduction Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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 Workplace Act

Sec. 111. Short title.
Sec. 112. Findings; purposes.
Sec. 113. Sense of Congress.
Sec. 114. Drug-free workplace demonstration program.
Sec. 115. Small business development centers.
Sec. 116. Contract authority.

Subtitle C—Drug-Free Teen Drivers

Sec. 121. Short title.
Sec. 122. Demonstration program.
Sec. 123. Incentive grant program.
Sec. 124. Technical assistance.

Subtitle D—Drug-Free Prisons and Jails

Sec. 131. Short title.
Sec. 132. Purpose.
Sec. 133. Program authorization.
Sec. 134. Grant application.
Sec. 135. Uses of funds.
Sec. 136. Evaluation and recommendation report to Congress.
Sec. 137. Definitions.
Sec. 138. Authorization of appropriations.

Subtitle E—Drug-Free Schools Quality Assurance

Sec. 151. Short title.
Sec. 152. Amendment to Safe and Drug-Free Schools and Communities Act.

Subtitle F—Drug-Free National Clearinghouse

Sec. 161. Short title.

- Sec. 162. Establishment of clearinghouse; functions.
 Sec. 163. Director.
 Sec. 164. Cooperation by national drug control program agencies.

Subtitle G—Drug-Free Parents Empowerment

- Sec. 171. Short title.
 Sec. 172. Drug-free parents empowerment.

TITLE II—PRIVATE SECTOR ANTI-DRUG PARTNERSHIPS

Subtitle A—Antiaddiction Medications

- Sec. 201. Short title.
 Sec. 202. Facilitation of approval for commercial distribution of antiaddiction drugs developed by National Institute of Drug Abuse.
 Sec. 203. Incentives for development of qualifying antiaddiction drugs.

Subtitle B—Commission on Role of Medication Education in Reducing Substance Abuse

- Sec. 211. National Commission on the Role of Medical Education in Reducing Substance Abuse.

TITLE III—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

- Sec. 301. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

- Sec. 311. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

- Sec. 321. 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 for the purpose of reducing and preventing drug abuse
7 among young people in the United States.

8 (b) LOCAL TARGET REQUIREMENT.—The Director
9 shall, to the maximum extent feasible, use the funds ap-
10 propriated pursuant to the authorization in section 105
11 for media that focuses on, or includes specific information
12 on, prevention or treatment resources for consumers with-
13 in specific local areas.

14 **SEC. 103. USE OF FUNDS.**

15 (a) AUTHORIZED USES.—The funds authorized to be
16 appropriated in section 105 for the support of a national
17 media campaign may be used to fund—

- 18 (1) the purchase of media time and space;
19 (2) reimbursement of out of pocket advertising
20 production costs for agencies that provide all cre-
21 ative development on a pro bono basis;
22 (3) the negotiated fee for the contract buying
23 agency; and
24 (4) the evaluation of the effectiveness of the na-
25 tional media campaign.

1 (b) PROHIBITIONS.—None of the funds authorized to
2 be appropriated in section 105 may be obligated or ex-
3 pended for the following purposes:

4 (1) To supplant current anti-drug community
5 based coalitions.

6 (2) To supplant current pro bono public service
7 time donated by national and local broadcasting net-
8 works.

9 (3) For partisan political purposes.

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

19 (c) MATCHING REQUIREMENT.—Funds appropriated
20 pursuant to the authorization in section 105 shall be
21 matched by an equal amount of non-Federal funds for the
22 campaign, or be matched with in-kind contributions to the
23 campaign of the same value.

24 **SEC. 104. REPORTS TO CONGRESS.**

25 The Director shall—

(1) submit to Congress on a quarterly basis a report on the activities for which funds appropriated pursuant to the authorization in section 105 have been obligated during the preceding quarter, and on the specific parameters of the national media campaign; and

(2) not later than one year after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

12 SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

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

17 **Subtitle B—Drug-Free Workplace**
18 **Act**

19 **SEC. 111. SHORT TITLE.**

20 This subtitle may be cited as the “Drug-Free Work-
21 place Act of 1998”.

22 SEC. 112. FINDINGS; PURPOSES.

23 (a) FINDINGS.—Congress finds that—

24 (1) 74 percent of adults who use illegal drugs
25 are employed;

1 (2) small business concerns employ over 50 per-
2 cent of the Nation's workforce;

3 (3) in over 88 percent of families with children
4 under the age of 18, at least 1 parent is employed;
5 and

6 (4) employees who use drugs increase costs for
7 businesses and risk the health and safety of all em-
8 ployees because—

9 (A) absenteeism is 66 percent higher
10 among drug users than nondrug users;

11 (B) health benefit utilization is 300
12 percent higher among drug users than
13 nondrug users;

14 (C) 47 percent of workplace accidents
15 are drug-related;

16 (D) disciplinary actions are 90 per-
17 cent higher among drug users than
18 nondrug users; and

19 (E) employee turnover is significantly
20 higher among drug users than nondrug
21 users.

22 (b) PURPOSES.—The purposes of this subtitle are
23 to—

24 (1) educate small business concerns about the
25 advantages of a drug-free workplace;

1 (2) provide financial incentives and technical
2 assistance to enable small business concerns to cre-
3 ate a drug-free workplace; and

4 (3) assist working parents in keeping their chil-
5 dren drug-free.

6 **SEC. 113. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) businesses should adopt drug-free workplace
9 programs; and

10 (2) States should consider financial incentives,
11 such as reductions in workers' compensation pre-
12 miums, to encourage businesses to adopt drug-free
13 workplace programs.

