

105TH CONGRESS  
2D SESSION

# S. 2446

To stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, AUGUST 31), 1998

Mr. COVERDELL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal 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-Free Neighborhoods 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—DRUG-FREE BORDERS

- Sec. 101. Short title.
- Sec. 102. Increased resources for interdiction.
- Sec. 103. Felony punishment for violence committed along the United States border.
- Sec. 104. Increased penalty for false statement offense.
- Sec. 105. Civil penalties to support maritime law enforcement.
- Sec. 106. Increased number of Border Patrol agents.
- Sec. 107. Border Patrol pursuit policy.
- Sec. 108. Rotation of duty stations and temporary duty assignments of officers of the United States Customs Service.
- Sec. 109. Effect of collective bargaining agreements on ability of United States Customs Service to interdict contraband.

## TITLE II—PROTECTING OUR NEIGHBORHOODS AND SCHOOLS FROM DRUGS

### Subtitle A—Drug-Free Teen Drivers

- Sec. 201. Short title.
- Sec. 202. Demonstration program.
- Sec. 203. Incentive grant program.
- Sec. 204. Authorization of appropriations.

### Subtitle B—Drug-Free Schools

- Sec. 211. Findings.

## CHAPTER 1—VICTIM AND WITNESS ASSISTANCE PROGRAMS FOR TEACHERS AND STUDENTS

- Sec. 212. Amendments to Victims of Crime Act of 1984.

## CHAPTER 2—INNOVATIVE PROGRAMS TO PROTECT TEACHERS AND STUDENTS

- Sec. 215. Definitions.
- Sec. 216. Authorization of appropriations.
- Sec. 217. Authorization for report cards on schools.
- Sec. 218. Application.
- Sec. 219. Innovative voluntary random drug testing programs.

## CHAPTER 3—PARENTAL CONSENT DRUG TESTING

- Sec. 220. Grants for parental consent drug testing demonstration projects.

### Subtitle C—Drug-Free Student Loans

- Sec. 231. Drug-free student loans

### Subtitle D—Drug-Free Workplaces

- Sec. 241. Short title.
- Sec. 242. Findings; purposes.
- Sec. 243. Sense of congress.
- Sec. 244. Drug-free workplace demonstration program.
- Sec. 245. Small business development centers.
- Sec. 246. Contract authority.

### Subtitle E—Drug-Free Communities

Sec. 251. Drug-free communities.

Subtitle F—Banning Free Needles for Drug Addicts

Sec. 255. Prohibition on use of funds for hypodermic needles.

TITLE III—DEFEATING THE DRUG MAFIA

Sec. 301. Increased resources for law enforcement.

Sec. 302. Registration of convicted drug dealers.

TITLE IV—NATIONAL DRUG CONTROL STRATEGY

Sec. 401. Development, submission, implementation, and assessment of national drug control strategy.

Sec. 402. Report by President.

# 1    **TITLE I—DRUG-FREE BORDERS**

## 2    **SEC. 101. SHORT TITLE.**

3        This title may be cited as the “Drug-Free Borders  
4 Act of 1998”.

## 5    **SEC. 102. INCREASED RESOURCES FOR INTERDICTION.**

6        (a) CUSTOMS.—In addition to other amounts appro-  
7 priated for the United States Customs Service for a fiscal  
8 year, there is authorized to be appropriated, \$500,000,000  
9 for each of the fiscal years 1999 through 2003 to be used  
10 to monitor border ports of entry to stop the flow of illegal  
11 drugs into the United States, of which not less than 20  
12 percent of such funds shall be used to provide assistance  
13 to State and local law enforcement entities.

14        (b) COAST GUARD.—In addition to other amounts  
15 appropriated for the United States Coast Guard for a fis-  
16 cal year, there is authorized to be appropriated,  
17 \$400,000,000 for each of the fiscal years 1999 through

1 2003 to be used to expand activities to stop the flow of  
 2 illegal drugs into the United States.

3 (c) DEPARTMENT OF DEFENSE.—In addition to  
 4 other amounts appropriated for the Department of De-  
 5 fense for a fiscal year, there is authorized to be appro-  
 6 priated, \$470,000,000 for each of the fiscal years 1999  
 7 through 2003 to be used to expand activities to stop the  
 8 flow of illegal drugs into the United States, of which not  
 9 less than 20 percent of such funds shall be used to provide  
 10 assistance to State and local law enforcement entities.

11 **SEC. 103. FELONY PUNISHMENT FOR VIOLENCE COMMIT-**  
 12 **TED ALONG THE UNITED STATES BORDER.**

13 (a) IN GENERAL.—Chapter 27 of title 18, United  
 14 States Code, is amended by adding at the end the follow-  
 15 ing:

16 **“§ 554. Violence while eluding inspection or during**  
 17 **violation of arrival, reporting, entry, or**  
 18 **clearance requirements**

19 “(a) IN GENERAL.—Whoever attempts to commit or  
 20 commits a crime of violence during and in relation to—

21 “(1) attempting to elude or eluding customs,  
 22 immigration, or agriculture inspection or failing to  
 23 stop at the command of an officer of customs, immi-  
 24 gration, or animal and plant and health inspection  
 25 services; or

1           “(2) an intentional violation of arrival, report-  
 2           ing, entry, or clearance requirements, as set forth in  
 3           a provision of law listed in subsection (c);  
 4 shall be fined under this title or imprisoned for not more  
 5 than 5 years, or both, except that if bodily injury (as de-  
 6 fined in section 1365(g) of this title) results, the maximum  
 7 term of imprisonment is 10 years, and if death results,  
 8 the offender may be imprisoned for any term of years or  
 9 for life, and may be sentenced to death.

10          “(b) CONSPIRACY.—If 2 or more persons conspire to  
 11 commit an offense under subsection (a), and 1 or more  
 12 of such persons do any act to effect the object of the con-  
 13 spiracy, each shall be punishable as a principal, except  
 14 that the sentence of death may not be imposed.

