

107TH CONGRESS
1ST SESSION

S. 866

To amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2001

Mr. REID (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

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 “National Media Cam-
5 paign to Prevent Underage Drinking Act of 2001”.

1 **SEC. 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES,**
2 **OFFICE OF PUBLIC HEALTH AND SCIENCE;**
3 **PROGRAM FOR NATIONAL MEDIA CAMPAIGN**
4 **TO PREVENT UNDERAGE DRINKING.**

5 Title XVII of the Public Health Service Act (42
6 U.S.C. 300u et seq.) is amended by adding at the end
7 the following:

8 **“SEC. 1711. NATIONAL MEDIA CAMPAIGN TO PREVENT UN-**
9 **DERAGE DRINKING.**

10 **“(a) REQUIREMENT TO CONDUCT A NATIONAL**
11 **MEDIA CAMPAIGN.—**

12 **“(1) IN GENERAL.—**The Secretary shall de-
13 velop, implement, and conduct a national media
14 campaign in accordance with this section for the
15 purpose of reducing and preventing underage drink-
16 ing in the United States.

17 **“(2) ADMINISTRATION.—**The Secretary shall
18 carry out this section through the Office of Public
19 Health and Science and in consultation with the
20 Surgeon General of the Public Health Service.

21 **“(3) BASED ON SCIENCE.—**The Secretary shall
22 develop, implement, and conduct the national media
23 campaign based upon reputable academic and sci-
24 entific research on youth attitudes and the preva-
25 lence of underage drinking in the United States, as

1 well as on the science and research on mass media
2 prevention campaigns.

3 “(4) SUPPLEMENT; NOT SUPPLANT.—In devel-
4 oping, implementing, and conducting the national
5 media campaign, the Secretary shall supplement
6 (and not supplant) existing efforts by State, local,
7 private, and nonprofit entities to reduce and prevent
8 underage drinking in the United States and shall co-
9 ordinate with other Federal agencies and depart-
10 ments, including the Centers for Disease Control
11 and Prevention, the National Institute on Alcohol
12 Abuse and Alcoholism, the Substance Abuse and
13 Mental Health Services Administration, the National
14 Institute on Drug Abuse, the Department of Justice,
15 the Department of Transportation, and the Office of
16 National Drug Control Policy.

17 “(5) TARGETING.—The Secretary shall, to the
18 maximum extent feasible, use amounts available
19 under subsection (e) for media that focuses on, or
20 includes specific information on, prevention or treat-
21 ment resources for consumers within specific geo-
22 graphic local areas. The Secretary shall ensure that
23 the national media campaign includes messages that
24 are language-appropriate and culturally competent
25 to reach minority groups.

1 “(b) USE OF FUNDS.—

2 “(1) ADVERTISING.—Of the amounts available
3 under subsection (e), the Secretary shall devote suf-
4 ficient funds to the advertising portion of the na-
5 tional media campaign to meet the stated reach and
6 frequency goals of the campaign.

7 “(2) AUTHORIZED USES.—

8 “(A) IN GENERAL.—Amounts available
9 under subsection (e) for the national media
10 campaign may only be used for the development
11 of the campaign and—

12 “(i) the development of a comprehen-
13 sive strategy planning document;

14 “(ii) the purchase of media time and
15 space;

16 “(iii) talent reuse payments;

17 “(iv) out-of-pocket advertising produc-
18 tion costs;

19 “(v) testing and evaluation of adver-
20 tising;

21 “(vi) evaluation of the effectiveness of
22 the media campaign; and

23 “(vii) the negotiated fees for the win-
24 ning bidder on request for proposals issued
25 by the Assistant Secretary for Health.

1 “(B) CERTAIN USES.—In support of the
2 primary goal of developing, implementing and
3 conducting an effective advertising campaign,
4 funds available under subsection (e) may be
5 used for—

6 “(i) partnerships with community,
7 civic, and professional groups, and govern-
8 ment organizations related to the media
9 campaign; and

10 “(ii) entertainment industry collabora-
11 tions to fashion underage-drinking preven-
12 tion messages in motion pictures, television
13 programming, popular music, interactive
14 (Internet and new) media projects and ac-
15 tivities, public information, news media
16 outreach, and corporate sponsorship and
17 participation.

18 “(3) PROHIBITIONS.—None of the amounts
19 available under subsection (e) may be obligated or
20 expended—

21 “(A) to supplant efforts of community-
22 based coalitions to reduce and prevent underage
23 drinking;

1 “(B) to supplant current pro bono public
2 service time donated by national and local
3 broadcasting networks;

4 “(C) for partisan political purposes;

5 “(D) to fund media campaigns that feature
6 any elected officials, persons seeking elected of-
7 fice, cabinet level officials, or other Federal offi-
8 cials employed pursuant to section 213 of
9 schedule C of title 5, Code of Federal Regula-
10 tions, unless the Assistant Secretary for Health
11 provides advance notice to the appropriations
12 committees, the oversight committees, and the
13 appropriate authorizing committees of the
14 House of Representatives and the Senate; or

15 “(E) to fund or support advertising mes-
16 sages bearing any company or brand logos or
17 other identifying corporate or trade informa-
18 tion.

19 “(4) MATCHING REQUIREMENT.—As a condi-
20 tion of each purchase of media time or space for the
21 national media campaign, the Secretary shall require
22 that the seller of the time or space provide non-Fed-
23 eral contributions to the national media campaign in
24 an amount equal to 50 percent of the purchase price
25 of the time or space, which may be contributions of

1 funds, or in-kind contributions in the form of public
2 service announcements specifically directed to reduc-
3 ing and preventing underage drinking.

4 “(c) REPORTS TO CONGRESS.—

5 “(1) COMPREHENSIVE STRATEGY.—Not later
6 than 6 months after the date of enactment of this
7 section, the Secretary shall develop and submit to
8 Congress a comprehensive strategy that identifies
9 the nature and extent of the problem of underage
10 drinking, the scientific basis for the strategy, includ-
11 ing a review of the existing scientific research, target
12 audiences, goals and objectives of the campaign,
13 message points that will be effective in changing at-
14 titudes and behavior, a campaign outline and imple-
15 mentation plan, an evaluation plan, and the esti-
16 mated costs of implementation.

17 “(2) ANNUAL REPORTS.—The Secretary shall
18 annually submit to Congress a report on the activi-
19 ties for which amounts available under subsection
20 (e) were obligated during the preceding year, includ-
21 ing information for each quarter of such year, and
22 on the specific parameters of the national media
23 campaign including whether the campaign is achiev-
24 ing identified performance goals based on an inde-
25 pendent evaluation.

1 “(3) PROGRESS REPORT.—Not later than 1
2 year after the date of enactment of this section, the
3 Secretary shall submit to Congress a report on the
4 progress of the national media campaign based on
5 measurable outcomes previously provided to Con-
6 gress.

7 “(d) DEFINITION.—For purposes of this section, the
8 term ‘underage drinking’ means any consumption of alco-
9 holic beverages by individuals who have not attained the
10 age at which (in the State involved) it is legal to purchase
11 such beverages.

12 “(e) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—
14 For the purpose of carrying out this section, there
15 are authorized to be appropriated such sums as may
16 be necessary for each of fiscal years 2002 through
17 2007.

18 “(2) LIMITATION REGARDING COMPREHENSIVE
19 STRATEGY ACTIVITIES.—Of the amounts appro-
20 priated under paragraph (1), the Secretary may not
21 expend more than \$1,000,000 to carry out sub-
22 section (c)(1).”.

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