14 **SEC. 114. DRUG-FREE WORKPLACE DEMONSTRATION PRO-**
15 **GRAM.**

16 The Small Business Act (15 U.S.C. 636 et seq.) is
17 amended by—

18 (1) redesignating sections (30) and (31) as sec-
19 tions (31) and (32), respectively; and

20 (2) inserting the following new section:

21 **“SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PRO-**
22 **GRAM.**

23 “(a) ESTABLISHMENT.—There is established a drug-
24 free workplace demonstration program, under which the
25 Administration may make grants to eligible intermediaries

1 for the purpose of providing financial and technical assist-
2 ance to small business concerns seeking to start a drug-
3 free workplace program.

4 “(b) ELIGIBILITY FOR PARTICIPATION.—An inter-
5 mediary shall be eligible to receive a grant under sub-
6 section (a) if it meets the following criteria:

7 “(1) It is an organization described in section
8 501(c)(3) of the Internal Revenue Code of 1986 that
9 is exempt from tax under section 5(a) of such Act,
10 a program of such organization, or provides services
11 to such organization.

12 “(2) Its primary purpose is to develop com-
13 prehensive drug-free workplace programs or to sup-
14 ply drug-free workplace services.

15 “(3) It has at least 2 years of experience in
16 drug-free workplace programs.

17 “(4) It has a drug-free workplace policy in ef-
18 fect.

19 “(c) REQUIREMENTS FOR PROGRAM.—Any drug-free
20 workplace program established as a result of this section
21 shall include—

22 “(1) a written policy, including a clear state-
23 ment of expectations for workplace behavior, prohibi-
24 tions against substances in the workplace, and the

1 consequences of violating such expectations and pro-
2 hibitions;

3 “(2) training for at least 60 minutes for em-
4 ployees and supervisors;

5 “(3) additional training for supervisors and em-
6 ployees who are parents;

7 “(4) employee drug testing; and

8 “(5) employee access to an employee assistance
9 program, including assessment, referral, and prob-
10 lem resolution.

11 “(d) AUTHORIZATION.—There are authorized to be
12 appropriated to carry out the provisions of this section,
13 \$10,000,000 for fiscal year 1999 and such sums may re-
14 main available until expended.

15 **SEC. 115. SMALL BUSINESS DEVELOPMENT CENTERS.**

16 Section 21(c)(3) of the Small Business Act (15
17 U.S.C. 648(c)(3)) is amended—

18 (1) in subparagraph (R) by striking “and”;

19 (2) in subparagraph (S) by striking the period
20 and inserting “; and”; and

21 (3) by inserting after subparagraph (S) the fol-
22 lowing new subparagraph:

23 “(T) providing information and assistance to
24 small business concerns with respect to developing
25 drug-free workplace programs.”.

1 **SEC. 116. CONTRACT AUTHORITY.**

2 The Small Business Administrator may contract with
3 and compensate government and private agencies or per-
4 sons for services related to carrying out the provisions of
5 this subtitle.

6 **Subtitle C—Drug-Free Teen**
7 **Drivers**

8 **SEC. 121. SHORT TITLE.**

9 This subtitle may be cited as the “Drug Free Teen-
10 age Drivers Act”.

11 **SEC. 122. DEMONSTRATION PROGRAM.**

12 The National Highway Traffic Safety Administration
13 shall establish a demonstration program in several States
14 to provide voluntary drug testing for all teenager appli-
15 cants (or other first time applicants for a driver’s license
16 regardless of age) for a driver’s license. Information re-
17 specting an applicant’s choice not to take the drug test
18 or the result of the drug test on the applicant shall be
19 made available to the applicant’s automobile insurance
20 company. If an applicant tests positive in the drug test,
21 the State in which the program is established will not issue
22 a license to the applicant and will require the applicant
23 to complete a State drug treatment program and to not
24 test positive in a drug test before reapplying for a license.

1 **SEC. 123. INCENTIVE GRANT PROGRAM.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall establish an incentive grant program to States to as-
4 sist the States in improving their laws relating to con-
5 trolled substances and driving.

6 (b) GRANT REQUIREMENTS.—To qualify for a grant
7 under subsection (a) a State shall do the following:

8 (1) Enact, actively enforce, and publicize a law
9 which makes it illegal to drive in the State with any
10 measurable amount of an illegal controlled substance
11 in the driver's body. An illegal controlled substance
12 is a controlled substance for which an individual
13 does not have a legal written prescription. An indi-
14 vidual who is convicted of such illegal driving shall
15 be referred to appropriate services, including inter-
16 vention, counselling, and treatment.

17 (2) Enact, actively enforce, and publicize a law
18 which makes it illegal to drive in the State when
19 driving is impaired by the presence of any drug. The
20 State shall provide that in the enforcement of such
21 law, a driver shall be tested for the presence of a
22 drug when there is evidence of impaired driving and
23 a driver will have the driver's license suspended. An
24 individual who is convicted of such illegal driving
25 shall be referred to appropriate services, including
26 intervention, counselling, and treatment.

1 (3) Enact, actively enforce, and publicize a law
2 which authorizes the suspension of a driver's license
3 if the driver is convicted of any criminal offense re-
4 lating to drugs.

5 (4) Enact a law which provides that beginning
6 driver applicants and other individuals applying for
7 or renewing a driver's license will be provided infor-
8 mation about the laws referred to in paragraphs (1),
9 (2), and (3) and will be required to answer drug-re-
10 lated questions on their applications.

11 (c) USE.—A State may only use a grant under sub-
12 section (a) to implement and enforce the programs de-
13 scribed in subsection (b).

14 **SEC. 124. TECHNICAL ASSISTANCE.**

15 The Secretary of Transportation shall provide to the
16 States technical assistance for—

17 (1) training law enforcement officers in the
18 Standardized Field Sobriety Testing techniques to
19 detect impaired drivers;

20 (2) expanding drug information and training by
21 involving prosecutors in community drug prevention
22 programs; and

23 (3) promoting uniform sanctions for drug of-
24 fenses, referring drug offenders to assessment and

1 treatment programs, and involving judges in commu-
2 nity drug prevention programs.