15          “(c) PROVISIONS OF LAW.—The provisions of law re-  
 16 ferred to in subsection (a) are—

17           “(1) section 107 of the Federal Plant Pest Act  
 18           (7 U.S.C. 150ff));

19           “(2) section 7 of the Federal Noxious Weed Act  
 20           of 1974 (7 U.S.C. 2806);

21           “(3) section 431, 433, 434, or 459 of the Tariff  
 22           Act of 1930 (19 U.S.C. 1431, 1433, 1434, 1459);

23           “(4) section 6 of the Act of August 30, 1890  
 24           (21 U.S.C. 105; Chapter 839, 26 Stat. 416);

1 “(5) section 2 of the Act of February 2, 1903  
2 (21 U.S.C. 111; Chapter 349, 32 Stat. 791);

3 “(6) section 231, 232, 234, 235, 236, 237, or  
4 238 of the Immigration and Nationality Act (8  
5 U.S.C. 1221, 1222, 1224, 1225, 1226, 1227, 1228);

6 “(7) section 4197 of the Revised Statutes of the  
7 United States (46 U.S.C. App. 91); or

8 “(8) section 111 of title 21, United States  
9 Code.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of chapter 27 of title 18, United States  
12 Code, is amended by inserting at the end the following:

“554. Violence while eluding inspection or during violation of arrival, reporting,  
entry, or clearance requirements.”.

13 **SEC. 104. INCREASED PENALTY FOR FALSE STATEMENT OF-**  
14 **FENSE.**

15 Section 542 of title 18, United States Code, is  
16 amended by striking “two years” and inserting “5 years”.

17 **SEC. 105. CIVIL PENALTIES TO SUPPORT MARITIME LAW**  
18 **ENFORCEMENT.**

19 (a) IN GENERAL.—Chapter 17 of title 14, United  
20 States Code, is amended by adding at the end the follow-  
21 ing:

1 **“§ 676. Civil penalty for failure to comply with vessel**  
 2 **boarding**

3 “(a) IN GENERAL.—Any person that engages in con-  
 4 duct that violates section 2237(a)(1) or (2) of title 18,  
 5 United States Code, shall be liable to the United States  
 6 Government—

7 “(1) for a civil penalty of not more than  
 8 \$25,000, in the case of an intentional violation; or

9 “(2) for a civil penalty of not more than  
 10 \$15,000, in the case of any other violation.

11 “(b) SEIZURE OR FORFEITURE.—A vessel used to en-  
 12 gage in conduct for which a penalty is imposed under sub-  
 13 section (a) is liable in rem for that penalty and may be  
 14 seized, forfeited, and sold in accordance with customs  
 15 laws.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of chapter 17 of title 14, United States  
 18 Code, is amended by adding at the end the following new  
 19 item:

“676. Civil penalty for failure to comply with vessel boarding.”.

20 **SEC. 106. INCREASED NUMBER OF BORDER PATROL**  
 21 **AGENTS.**

22 Section 101(a) of the Illegal Immigration Reform and  
 23 Immigrant Responsibility Act of 1996 (Public Law 104–  
 24 208; 110 Stat. 3009–553) is amended to read as follows:

1       “(a) INCREASED NUMBER OF BORDER PATROL  
 2 AGENTS.—The Attorney General in each of fiscal years  
 3 1999, 2000, 2001, 2002, and 2003 shall increase by not  
 4 less than 1,500 the number of positions for full-time, ac-  
 5 tive-duty border patrol agents within the Immigration and  
 6 Naturalization Service above the number of such positions  
 7 for which funds were allotted for the preceding fiscal year,  
 8 to achieve a level of 15,000 positions by fiscal year 2003.”.

9       **SEC. 107. BORDER PATROL PURSUIT POLICY.**

10       A border patrol agent of the United States Border  
 11 Patrol may not cease pursuit of an alien who the agent  
 12 suspects has unlawfully entered the United States, or an  
 13 individual who the agent suspects has unlawfully imported  
 14 a narcotic into the United States, until State or local law  
 15 enforcement authorities are in pursuit of the alien or indi-  
 16 vidual and have the alien or individual in their visual  
 17 range.

18       **SEC. 108. ROTATION OF DUTY STATIONS AND TEMPORARY**  
 19                               **DUTY ASSIGNMENTS OF OFFICERS OF THE**  
 20                               **UNITED STATES CUSTOMS SERVICE.**

21       Section 5 of the Act of February 13, 1911 (19 U.S.C.  
 22 267) is amended—

23               (1) by redesignating subsection (f) as sub-  
 24       section (g); and



1           (2) by inserting after subsection (e) the follow-  
2       ing:

3       “(f) ROTATION OF DUTY STATIONS AND TEMPORARY  
4 DUTY ASSIGNMENTS OF CUSTOMS OFFICERS.—

5           “(1) IN GENERAL.—Notwithstanding any other  
6       provision of law or Executive order, beginning Octo-  
7       ber 1, 1999, in order to ensure the integrity of the  
8       United States Customs Service, the Secretary of the  
9       Treasury—

10           “(A) may transfer up to 5 percent of the  
11       customs officers employed as of the beginning  
12       of each fiscal year to new duty stations in that  
13       fiscal year on a permanent basis; and

14           “(B) may transfer customs officers to tem-  
15       porary duty assignments for not more than 90  
16       days.

17       “(2) VOLUNTARY AND OTHER TRANSFERS.—A  
18       transfer of a customs officer to a new duty station  
19       or a temporary duty assignment under paragraph  
20       (1) is in addition to any voluntary transfer or trans-  
21       fer for other reasons.”.

1 **SEC. 109. EFFECT OF COLLECTIVE BARGAINING AGREE-**  
 2 **MENTS ON ABILITY OF UNITED STATES CUS-**  
 3 **TOMS SERVICE TO INTERDICT CONTRABAND.**

4 Section 5 of the Act of February 13, 1911 (19 U.S.C.  
 5 267), as amended by this Act, is further amended—

6 (1) by redesignating subsection (g) as sub-  
 7 section (h); and

8 (2) by inserting after subsection (f) the follow-  
 9 ing:

10 “(g) EFFECT OF COLLECTIVE BARGAINING AGREE-  
 11 MENTS ON ABILITY OF CUSTOMS SERVICE TO INTERDICT  
 12 CONTRABAND.—

13 “(1) SENSE OF THE CONGRESS.—It is the sense  
 14 of the Congress that collective bargaining agree-  
 15 ments should not have any adverse impact on the  
 16 ability of the United States Customs Service to  
 17 interdict contraband, including controlled sub-  
 18 stances.

19 “(2) PROVISIONS CAUSING ADVERSE IMPACT TO  
 20 INTERDICT CONTRABAND.—

21 “(A) REQUIREMENT TO MEET.—If the  
 22 Commissioner of the Customs Service or an ex-  
 23 clusive representative of Customs Service em-  
 24 ployees determines that any collective bargain-  
 25 ing agreement between the parties has an ad-  
 26 verse impact upon the interdiction of contra-

1 band, including controlled substances, the par-  
2 ties shall meet to address the issue.

3 “(B) FAILURE TO REACH AGREEMENT.—If  
4 the parties do not reach agreement within 90  
5 days of the date of the determination of adverse  
6 impact, either party may enlist the services of  
7 the Federal Mediation and Conciliation Service  
8 to facilitate the resolution of the dispute. If an  
9 impasse is declared, either party may pursue  
10 such impasse with the Federal Service Impasses  
11 Panel pursuant to section 7119(c) of title 5,  
12 United States Code, for ultimate resolution.

13 “(C) RULE OF CONSTRUCTION.—Nothing  
14 in this paragraph shall be construed to limit the  
15 authority of the Customs Service to implement  
16 immediately any proposed changes without  
17 waiting 90 days, if emergency circumstances, as  
18 defined in section 7106(a)(2)(D) of title 5,  
19 United States Code, warrant such immediate  
20 implementation, or if an impasse is reached in  
21 less than 90 days.”.

1 **TITLE II—PROTECTING OUR**  
 2 **NEIGHBORHOODS AND**  
 3 **SCHOOLS FROM DRUGS**  
 4 **Subtitle A—Drug-Free Teen**  
 5 **Drivers**

6 **SEC. 201. SHORT TITLE.**

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

9 **SEC. 202. DEMONSTRATION PROGRAM.**

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

23 **SEC. 203. INCENTIVE GRANT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Transportation  
 25 shall establish an incentive grant program for States to

1 assist the States in improving their laws relating to con-  
2 trolled substances and driving.

3 (b) GRANT REQUIREMENTS.—To qualify for a grant  
4 under subsection (a) a State shall carry out the following:

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

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

24 (3) Enact, actively enforce, and publicize a law  
25 which authorizes the suspension of a driver's license

1 if the driver is convicted of any criminal offense re-  
 2 lating to drugs.

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

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

#### 12 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated,  
 14 \$10,000,000 for each of the fiscal years 1999 through  
 15 2003 to carry out this subtitle.

### 16 **Subtitle B—Drug-Free Schools**

#### 17 **SEC. 211. FINDINGS.**

18 Congress finds that—

19 (1) the continued presence in schools of violent  
 20 students who are a threat to both teachers and other  
 21 students is incompatible with a safe learning envi-  
 22 ronment;

23 (2) unsafe school environments place students  
 24 who are already at risk of school failure for other  
 25 reasons in further jeopardy;

1           (3) recently, over one-fourth of high school stu-  
2       dents surveyed reported being threatened at school;

3           (4) 2,000,000 more children are using drugs in  
4       1997 than were doing so a few short years prior to  
5       1997;

6           (5) nearly 1 out of every 20 students in 6th  
7       through 12th grade uses drugs on school grounds;

8           (6) more of our children are becoming involved  
9       with hard drugs at earlier ages, as use of heroin and  
10      cocaine by 8th graders has more than doubled since  
11      1991; and

12          (7) greater cooperation between schools, par-  
13      ents, law enforcement, the courts, and the commu-  
14      nity is essential to making our schools safe from  
15      drugs and violence.

16 **CHAPTER 1—VICTIM AND WITNESS AS-**  
17 **SISTANCE PROGRAMS FOR TEACHERS**  
18 **AND STUDENTS**

19 **SEC. 212. AMENDMENTS TO VICTIMS OF CRIME ACT OF**  
20 **1984.**

21       (a) VICTIM COMPENSATION.—Section 1403 of the  
22 Victims of Crime Act of 1984 (42 U.S.C. 10602) is  
23 amended by adding at the end the following:

24       “(f) VICTIMS OF SCHOOL VIOLENCE.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law, an eligible crime victim compensa-  
3           tion program may expend funds appropriated under  
4           paragraph (2) to offer compensation to elementary  
5           and secondary school students or teachers who are  
6           victims of elementary and secondary school violence  
7           (as school violence is defined under applicable State  
8           law).

9           “(2) FUNDING.—There is authorized to be ap-  
10          propriated such sums as may be necessary to carry  
11          out paragraph (1).”.

12          (b) VICTIM AND WITNESS ASSISTANCE.—Section  
13          1404(c) of the Victims of Crime Act of 1984 (42 U.S.C.  
14          10603(c)) is amended by adding at the end the following:

15               “(5) ASSISTANCE FOR VICTIMS OF AND WIT-  
16          NESSES TO SCHOOL VIOLENCE.—Notwithstanding  
17          any other provision of law, the Director may make  
18          a grant under this section for a demonstration  
19          project or for training and technical assistance serv-  
20          ices to a program that—

21               “(A) assists State educational agencies and  
22          local educational agencies (as the terms are de-  
23          fined in section 14101 of the Elementary and  
24          Secondary Education Act of 1965 (20 U.S.C.  
25          8801)) in developing, establishing, and operat-



ing programs that are designed to protect victims of and witnesses to incidents of elementary and secondary school violence (as school violence is defined under applicable State law), including programs designed to protect witnesses testifying in school disciplinary proceedings; or

“(B) supports a student safety toll-free hotline that provides students and teachers in elementary and secondary schools with confidential assistance relating to the issues of school crime, violence, drug dealing, and threats to personal safety.”.

## **CHAPTER 2—INNOVATIVE PROGRAMS TO PROTECT TEACHERS AND STUDENTS**

### **SEC. 215. DEFINITIONS.**

In this chapter:

(1) ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, AND STATE EDUCATIONAL AGENCY.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Education.