3 **Subtitle D—Drug-Free Prisons and** 4 **Jails**

5 **SEC. 131. SHORT TITLE.**

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

8 **SEC. 132. PURPOSE.**

9 The purpose of this subtitle is to provide model pro-
10 grams for comprehensive treatment of substance-involved
11 offenders in the criminal justice system to reduce drug
12 abuse and drug-related crime, and reduce the costs of the
13 criminal justice system, that can be successfully replicated
14 by States and local units of government through a com-
15 prehensive evaluation.

16 **SEC. 133. PROGRAM AUTHORIZATION.**

17 (a) ESTABLISHMENT.—The Director of the Bureau
18 of Justice Assistance shall establish a model substance
19 abuse treatment program for substance-involved offenders
20 by—

21 (1) providing financial assistance to grant re-
22 cipients selected in accordance with section 134(b);
23 and

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

1 (b) GRANT AWARDS.—The Director may award not
2 more than 5 grants to units of local government and not
3 more than 5 grants to States.

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

7 **SEC. 134. GRANT APPLICATION.**

8 (a) CONTENTS.—An application submitted by a unit
9 of local government or a State for a grant award under
10 this subtitle shall include the following:

11 (1) STRATEGY.—A strategy to coordinate pro-
12 grams and services for substance-involved offenders
13 provided by the unit of local government or the
14 State, as the case may be, developed in consultation
15 with representatives from all components of the
16 criminal justice system within the jurisdiction, in-
17 cluding judges, law enforcement personnel, prosecu-
18 tors, corrections personnel, probation personnel, pa-
19 role personnel, substance abuse treatment personnel,
20 and substance abuse prevention personnel.

21 (2) CERTIFICATION.—Certification that—

22 (A) Federal funds made available under
23 this subtitle will not be used to supplant State
24 or local funds, but will be used to increase the
25 amounts of such funds that would, in the ab-

1 sence of Federal funds, be made available for
2 law enforcement activities; and

3 (B) the programs developed pursuant to
4 this subtitle meet all requirements of this sub-
5 title.

6 (b) REVIEW AND APPROVAL.—Subject to section
7 133(b), the Director shall approve applications and make
8 grant awards to units of local governments and States
9 that show the most promise for accomplishing the pur-
10 poses of this subtitle consistent with the provisions of sec-
11 tion 135.

12 **SEC. 135. USES OF FUNDS.**

13 A unit of local government or State that receives a
14 grant award under this subtitle shall use such funds to
15 provide comprehensive treatment programs to inmates in
16 prisons or jails, including not less than 3 of the follow-
17 ing—

18 (1) tailored treatment programs to meet the
19 special needs of different types of substance-involved
20 offenders;

21 (2) random and frequent drug testing, includ-
22 ing a system of sanctions;

23 (3) training and assistance for corrections offi-
24 cers and personnel to assist substance-involved of-
25 fenders in correctional facilities;

1 (4) clinical assessment of incoming substance-
2 involved offenders;

3 (5) availability of religious and spiritual activity
4 and counseling to provide an environment that en-
5 courages recovery from substance involvement in
6 correctional facilities;

7 (6) education and vocational training; and

8 (7) a substance-free correctional facility policy.

9 **SEC. 136. EVALUATION AND RECOMMENDATION REPORT**
10 **TO CONGRESS.**

11 (a) EVALUATION.—

12 (1) IN GENERAL.—The Director shall enter into
13 a contract, with an evaluating agency that has dem-
14 onstrated experience in the evaluation of substance
15 abuse treatment, to conduct an evaluation that in-
16 corporates the criteria described in paragraph (2).

17 (2) EVALUATION CRITERIA.—The Director, in
18 consultation with the Directors of the appropriate
19 National Institutes of Health, shall establish mini-
20 mum criteria for evaluating each program. Such cri-
21 teria shall include—

22 (A) reducing substance abuse among par-
23 ticipants;

24 (B) reducing recidivism among partici-
25 pants;

1 (C) cost effectiveness of providing services
2 to participants; and

3 (D) a data collection system that will
4 produce data comparable to that used by the
5 Office of Applied Studies of the Substance
6 Abuse and Mental Health Services Administra-
7 tion and the Bureau of Justice Statistics of the
8 Office of Justice Programs.

9 (b) REPORT.—The Director shall submit to the ap-
10 propriate committees of Congress, at the same time as the
11 President’s budget for fiscal year 2001 is submitted, a re-
12 port that—

13 (1) describes the activities funded by grant
14 awards under this subtitle;

15 (2) includes the evaluation submitted pursuant
16 to subsection (a); and

17 (3) makes recommendations regarding revisions
18 to the authorization of the program, including exten-
19 sion, expansion, application requirements, reduction,
20 and termination.

21 **SEC. 137. DEFINITIONS.**

22 For purposes of this subtitle:

23 (1) SUBSTANCE-INVOLVED OFFENDER.—The
24 term “substance-involved offender” means an indi-
25 vidual under the supervision of a State or local

1 criminal justice system, awaiting trial or serving a
2 sentence imposed by the criminal justice system,
3 who—

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

6 (B) was under the influence of alcohol or
7 an illegal drug at the time the crime was com-
8 mitted;

9 (C) stole property to buy illegal drugs; or

10 (D) has a history of substance abuse and
11 addiction.

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

14 (3) UNIT OF LOCAL GOVERNMENT.—The term
15 “unit of local government” means any city, county,
16 township, town, borough, parish, village, or other
17 general purpose political subdivision of a State, an
18 Indian tribe which performs law enforcement func-
19 tions as determined by the Secretary of the Interior
20 and any agency of the District of Columbia govern-
21 ment or the United States Government performing
22 law enforcement functions in and for the District of
23 Columbia, and the Trust Territory of the Pacific Is-
24 lands.

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEE.—The term “appropriate Congressional Com-
3 mittee” means the Committees on the Judiciary and
4 the Committees on Appropriations of the House of
5 Representatives and the Senate.

6 **SEC. 138. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to carry out this subtitle from the Violent Crime
9 Reduction Trust Fund as authorized by title 31 of the Vio-
10 lent Crime and Control and Law Enforcement Act of 1994
11 (Public Law 103–322) (42 U.S.C. 14211)—

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

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

14 (b) RESERVATION.—The Director may reserve each
15 fiscal year not more than 20 percent of the funds appro-
16 priated pursuant to subsection (a) for activities required
17 under section 136.

18 **Subtitle E—Drug-Free Schools**
19 **Quality Assurance**

20 **SEC. 151. SHORT TITLE.**

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

1 **SEC. 152. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS**
2 **AND COMMUNITIES ACT.**

3 Subpart 3 of title IV of the Elementary and Second-
4 ary Education Act of 1965 is amended by adding at the
5 end the following:

6 **“SEC. 4134. QUALITY RATING.**

7 “(a) IN GENERAL.—The Secretary shall develop a
8 rating system, or allow State educational agencies, to de-
9 termine if a public school has a drug program that meets
10 the qualification described in subsection (b).

11 “(b) CRITERIA.—The criteria to determine if a school
12 has a quality drug program shall include, at a minimum,
13 the following:

14 “(1) NEEDS ASSESSMENT.—A thorough needs
15 assessment before implementation of a drug pro-
16 gram.

17 “(2) RESEARCH.—Implementation of a re-
18 search-based program.

19 “(3) PARENT AND COMMUNITY INVOLVE-
20 MENT.—Involvement of parents and community
21 members in program design and review of existing
22 community drug programs before implementation of
23 a school program.

24 “(c) REQUEST FOR QUALITY RATING.—A school that
25 wishes to receive a quality rating shall submit a request

1 and documentation of compliance with this section to the
2 Secretary.

3 “(d) PUBLIC NOTIFICATION.—Not less than once
4 each year, the Secretary shall report in the Federal Reg-
5 ister the names of schools that have received a quality rat-
6 ing as described in this section. The Secretary shall also
7 ensure that a list of programs that received a quality rat-
8 ing is readily available to any individual who requests it
9 from the Department of Education.”.

10 **Subtitle F—Drug-Free National** 11 **Clearinghouse**

12 **SEC. 161. SHORT TITLE.**

13 This subtitle may be cited as the “Drug-Free Na-
14 tional Clearinghouse Act of 1998”.

15 **SEC. 162. ESTABLISHMENT OF CLEARINGHOUSE; FUNC-** 16 **TIONS.**

17 (a) ESTABLISHMENT.—(1) There shall be established
18 in the Office of National Drug Control Policy an office
19 to be known as Drug-Free National Clearinghouse (in this
20 subtitle referred to as the “Clearinghouse”).

21 (2) The Clearinghouse shall be established pursuant
22 to paragraph (1) not later than 90 days after the date
23 of the enactment of this Act.

24 (b) FUNCTIONS.—The functions of the Clearinghouse
25 shall be—

1 (1) to consolidate and assume the drug preven-
2 tion and drug treatment information clearinghouse
3 roles currently performed by National Drug Control
4 Program agencies (as that term is defined in section
5 1010(6) of the National Narcotics Leadership Act of
6 1988 (21 U.S.C. 1507(6))); and

7 (2) to ensure that drug prevention and drug
8 treatment information is effectively disseminated by
9 such agencies to individuals, State and local govern-
10 ments, and nongovernmental entities involved in de-
11 mand reduction (as that term is defined in section
12 1010(4) of such Act (21 U.S.C. 1507(4))).

13 **SEC. 163. DIRECTOR.**

14 (a) APPOINTMENT.—There shall be at the head of the
15 Clearinghouse a director, who shall be appointed by the
16 Director of the Office of National Drug Control Policy in
17 consultation with the Director of the National Institute
18 on Drug Abuse.

19 (b) DUTIES.—The director of the Clearinghouse
20 shall—

21 (1) encourage consultation between any Na-
22 tional Drug Control Program agency that conducts
23 or sponsors research on drug prevention or drug
24 treatment, and any National Drug Control Program
25 agency that disseminates such information;

1 (2) encourage, as appropriate, National Drug
 2 Control Program agencies to develop and implement
 3 drug prevention and drug treatment information dis-
 4 semination plans that specifically target individuals,
 5 State and local governments, and nongovernmental
 6 entities involved in demand reduction; and

7 (3) coordinate the dissemination of drug pre-
 8 vention and drug treatment information by such
 9 agencies to individuals, State and local governments,
 10 and nongovernmental entities involved in demand re-
 11 duction.

12 **SEC. 164. COOPERATION BY NATIONAL DRUG CONTROL**
 13 **PROGRAM AGENCIES.**

14 Each National Drug Control Program agency shall
 15 cooperate with the director of the Clearinghouse in carry-
 16 ing out the provisions of this subtitle.

17 **Subtitle G—Drug-Free Parents**
 18 **Empowerment**

19 **SEC. 171. SHORT TITLE.**

20 This subtitle may be cited as the “Drug-Free Parents
 21 Empowerment Act”.

22 **SEC. 172. DRUG-FREE PARENTS EMPOWERMENT.**

23 (a) ESTABLISHMENT.—The Secretary of Health and
 24 Human Services (in this section referred to as the “Sec-
 25 retary”) shall make grants to support the efforts of parent

1 organizations to develop and promote efforts to reduce ille-
2 gal drug use among children in their communities.