3   **SEC. 216. AUTHORIZATION OF APPROPRIATIONS.**

4           There is authorized to be appropriated such sums as  
5           may be necessary to carry out this chapter.

6   **SEC. 217. AUTHORIZATION FOR REPORT CARDS ON**  
7           **SCHOOLS.**

8           (a) IN GENERAL.—The Secretary is authorized to  
9           award grants to States, State educational agencies, and  
10          local educational agencies to develop, establish, or conduct  
11          innovative programs to improve unsafe elementary schools  
12          or secondary schools.

13          (b) PRIORITY.—The Secretary shall give priority to  
14          awarding grants under subsection (a) to—

15               (1) programs that provide parent and teacher  
16               notification about incidents of physical violence,  
17               weapon possession, or drug activity on school  
18               grounds as soon after the incident as practicable;

19               (2) programs that provide to parents and teach-  
20               ers an annual report regarding—

21                       (A) the total number of incidents of phys-  
22                       ical violence, weapon possession, and drug activ-  
23                       ity on school grounds;

24                       (B) the percentage of students missing 10  
25                       or fewer days of school; and

1 (C) a comparison, if available, to previous  
 2 annual reports under this paragraph, which  
 3 comparison shall not involve a comparison of  
 4 more than 5 such previous annual reports; and  
 5 (3) programs to enhance school security meas-  
 6 ures that may include—

7 (A) equipping schools with fences, closed  
 8 circuit cameras, and other physical security  
 9 measures;

10 (B) providing increased police patrols in  
 11 and around elementary schools and secondary  
 12 schools, including canine patrols; and

13 (C) mailings to parents at the beginning of  
 14 the school year stating that the possession of a  
 15 gun or other weapon, or the sale of drugs in  
 16 school, will not be tolerated by school authori-  
 17 ties.

18 **SEC. 218. APPLICATION.**

19 (a) IN GENERAL.—Each State, State educational  
 20 agency, or local educational agency desiring a grant under  
 21 this chapter shall submit an application to the Secretary  
 22 at such time, in such manner, and accompanied by such  
 23 information as the Secretary may require.

24 (b) CONTENTS.—Each application submitted under  
 25 subsection (a) shall contain an assurance that the State

1 or agency has implemented or will implement policies  
2 that—

3 (1) provide protections for victims and wit-  
4 nesses to school crime, including protections for at-  
5 tendance at school disciplinary proceedings;

6 (2) expel students who, on school grounds, sell  
7 drugs, or who commit a violent offense that causes  
8 serious bodily injury of another student or teacher;  
9 and

10 (3) require referral to law enforcement authori-  
11 ties or juvenile authorities of any student who on  
12 school grounds—

13 (A) commits a violent offense resulting in  
14 serious bodily injury; or

15 (B) sells drugs.

16 (c) SPECIAL RULE.—For purposes of paragraphs (2)  
17 and (3) of subsection (b), State law shall determine what  
18 constitutes a violent offense or serious bodily injury.

19 **SEC. 219. INNOVATIVE VOLUNTARY RANDOM DRUG TEST-**  
20 **ING PROGRAMS.**

21 Section 4116(b) of the Safe and Drug-Free Schools  
22 and Communities Act of 1994 (20 U.S.C. 7116(b)) is  
23 amended—

24 (1) in paragraph (9), by striking “and” after  
25 the semicolon;

1 (2) by redesignating paragraph (10) as para-  
 2 graph (11); and

3 (3) by inserting after paragraph (9) the follow-  
 4 ing:

5 “(10) innovative voluntary random drug testing  
 6 programs; and”.

## 7 **CHAPTER 3—PARENTAL CONSENT DRUG** 8 **TESTING**

### 9 **SEC. 220. GRANTS FOR PARENTAL CONSENT DRUG TEST-** 10 **ING DEMONSTRATION PROJECTS.**

11 (a) IN GENERAL.—The Administrator is authorized  
 12 to award grants to States, State educational agencies, and  
 13 local educational agencies to develop, establish, or conduct  
 14 programs for testing students for illegal drug use with  
 15 prior parental consent.

16 (b) GUIDELINES.—The Administrator may award  
 17 grants under subsection (a) only to programs that sub-  
 18 stantially comply with the following guidelines:

19 (1) Students will only be tested with their par-  
 20 ent’s consent. If the program also requires the con-  
 21 sent of the student, the parent will be informed of  
 22 any refusal by the student to give consent.

23 (2) The program may involve random testing or  
 24 testing of all students within certain grade or age  
 25 parameters at a participating school. No students

1 under seventh grade or over 12th grade may be test-  
2 ed using funds from grants awarded under this sec-  
3 tion.

4 (3) Students who test positive for illegal drugs  
5 will not be penalized, except that the privilege of  
6 participating in optional courses or extra-curricula  
7 activities in which drug impairment might pose a  
8 safety risk (such as athletic teams, drivers edu-  
9 cation, or industrial arts) may be restricted.

10 (4) The parent of a student who tests positive  
11 for illegal drugs shall be notified of the results in a  
12 discrete manner by a health care professional, a  
13 counselor, or other appropriate person. Parents shall  
14 be advised of resources that may be available in the  
15 local area to treat drug dependency.

16 (5) The procedures used in the demonstration  
17 project shall be designed to ensure fairness and ac-  
18 curacy. The procedures shall also require personnel  
19 administering the drug testing program to treat in-  
20 dividual test results confidentially, and not to pro-  
21 vide individual test results to law enforcement offi-  
22 cials. Statistical information which does not reveal  
23 individual identifying information should be provided  
24 to law enforcement officials.

1       (c) SUBPOENAS AND DISCOVERY.—Test results for  
 2 tests conducted under a demonstration project receiving  
 3 funds under this section shall not be subject to subpoena  
 4 or discovery in any court or administrative forum, without  
 5 the consent of the individual’s parent, unless the individ-  
 6 ual is no longer a minor, in which case the individual’s  
 7 consent is required.

8       (d) MATCHING FUNDS.—The Administrator may give  
 9 a preference in the award of grants under this section to  
 10 applicants who provide an assurance that such applicant  
 11 will commit some level of matching funds or resources for  
 12 the program.