3 (b) REQUIREMENTS.—A parent organization may re-
4 ceive a grant under subsection (a) only if the following
5 conditions are met:

6 (1) The organization is a nonprofit organization
7 that is exempt from taxation under section 501(c)(3)
8 of the Internal Revenue Code of 1986.

9 (2) The organization is governed primarily by
10 parents of children who reside in the community in-
11 volved.

12 (3) The organization has not less than five
13 years experience in training, informing, and involv-
14 ing parents in substance-abuse prevention activities
15 within such community.

16 (4) The application submitted pursuant to sub-
17 section (c) by the organization includes a strategy
18 for increasing the involvement of parents in preven-
19 tion activities, including parent training, that are
20 carried out in such community and that complement
21 the work of other parts of the community regarding
22 such activities.

23 (5) The application contains an agreement by
24 the organization that the organization will not ex-
25 pend more than 10 percent of the grant for adminis-

1 trative expenses involved in carrying out the purpose
2 for which the grant is made.

3 (6) Such application has been approved pursu-
4 ant to a process of peer review established by the
5 Secretary.

6 (c) APPLICATION FOR GRANT.—The Secretary may
7 make a grant under subsection (a) only if an application
8 for the grant is submitted to the Secretary and the appli-
9 cation is in such form, is made in such manner, and con-
10 tains such agreements, assurances, and information as the
11 Secretary determines to be necessary to carry out this sec-
12 tion.

13 (d) LIMITATION ON AMOUNT OF GRANT.—A grant
14 under subsection (a) for a fiscal year may not be made
15 in an amount exceeding \$20,000.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—For the
17 purpose of carrying out this section, there is authorized
18 to be appropriated \$10,000,000 for each of the fiscal years
19 1999 through 2001.

TITLE II—PRIVATE SECTOR
ANTI-DRUG PARTNERSHIPS
Subtitle A—Antiaddiction
Medications

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Antiaddiction Medication Development Act”.

SEC. 202. FACILITATION OF APPROVAL FOR COMMERCIAL
DISTRIBUTION OF ANTIADDICTION DRUGS
DEVELOPED BY NATIONAL INSTITUTE OF
DRUG ABUSE.

(a) IN GENERAL.—The Commissioner of Food and Drugs and the Attorney General of the United States shall, respectively, promptly provide to the Director of the National Institute on Drug Abuse a response to any request described in subsection (b) that is submitted to the Commissioner or the Attorney General by the Director regarding a drug—

(1) that is being developed by the Director as a maintenance or detoxification treatment for addiction to one or more narcotic substances;

(2) for which clinical trials are being or have been conducted to determine the safety and effectiveness of the drug; and

1 (3) for which the Director seeks or has ap-
2 proved a private entity to submit for the drug an ap-
3 plication under section 505(b) of the Federal Food,
4 Drug, and Cosmetic Act; and

5 (4) that likely will be added to one of the sched-
6 ules of controlled substances pursuant to section 201
7 of the Controlled Substances Act.

8 (b) DESCRIPTION OF REQUEST.—For purposes of
9 subsection (a), a request by the Director is a request that,
10 with respect to a drug described in subsection (a), the
11 Commissioner and the Attorney General exercise their dis-
12 cretion under the Federal Food, Drug, and Cosmetic Act,
13 and the Controlled Substances Act, to accomplish one or
14 more of the following (as applicable under the request):

15 (1) To carry out promptly section 201(b) of the
16 Controlled Substances Act with respect to the drug
17 (relating to the decision regarding on which of the
18 schedules of controlled substances a drug is to be in-
19 cluded).

20 (2) To advise the Director, and the sponsor of
21 the application under section 505(b) of the Federal
22 Food, Drug, and Cosmetic Act, on the actions that
23 can be taken by the Director and the sponsor to fa-
24 cilitate the approval of the application.

1 (3) To designate the drug as a fast track prod-
2 uct for purposes of section 506 of such Act.

3 (4) To provide the drug to physicians who re-
4 quest the drug for treatment purposes under section
5 561 of such Act (relating to the provision of inves-
6 tigational new drugs to patients who are not partici-
7 pating in clinical trials).

8 (5) To advise the Director and the sponsor of
9 the application on the actions that can be taken to
10 facilitate the designation of the drug under section
11 526 of such Act as being a drug for a rare disease
12 or condition (commonly referred to as an orphan
13 drug).

14 (c) PROCEDURES REGARDING SUBMISSION OF RE-
15 QUEST; RESPONSE TO REQUEST.—

16 (1) REQUEST.—In making a request described
17 in subsection (b), the Director shall—

18 (A) provide such information as the Com-
19 missioner or the Attorney General (as applica-
20 ble) determines is necessary with respect to the
21 request; and

22 (B) if the request is described in any of
23 paragraphs (3) through (5) of such subsection,
24 state the reasons underlying the determination
25 of the Director that the drug involved may

1 qualify for the status described in the para-
2 graph involved.

3 (2) RESPONSE.—In providing a response to a
4 request described in subsection (b), the Commis-
5 sioner and the Attorney General shall state the rea-
6 sons underlying the response, including as applica-
7 ble, the reasons underlying any determination by the
8 Secretary that providing a status described in any of
9 paragraphs (3) through (5) of such subsection for
10 the drug involved would be inconsistent with applica-
11 ble law.

12 (d) DEFINITIONS.—For purposes of this section:

13 (1) The term “Commissioner” means the Com-
14 missioner of Food and Drugs.

15 (2) The term “Director” means the Director of
16 the National Institute on Drug Abuse.

17 (3) The term “Attorney General” means the
18 Attorney General of the United States.

19 **SEC. 203. INCENTIVES FOR DEVELOPMENT OF QUALIFYING**
20 **ANTIADDICTION DRUGS.**

21 Chapter 5 of the Federal Food, Drug, and Cosmetic
22 Act (21 U.S.C. 351 et seq.) is amended by inserting after
23 section 505A the following:

1 **“SEC. 505B. INCENTIVES FOR DEVELOPMENT OF QUALIFY-**
2 **ING ANTIADDICTION DRUGS.**

3 “(a) IN GENERAL.—If (on or after the effective date
4 of this section) an application under section 505(b)(1) is
5 submitted and the drug involved is approved as a qualify-
6 ing antiaddiction drug (as defined in subsection (e)), then
7 the person who submitted the application may in accord-
8 ance with subsection (b) select one qualifying on-market
9 drug (as so defined) for purposes of providing for the ex-
10 tension under subsection (c) of the period of market exclu-
11 sivity for such on-market drug.

12 “(b) NOTIFICATION OF SECRETARY.—

13 “(1) IN GENERAL.—For purposes of subsection
14 (a), a selection by a person of a qualifying on-mar-
15 ket drug is made in accordance with this subsection
16 if the following conditions are met:

17 “(A) The person submits to the Secretary
18 a written notification stating that the selection
19 has been made.

20 “(B) The notification demonstrates that
21 the person is both—

22 “(i) the holder of the approved appli-
23 cation for the qualifying on-market drug;
24 and

1 “(ii) the holder of the approved appli-
2 cation for the qualifying antiaddiction drug
3 with respect to which the selection is made.

4 “(C) The notification is submitted not
5 later than 30 days after the date of the ap-
6 proval under section 505(c) of such qualifying
7 antiaddiction drug.

8 “(D) The notification is submitted not
9 later than 90 days before the expiration of the
10 period that would but for this section apply to
11 the qualifying on-market drug as the period
12 during which an application may not be ap-
13 proved under section 505(c)(3) or section
14 505(j)(5)(B).

15 “(2) PUBLICATION BY SECRETARY.—After de-
16 termining that a notification received by the Sec-
17 retary pursuant to subsection (a) meets the condi-
18 tions described in paragraph (1), the Secretary shall
19 publish in the Federal Register a statement for the
20 purpose of informing the public of the fact that the
21 drug involved has been selected as a qualifying on-
22 market drug and of the legal effect of such selection
23 on the approval of applications under section
24 505(b)(2) and applications under section 505(j).

1 “(c) EXTENSION OF PERIOD.—Subject to subsection
2 (d), with respect to a qualifying on-market drug selected
3 under subsection (a)—

4 “(1)(A)(i) the period referred to in subsection
5 (c)(3)(D)(ii) of section 505, and in subsection
6 (j)(5)(D)(ii) of such section, is deemed to be five
7 years and six months rather than five years, and the
8 references in subsections (c)(3)(D)(ii) and
9 (j)(5)(D)(ii) of such section to four years, to forty-
10 eight months, and to seven and one-half years are
11 deemed to be four and one-half years, fifty-four
12 months, and eight years, respectively; or

13 “(ii) the period referred to in clauses (iii) and
14 (iv) of subsection (c)(3)(D) of such section, and in
15 clauses (iii) and (iv) of subsection (j)(5)(D) of such
16 section, is deemed to be three years and six months
17 rather than three years; and

18 “(B) if the drug is designated under section
19 526 for a rare disease or condition, the period re-
20 ferred to in section 527(a) is deemed to be seven
21 years and six months rather than seven years; and

22 “(2)(A) if the drug is the subject of—

23 “(i) a listed patent for which a certification
24 has been submitted under subsection
25 (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505

1 and for which the application under section
2 505(b)(1) is approved prior to the expiration of
3 the patent (including any patent extensions); or

4 “(ii) a listed patent for which a certifi-
5 cation has been submitted under subsections
6 (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section
7 505;

8 the period during which an application may not be
9 approved under section 505(c)(3) or section
10 505(j)(5)(B) shall be extended by a period of six
11 months after the date the patent expires (including
12 any patent extensions); or

13 “(B) if the drug is the subject of a listed patent
14 for which a certification has been submitted under
15 subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of sec-
16 tion 505, and in the patent infringement litigation
17 resulting from the certification the court determines
18 that the patent is valid and would be infringed, the
19 period during which an application may not be ap-
20 proved under section 505(c)(3) or section
21 505(j)(5)(B) shall be extended by a period of six
22 months after the date the patent expires (including
23 any patent extensions).

24 “(d) RELATIONSHIP TO MARKET EXCLUSIVITY RE-
25 GARDING PEDIATRIC STUDIES.—The extension under this

1 section of the period of market exclusivity for a drug is
 2 in addition to any extension of the period of market exclu-
 3 sivity that may apply for the drug under section 505A.
 4 According to whether this section or section 505A first
 5 applies for the drug, the beginning date for the extension
 6 under this section, or the beginning date for the extension
 7 under section 505A, is deemed to be the date necessary
 8 to achieve the effect described in the preceding sentence.

9 “(e) DEFINITIONS.—

10 “(1) QUALIFYING ANTIADDICTION DRUG.—

11 “(A) IN GENERAL.—For purposes of this
 12 section, the term ‘qualifying antiaddiction drug’
 13 means a new drug approved under section
 14 505(c) as a treatment for dependence on a con-
 15 trolled substance that—

16 “(i) is included in schedule I or II of
 17 the schedules of controlled substances
 18 under section 202(c) of the Controlled
 19 Substances Act; and

20 “(ii) is designated by the Secretary as
 21 a controlled substance to which this section
 22 applies.

23 “(B) CERTAIN CONTROLLED SUB-
 24 STANCES.—Controlled substances designated

1 under subparagraph (A)(ii) by the Secretary
2 shall include the following:

3 “(i) Cocaine, and the other substances
4 included in schedule II in the provision in
5 which cocaine is included.