13       (e) CONSTRUCTION OF THIS SECTION.—Nothing in  
 14 this section shall be construed to restrict other permissible  
 15 drug testing activities in schools. Additional drug testing  
 16 not conducted in accordance with the guidelines in sub-  
 17 section (b) may be conducted in schools which receive  
 18 funding under this section, except that grants awarded  
 19 under this section shall not be used to fund such addi-  
 20 tional testing.

21       (f) DEFINITIONS.—In this section:

22           (1) ADMINISTRATOR.—The term “Adminis-  
 23 trator” means the Administrator of the Office of Ju-  
 24 venile Justice and Delinquency Prevention of the  
 25 Department of Justice.

1           (2) PARENT.—The term “parent” means a cus-  
 2           todial parent or legal guardian.

3           (3) STATE, STATE EDUCATIONAL AGENCY, AND  
 4           LOCAL EDUCATIONAL AGENCY.—The terms “State”,  
 5           “State educational agency”, and “local educational  
 6           agency” have the meanings given such terms in sec-  
 7           tion 14101 of the Elementary and Secondary Edu-  
 8           cation Act of 1965 (20 U.S.C. 8801).

9           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
 10          authorized to be appropriated, \$10,000,000 for each of the  
 11          fiscal years 1999 through 2003. Such sums shall remain  
 12          available until expended.

## 13           **Subtitle C—Drug-Free Student** 14           **Loans**

### 15          **SEC. 231. DRUG-FREE STUDENT LOANS**

16          (a) IN GENERAL.—Section 484 of the Higher Edu-  
 17          cation Act of 1965 (20 U.S.C. 1091) is amended by add-  
 18          ing at the end the following:

19          “(q) SUSPENSION OF ELIGIBILITY FOR DRUG RE-  
 20          LATED OFFENSES.—

21                 “(1) IN GENERAL.—An individual student who  
 22                 has been convicted of any felony offense under any  
 23                 Federal or State law involving the possession or sale  
 24                 of a controlled substance shall not be eligible to re-  
 25                 ceive any grant, loan, or work assistance under this



1 title during the period beginning on the date of such  
 2 conviction and ending after the interval specified in  
 3 the following table:

“If convicted of an offense involving:

The possession of a controlled substance:	Ineligibility period is:
First offense .....	1 year
Second offense .....	2 years
Third offense .....	indefinite
The sale of a controlled substance:	
First offense .....	2 years
Second offense .....	indefinite

4 “(2) REHABILITATION.—A student whose eligi-  
 5 bility has been suspended under paragraph (1) may  
 6 resume eligibility before the end of the period deter-  
 7 mined under such paragraph if the student satisfac-  
 8 torily completes a drug rehabilitation program that  
 9 complies with such criteria as the Secretary shall  
 10 prescribe for purposes of this paragraph and that in-  
 11 cludes two unannounced drug tests.

12 “(3) DEFINITIONS.—As used in this subsection,  
 13 the term ‘controlled substance’ has the meaning  
 14 given in section 102(6) of the Controlled Substances  
 15 Act (21 U.S.C. 802(6)).”.

16 (b) EFFECTIVE DATE.—The amendment made by  
 17 subsection (a) shall apply with respect to financial assist-  
 18 ance to cover the costs of attendance for periods of enroll-  
 19 ment beginning after the date of enactment of this Act.

## 1   **Subtitle D—Drug-Free Workplaces**

### 2   **SEC. 241. SHORT TITLE.**

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

### 5   **SEC. 242. FINDINGS; PURPOSES.**

6       (a) FINDINGS.—Congress finds that—

7           (1) 74 percent of adults who use illegal drugs  
8       are employed;

9           (2) small business concerns employ over 50 per-  
10      cent of the Nation’s workforce;

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

14          (4) employees who use drugs increase costs for  
15      businesses and risk the health and safety of all em-  
16      ployees because—

17           (A) absenteeism is 66 percent higher  
18           among drug users than nondrug users;

19           (B) health benefit utilization is 300  
20           percent higher among drug users than  
21           nondrug users;

22           (C) 47 percent of workplace accidents  
23           are drug-related;

1 (D) disciplinary actions are 90 per-  
2 cent higher among drug users than  
3 nondrug users; and

4 (E) employee turnover is significantly  
5 higher among drug users than nondrug  
6 users.

7 (b) PURPOSES.—The purposes of this subtitle are  
8 to—

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

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

14 (3) assist working parents in keeping their chil-  
15 dren drug-free.

16 **SEC. 243. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) businesses should adopt drug-free workplace  
19 programs; and

20 (2) States should consider financial incentives,  
21 such as reductions in workers' compensation pre-  
22 miums, to encourage businesses to adopt drug-free  
23 workplace programs.

1 **SEC. 244. DRUG-FREE WORKPLACE DEMONSTRATION PRO-**  
2 **GRAM.**

3 The Small Business Act (15 U.S.C. 636 et seq.) is  
4 amended—

5 (1) by redesignating section (32) as section  
6 (33); and

7 (2) by inserting after section 31 the following:

8 **“SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PRO-**  
9 **GRAM.**

10 “(a) ESTABLISHMENT.—There is established a drug-  
11 free workplace demonstration program, under which the  
12 Administration may make grants to eligible intermediaries  
13 described in subsection (b) for the purpose of providing  
14 financial and technical assistance to small business con-  
15 cerns seeking to start a drug-free workplace program.

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

19 “(1) It is an organization described in section  
20 501(c)(3) of the Internal Revenue Code of 1986 that  
21 is exempt from tax under section 5(a) of such Act,  
22 a program of such organization, or provides services  
23 to such organization.

24 “(2) Its primary purpose is to develop com-  
25 prehensive drug-free workplace programs or to sup-  
26 ply drug-free workplace services.

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

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

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

8           “(1) a written policy, including a clear state-  
9       ment of expectations for workplace behavior, prohibi-  
10      tions against substances in the workplace, and the  
11      consequences of violating such expectations and pro-  
12      hibitions;

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

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

17          “(4) employee drug testing; and

18          “(5) employee access to an employee assistance  
19      program, including assessment, referral, and short-  
20      term problem resolution.