6 “(ii) Injectable liquids included in
7 schedule II in the provision concerning
8 methamphetamine.

9 “(2) QUALIFYING ON-MARKET DRUG.—For pur-
10 poses of this section, the term ‘qualifying on-market
11 drug’ means a new drug for which an application
12 was submitted under section 505(b)(1) and approved
13 under section 505(c) before the approval under such
14 section of the qualifying antiaddiction drug in-
15 volved.”.

16 **Subtitle B—Commission on Role of** 17 **Medication Education in Reduc-** 18 **ing Substance Abuse**

19 **SEC. 211. NATIONAL COMMISSION ON THE ROLE OF MEDI-** 20 **CAL EDUCATION IN REDUCING SUBSTANCE** 21 **ABUSE.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services shall establish an advisory commission to
24 be known as the National Commission on the Role of Med-
25 ical Education in Reducing Substance Abuse.

1 (b) DUTIES.—

2 (1) IN GENERAL.—The Commission shall con-
3 duct a study for the purpose of determining the
4 manner in which programs of initial and continuing
5 medical education can be modified to improve the ef-
6 forts of health professionals in preventing, diagnos-
7 ing, and treating cases of substance abuse.

8 (2) DATE CERTAIN FOR COMPLETION.—Not
9 later than one year after the date of the enactment
10 of this Act, the Commission shall complete the study
11 required in paragraph (1).

12 (3) REPORT.—Upon completing the study re-
13 quired in paragraph (1), the Commission shall pre-
14 pare a report describing the findings made as a re-
15 sult of the study. The report shall be submitted to
16 the President, to the appropriate departments and
17 Federal agencies, and to the appropriate committees
18 of the Congress. The Commission may include in the
19 report any recommendations of the Commission re-
20 garding administrative or legislative actions. The
21 Secretary shall disseminate the report to the public
22 health officers of the States with the request that
23 the States disseminate the report to public and pri-
24 vate programs within the State that provide edu-
25 cation in the health professions.

1 (c) MEMBERSHIP.—

2 (1) IN GENERAL.—The Commission shall be
3 composed of 10 voting members appointed in accord-
4 ance with paragraph (2) and the nonvoting, ex offi-
5 cio members designated under paragraph (3).

6 (2) APPOINTMENT OF NON-FEDERAL INDIVID-
7 UALS.—Subject to paragraph (3), the voting mem-
8 bers of the Commission under paragraph (1) shall be
9 appointed by the Secretary, and shall be appointed
10 from among individuals who on the day before being
11 appointed were not officers or employees of the Fed-
12 eral Government. Of such members—

13 (A) one shall be a representative of the
14 American College of Physicians;

15 (B) one shall be a representative of the
16 American Medical Association;

17 (C) one shall be a representative of the As-
18 sociation of Professors of Medicine;

19 (D) one shall be a representative of the
20 American Academy of Pediatrics;

21 (E) one shall be a representative of the As-
22 sociation of American Medical Colleges;

23 (F) one shall be a representative of the As-
24 sociation for Substance Abuse Medicine;

1 (G) one shall be a representative of the
2 American Society of Addiction Medicine;

3 (H) one shall be a representative of the
4 American Academy of Family Physicians;

5 (I) one shall be a representative of the
6 American Academy of Neurology; and

7 (J) one shall be a representative of the
8 American College of Preventive Medicine.

9 (3) EX OFFICIO MEMBERS.—Each of the follow-
10 ing officials (or the designees of the officials) shall
11 serve as the ex officio members of the Commission
12 under paragraph (1):

13 (A) The Director of the National Institutes
14 of Health.

15 (B) The Director of National Drug Control
16 Policy.

17 (C) The Director of the Center on Sub-
18 stance Abuse Prevention.

19 (D) The Director of the Center on Sub-
20 stance Abuse Treatment.

21 (E) The Surgeon General of the Public
22 Health Service.

23 (d) CHAIR.—The Commission shall, from among the
24 members appointed under subsection (c)(2), designate an
25 individual to serve as the chair of the Commission.

1 (e) TERMS.—The term of a member of the Commis-
2 sion appointed under subsection (c)(2) is for the duration
3 of the Commission.

4 (f) VACANCIES.—

5 (1) AUTHORITY OF COMMISSION.—A vacancy in
6 the membership of the Commission does not affect
7 the power of the remaining members to carry out
8 the duties under subsection (b).

9 (2) APPOINTMENT OF SUCCESSORS.—A vacancy
10 in the membership of the Commission shall be filled
11 in the manner in which the original appointment was
12 made.

13 (3) INCOMPLETE TERM.—If a member of the
14 Commission does not serve the full term applicable
15 to the member, the individual appointed to fill the
16 resulting vacancy shall be appointed for the remain-
17 der of the term of the predecessor of the individual.

18 (g) MEETINGS.—

19 (1) IN GENERAL.—The Commission shall meet
20 at the call of the Chair or a majority of the mem-
21 bers. The Commission shall meet no fewer than four
22 times.

23 (2) QUORUM.—A quorum for meetings of the
24 Commission is constituted by the presence of ____
25 members.

1 (h) COMPENSATION; REIMBURSEMENT OF EX-
2 PENSES.—

3 (1) APPOINTED MEMBERS.—Members of the
4 Commission appointed under subsection (c)(2) shall
5 receive compensation for each day (including travel-
6 time) engaged in carrying out the duties of the Com-
7 mittee. Such compensation may not be in an amount
8 in excess of the daily equivalent of the annual maxi-
9 mum rate of basic pay payable under the General
10 Schedule (under title 5, United States Code) for po-
11 sitions above GS–15.