21       “(d) AUTHORIZATION.—There is authorized to be ap-  
22      propriated to carry out this section, \$10,000,000 for fiscal  
23      year 1999. Such sums shall remain available until ex-  
24      pended.”.

1 **SEC. 245. SMALL BUSINESS DEVELOPMENT CENTERS.**

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

4 (1) in subparagraph (R), by striking “and” at  
5 the end;

6 (2) in subparagraph (S), by striking the period  
7 and inserting “; and”; and

8 (3) by inserting after subparagraph (S) the fol-  
9 lowing:

10 “(T) providing information and assistance to  
11 small business concerns with respect to developing  
12 drug-free workplace programs.”.

13 **SEC. 246. CONTRACT AUTHORITY.**

14 The Administrator of the Small Business Administra-  
15 tion may contract with and compensate government and  
16 private agencies or persons for services related to carrying  
17 out the provisions of this chapter.

18 **Subtitle E—Drug-Free**  
19 **Communities**

20 **SEC. 251. DRUG-FREE COMMUNITIES.**

21 Section 1024(a) of the National Leadership Act of  
22 1988 (21 U.S.C. 1524(a)) is amended—

23 (1) in paragraph (1), by adding “and” after the  
24 semicolon; and

25 (2) by striking paragraphs (2) through (5), and  
26 inserting the following:

1           “(2) \$50,000,000 for each of the fiscal years  
 2           1999 through 2003, of which \$10,000,000 in each  
 3           such fiscal year shall be used for volunteer grass-  
 4           roots drug prevention programs that mobilize parent  
 5           action teams nationwide to conduct community teen  
 6           drug awareness education and prevention activities  
 7           that guarantee increased parental involvement.”.

8           **Subtitle F—Banning Free Needles**  
 9           **for Drug Addicts**

10       **SEC. 255. PROHIBITION ON USE OF FUNDS FOR HYPO-**  
 11       **DERMIC NEEDLES.**

12           Notwithstanding any other provision of law, no Fed-  
 13       eral funds for fiscal years 1998 or 1999 shall be made  
 14       available or used to carry out any program of distributing  
 15       sterile hypodermic needles or syringes to individuals for  
 16       the hypodermic injection of any illegal drug.

17           **TITLE III—DEFEATING THE**  
 18           **DRUG MAFIA**

19       **SEC. 301. INCREASED RESOURCES FOR LAW ENFORCE-**  
 20       **MENT.**

21           (a) DRUG ENFORCEMENT ADMINISTRATION.—In ad-  
 22       dition to other amounts appropriated for the Drug En-  
 23       forcement Administration for a fiscal year, there is author-  
 24       ized to be appropriated, \$300,000,000 for each of the fis-  
 25       cal years 1999 through 2003 to be used for additional ac-

1 tivities to disrupt and dismantle drug trafficking organiza-  
 2 tions, of which not less than 20 percent of such funds shall  
 3 be used to provide assistance to State and local law en-  
 4 forcement entities.

5 (b) FEDERAL BUREAU OF INVESTIGATION.—In addi-  
 6 tion to other amounts appropriated for the Federal Bu-  
 7 reau of Investigation for a fiscal year, there is authorized  
 8 to be appropriated, \$200,000,000 for each of the fiscal  
 9 years 1999 through 2003 to be used to enhance investiga-  
 10 tive and intelligence gathering capabilities relating to ille-  
 11 gal drugs, of which not less than 20 percent of such funds  
 12 shall be used to provide assistance to State and local law  
 13 enforcement entities.

14 **SEC. 302. REGISTRATION OF CONVICTED DRUG DEALERS.**

15 (a) IN GENERAL.—The Attorney General shall estab-  
 16 lish an incentive grant program for States to assist the  
 17 States in enacting laws that establish State registration  
 18 programs for individuals convicted of criminals offenses  
 19 involving drug trafficking.

20 (b) GRANT REQUIREMENTS.—To qualify for a grant  
 21 under subsection (a) a State shall enact, actively enforce,  
 22 and publicize a law that requires that a person who is con-  
 23 victed of a criminal offense involving drug trafficking reg-  
 24 ister a current address with a designated State law en-



1    enforcement agency for up to 10-years following the date on  
2    which such individual is convicted or released from prison.

3           (c) REQUIREMENTS OF STATE LAW.—A State law  
4    enacted under subsection (b) shall contain the following  
5    elements:

6           (1) DUTIES OF RESPONSIBLE OFFICIALS.—If a  
7       person who is required to register under a State law  
8       under this section is released from prison, or placed  
9       on parole, supervised release, or probation, a State  
10      prison officer, the court, or another responsible offi-  
11      cer or official, shall—

12           (A) inform the person of the duty to reg-  
13       ister and obtain the information required for  
14       such registration;

15           (B) inform the person that if the person  
16       changes residence address, the person shall re-  
17       port the change of address as provided by State  
18       law;

19           (C) inform the person that if the person  
20       changes residence to another State, the person  
21       shall report the change of address as provided  
22       by State law and comply with any registration  
23       requirement in the new State of residence, and  
24       inform the person that the person must also

1 register in a State where the person is em-  
2 ployed, carries on a vocation, or is a student;

3 (D) obtain fingerprints and a photograph  
4 of the person if these have not already been ob-  
5 tained in connection with the offense that trig-  
6 gers registration; and

7 (E) require the person to read and sign a  
8 form stating that the duty of the person to reg-  
9 ister under this section has been explained.

10 (2) TRANSFER OF INFORMATION TO STATE.—

11 State procedures under the State law shall ensure  
12 that the registration information is promptly made  
13 available to a law enforcement agency having juris-  
14 diction where the person expects to reside and en-  
15 tered into the appropriate State records or data sys-  
16 tem.

17 (3) VERIFICATION.—For a person required to  
18 register, State procedures under the State law shall  
19 provide for verification of address at least annually.

20 (4) NOTIFICATION OF LOCAL LAW ENFORCE-  
21 MENT AGENCIES OF CHANGES IN ADDRESS.—A

22 change of address by a person required to register  
23 under a State law under this section shall be re-  
24 ported by the person in the manner provided by  
25 State law. State procedures shall ensure that the up-

1       dated address information is promptly made avail-  
2       able to a law enforcement agency having jurisdiction  
3       where the person will reside and entered into the ap-  
4       propriate State records or data system.