12 (2) EX OFFICIO MEMBERS.—Members of the
13 Commission who are designated under subsection
14 (a)(4) may not receive compensation for service on
15 the Commission in addition to the compensation oth-
16 erwise received for duties carried out as Federal offi-
17 cers or employees.

18 (3) REIMBURSEMENT.—Members of the Com-
19 mission may, in accordance with chapter 57 of title
20 5, United States Code, be reimbursed for travel,
21 subsistence, and other necessary expenses incurred
22 in carrying out the duties of the Commission.

23 (i) STAFF AND CONSULTANTS.—

24 (1) STAFF.—

1 (A) IN GENERAL.—The Commission may
2 appoint and determine the compensation of
3 such staff as may be necessary to carry out the
4 duties of the Commission, including an execu-
5 tive director. Such appointments and compensa-
6 tion may be made without regard to the provi-
7 sions of title 5, United States Code, that govern
8 appointments in the competitive services, and
9 the provisions of chapter 51 and subchapter III
10 of chapter 53 of such title that relate to classi-
11 fications and the General Schedule pay rates.

12 (B) LIMITATION.—Staff members ap-
13 pointed under paragraph (1) may not be com-
14 pensated in excess of the maximum rate of
15 basic pay payable for GS–15, except that the
16 executive director may not be compensated in
17 an amount exceeding the maximum rate of
18 basic pay payable under the General Schedule
19 for positions above GS–15.

20 (2) CONSULTANTS.—The Commission may pro-
21 cure such temporary and intermittent services of
22 consultants under section 3109(b) of title 5, United
23 States Code, as the Commission may determine to
24 be appropriate in carrying out the duties under sub-
25 section (b). The Commission may not procure serv-

1 ices under this subsection at any rate in excess of
2 the daily equivalent of the maximum annual rate of
3 basic pay payable under the General Schedule for
4 positions above GS–15. Consultants under this sub-
5 section may, in accordance with chapter 57 of title
6 5, United States Code, be reimbursed for travel,
7 subsistence, and other necessary expenses incurred
8 for activities carried out on behalf of the Commis-
9 sion pursuant to subsection (b).

10 (j) ADMINISTRATIVE SUPPORT.—The Administrator
11 of General Services shall, on a reimbursable basis, provide
12 for the Commission such quarters and administrative sup-
13 port as may be necessary for the Commission to carry out
14 the duties under subsection (b).

15 (k) DURATION OF COMMISSION.—The Commission
16 terminates 45 days after the date on which the report
17 under subsection (b)(3) is submitted under such sub-
18 section.

19 (l) DEFINITIONS.—For purposes of this section:

20 (1) The term “Commission” means the Na-
21 tional Commission on the Role of Medical Education
22 in Reducing Substance Abuse.

23 (2) The term “Secretary” means the Secretary
24 of Health and Human Services

1 (m) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there is authorized
3 to be appropriated \$1,000,000 for fiscal year 1999, to re-
4 main available until the termination of the Commission
5 under subsection (k).

6 **TITLE III—STATEMENT OF**
7 **NATIONAL ANTIDRUG POLICY**
8 **Subtitle A—Congressional Leader-**
9 **ship in Community Coalitions**

10 **SEC. 301. SENSE OF CONGRESS.**

11 (a) FINDINGS.—The Congress finds the following:

12 (1) Illegal drug use is dangerous to the physical
13 well-being of the Nation's youth.

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

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

21 (4) National leadership is critical to conveying
22 to the Nation's youth the message that drug use is
23 dangerous and wrong.

24 (5) National leadership can help mobilize every
25 sector of the community to support the implementa-

1 tion of comprehensive, sustainable, and effective pro-
2 grams to reduce drug abuse.

3 (6) As of September 1, 1998, 76 Members of
4 the House of Representatives were establishing com-
5 munity-based anti-drug coalitions in their congres-
6 sional districts or were actively supporting such coa-
7 litions that already existed.

8 (7) The individual Members of the House of
9 Representatives can best help their constituents pre-
10 vent drug use among the Nation's youth by estab-
11 lishing community-based anti-drug coalitions in their
12 congressional districts or by actively supporting such
13 coalitions that already exist.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the individual Members of the House of Rep-
16 resentatives, including the Delegates and the Resident
17 Commissioner, should establish community-based anti-
18 drug coalitions in their congressional districts or should
19 actively support such coalitions that already exist.

20 **Subtitle B—Rejection of**
21 **Legalization of Drugs**

22 **SEC. 311. SENSE OF CONGRESS.**

23 (a) FINDINGS.—The Congress finds the following:

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

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

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

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

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

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

24 (7) The courts of the United States have re-
25 peatedly found that any State law that conflicts with

1 a Federal law or treaty is preempted by such law or
2 treaty.

3 (8) The Controlled Substances Act (title II of
4 Public Law 91–513; 21 U.S.C. 801 et seq.) strictly
5 regulates the use and possession of drugs.

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

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

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

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

20 (2) every State should make efforts to be a
21 drug-free State.

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

4 **SEC. 321. 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 efforts 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 National Drug Control Policy shall prepare and
19 submit to the appropriate committee a report evalu-
20 ating options for increasing the efficacy of drug pre-
21 vention and treatment programs and activities by
22 the Federal Government. Such option shall include
23 the merits of a consolidation of programs into a sin-
24 gle agency, transferring programs from one agency

1 to another, and improving coordinating mechanisms
2 and authorities.

3 (2) RECOMMENDATION AND EXPLANATORY
4 STATEMENT.—The study submitted under para-
5 graph (1) shall identify options the Director deems
6 have merit, and an explanation which options should
7 be implemented.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—For
9 purposes of carrying out this section, there are au-
10 thorized to be appropriated to the Director of Na-
11 tional Drug Control Policy \$1,000,000 for contract-
12 ing, policy research, and related costs.

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

○