5           (5) REGISTRATION FOR CHANGE OF ADDRESS  
6       TO ANOTHER STATE.—A person who has been con-  
7       victed of an offense which requires registration  
8       under a State law under this section and who moves  
9       to another State, shall report the change of address  
10      to the responsible agency in the State the person is  
11      leaving, and shall comply with any registration re-  
12      quirement in the new State of residence. The proce-  
13      dures of the State the person is leaving shall ensure  
14      that notice is provided promptly to an agency re-  
15      sponsible for registration in the new State, if that  
16      State requires registration.

17           (6) LENGTH OF REGISTRATION.—A person re-  
18      quired to register under a State law under this sec-  
19      tion shall continue to comply with this section, ex-  
20      cept during ensuing periods of incarceration, until  
21      10 years have elapsed since the person was released  
22      from prison or placed on parole, supervised release,  
23      or probation.

24           (7) REGISTRATION OF OUT-OF-STATE OFFEND-  
25      ERS, FEDERAL OFFENDERS, PERSONS SENTENCED

1 BY COURTS MARTIAL, AND OFFENDERS CROSSING  
 2 STATE BORDERS.—A State shall include in its reg-  
 3 istration program residents who were convicted in  
 4 another State and shall ensure that procedures are  
 5 in place to accept registration information from—

6 (A) residents who were convicted in an-  
 7 other State, convicted of a Federal offense, or  
 8 sentenced by a court martial; and

9 (B) nonresident offenders who have  
 10 crossed into another State in order to work or  
 11 attend school.

12 (8) REGISTRATION OF OFFENDER CROSSING  
 13 STATE BORDER.—Any person who is required under  
 14 a State law under this section to register in the  
 15 State in which such person resides shall also register  
 16 in any State in which the person is employed, carries  
 17 on a vocation, or is a student.

18 (9) PENALTY.—A person required to register  
 19 under a State law under this section who knowingly  
 20 fails to so register and keep such registration cur-  
 21 rent shall be subject to criminal penalties in any  
 22 State in which the person has so failed.

23 (10) RELEASE OF INFORMATION.—

24 (A) IN GENERAL.—The information col-  
 25 lected under a State registration program under

1           this section may be disclosed for any purpose  
2           permitted under the laws of the State.

3           (B) PROTECTION OF THE PUBLIC.—The  
4           State or any agency authorized by the State  
5           shall release relevant information that is nec-  
6           essary to protect the public concerning a spe-  
7           cific person required to register under this sec-  
8           tion.

9           (11) IMMUNITY FOR GOOD FAITH CONDUCT.—  
10          Law enforcement agencies, employees of law enforce-  
11          ment agencies and independent contractors acting at  
12          the direction of such agencies, and State officials  
13          shall be immune from liability for good faith conduct  
14          under a State law under this section.

15          (12) FINGERPRINTS.—Each requirement to  
16          register under a State law under this section shall  
17          be deemed to also require the submission of a set of  
18          fingerprints of the person required to register, ob-  
19          tained in accordance with regulations prescribed by  
20          the Attorney General under section 170102(h).

21          (d) USE.—A State may only use a grant under sub-  
22          section (a) to implement and enforce the law described in  
23          subsection (b).

1 (e) DEFINITION.—In this section, the term “offenses  
 2 involving drug trafficking” means a criminal offense under  
 3 Federal or applicable State law relating to—

4 (1) the distribution of illegal drugs to individ-  
 5 uals under the age of 21 years;

6 (2) the distribution of manufacturing of illegal  
 7 drugs in or near schools, colleges, universities, or  
 8 youth-centered recreational facilities; or

9 (3) any other activity relating to illegal drugs  
 10 determined appropriate by the chief executive officer  
 11 of the State involved.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated, \$5,000,000 for each of  
 14 the fiscal years 1999 through 2003.

## 15 **TITLE IV—NATIONAL DRUG** 16 **CONTROL STRATEGY**

17 **SEC. 401. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**  
 18 **AND ASSESSMENT OF NATIONAL DRUG CON-**  
 19 **TROL STRATEGY.**

20 Section 1005 of the National Narcotics Leadership  
 21 Act of 1988 (21 U.S.C. 1504) is amended to read as fol-  
 22 lows:

1 **“SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTA-**  
2 **TION, AND ASSESSMENT OF NATIONAL DRUG**  
3 **CONTROL STRATEGY.**

4 “(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-  
5 OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL  
6 STRATEGY.—

7 “(1) TIMING.—

8 “(A) IN GENERAL.—Not later than April  
9 1, 1999, the President shall submit to Congress  
10 a National Drug Control Strategy, which shall  
11 set forth a comprehensive 2-year plan for reduc-  
12 ing drug abuse and the consequences of drug  
13 use in the United States, by limiting the avail-  
14 ability of and reducing the demand for illegal  
15 drugs.

16 “(B) 4-YEAR PLAN.—Not later than Octo-  
17 ber 1, 2001, and on October 1 of every fourth  
18 year thereafter, the President shall submit to  
19 Congress a revised National Drug Control  
20 Strategy, which shall set forth a comprehensive  
21 4-year plan for reducing drug abuse and the  
22 consequences of drug abuse in the United  
23 States, by limiting the availability of and reduc-  
24 ing the demand for illegal drugs, and shall in-  
25 clude quantifiable 4-year performance objec-

tives, targets, and measures for each National Drug Control Strategy goal and objective.

“(2) CONTENTS.—

“(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

“(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

“(ii) short-term measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during the 2-year period beginning on the date on which the strategy is submitted;

“(iii) 5-year projections for program and budget priorities; and

“(iv) a review of State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

“(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy



1           that involves information properly classified  
2           under criteria established by an Executive order  
3           shall be presented to Congress separately from  
4           the rest of the Strategy.

5           “(3) PROCESS FOR DEVELOPMENT AND SUB-  
6       MISSION.—

7                   “(A) CONSULTATION.—In developing and  
8           effectively implementing the National Drug  
9           Control Strategy, the Director—

10                   “(i) shall consult with—

11                           “(I) the heads of the National  
12                   Drug Control Program agencies;

13                           “(II) Congress;

14                           “(III) State and local officials;

15                           “(IV) private citizens and organi-  
16                   zations with experience and expertise  
17                   in demand reduction; and

18                           “(V) private citizens and organi-  
19                   zations with experience and expertise  
20                   in supply reduction; and

21                   “(ii) may require the National Drug  
22           Intelligence Center and the El Paso Intel-  
23           ligence Center to undertake specific tasks  
24           or projects to implement the Strategy.

1           “(B) INCLUSION IN STRATEGY.—The Na-  
 2           tional Drug Control Strategy under this sub-  
 3           section, and each report submitted under sub-  
 4           section (b), shall include a list of each entity  
 5           consulted under subparagraph (A)(i).

6           “(4) MODIFICATION AND RESUBMITTAL.—Not-  
 7           withstanding any other provision of law, the Director  
 8           may modify a National Drug Control Strategy sub-  
 9           mitted under paragraph (1) at any time.

10          “(b) ANNUAL STRATEGY REPORT.—

11           “(1) IN GENERAL.—Not later than February 1,  
 12           1999, and on February 1 of each year thereafter,  
 13           the President shall submit to Congress a report on  
 14           the progress in implementing the Strategy under  
 15           subsection (a), which shall include—

16           “(A) an assessment of the Federal effec-  
 17           tiveness in achieving the Strategy goals and ob-  
 18           jectives using the performance measurement  
 19           system described in subsection (c), including—

20           “(i) an assessment of drug use and  
 21           availability in the United States; and

22           “(ii) an estimate of the effectiveness  
 23           of interdiction, treatment, prevention, law  
 24           enforcement, and international programs  
 25           under the National Drug Control Strategy

1 in effect during the preceding year, or in  
2 effect as of the date on which the report  
3 is submitted;

4 “(B) any modifications of the Strategy or  
5 the performance measurement system described  
6 in subsection (c);

7 “(C) an assessment of how the budget pro-  
8 posal submitted under section 1003(c) is in-  
9 tended to implement the Strategy and whether  
10 the funding levels contained in such proposal  
11 are sufficient to implement such Strategy;

12 “(D) beginning on February 1, 1999, and  
13 every 2 years thereafter, measurable data evalu-  
14 ating the success or failure in achieving the  
15 short-term measurable objectives described in  
16 subsection (a)(2)(A)(ii);

17 “(E) an assessment of current drug use  
18 (including inhalants) and availability, impact of  
19 drug use, and treatment availability, which as-  
20 sessment shall include—

21 “(i) estimates of drug prevalence and  
22 frequency of use as measured by national,  
23 State, and local surveys of illicit drug use  
24 and by other special studies of—

25 “(I) casual and chronic drug use;

1 “(II) high-risk populations, in-  
2 cluding school dropouts, the homeless  
3 and transient, arrestees, parolees, pro-  
4 bationers, and juvenile delinquents;  
5 and

6 “(III) drug use in the workplace  
7 and the productivity lost by such use;

8 “(ii) an assessment of the reduction of  
9 drug availability against an ascertained  
10 baseline, as measured by—

11 “(I) the quantities of cocaine,  
12 heroin, marijuana, methamphetamine,  
13 and other drugs available for con-  
14 sumption in the United States;

15 “(II) the amount of marijuana,  
16 cocaine, and heroin entering the  
17 United States;

18 “(III) the number of hectares of  
19 marijuana, poppy, and coca cultivated  
20 and destroyed;

21 “(IV) the number of metric tons  
22 of marijuana, heroin, and cocaine  
23 seized;

1 “(V) the number of cocaine and  
2 methamphetamine processing labora-  
3 tories destroyed;

4 “(VI) changes in the price and  
5 purity of heroin and cocaine;

6 “(VII) the amount and type of  
7 controlled substances diverted from le-  
8 gitimate retail and wholesale sources;  
9 and

10 “(VIII) the effectiveness of Fed-  
11 eral technology programs at improving  
12 drug detection capabilities in interdic-  
13 tion, and at United States ports of  
14 entry;

15 “(iii) an assessment of the reduction  
16 of the consequences of drug use and avail-  
17 ability, which shall include estimation of—

18 “(I) the burden drug users  
19 placed on hospital emergency depart-  
20 ments in the United States, such as  
21 the quantity of drug-related services  
22 provided;

23 “(II) the annual national health  
24 care costs of drug use, including costs  
25 associated with people becoming in-

1           fected with the human immuno-  
2           deficiency virus and other infectious  
3           diseases as a result of drug use;

4                   “(III) the extent of drug-related  
5           crime and criminal activity; and

6                   “(IV) the contribution of drugs  
7           to the underground economy, as  
8           measured by the retail value of drugs  
9           sold in the United States;

10                   “(iv) a determination of the status of  
11           drug treatment in the United States, by  
12           assessing—

13                   “(I) public and private treatment  
14           capacity within each State, including  
15           information on the treatment capacity  
16           available in relation to the capacity  
17           actually used;

18                   “(II) the extent, within each  
19           State, to which treatment is available;

20                   “(III) the number of drug users  
21           the Director estimates could benefit  
22           from treatment; and

23                   “(IV) the specific factors that re-  
24           strict the availability of treatment  
25           services to those seeking it and pro-

1                   posed administrative or legislative  
2                   remedies to make treatment available  
3                   to those individuals; and

4                   “(v) a review of the research agenda  
5                   of the Counter-Drug Technology Assess-  
6                   ment Center to reduce the availability and  
7                   abuse of drugs; and

8                   “(F) an assessment of private sector initia-  
9                   tives and cooperative efforts between the Fed-  
10                  eral Government and State and local govern-  
11                  ments for drug control.

12               “(2) SUBMISSION OF REVISED STRATEGY.—The  
13               President may submit to Congress a revised Na-  
14               tional Drug Control Strategy that meets the require-  
15               ments of this section—

16               “(A) at any time, upon a determination by  
17               the President and the Director that the Na-  
18               tional Drug Control Strategy in effect is not  
19               sufficiently effective; and

20               “(B) if a new President or Director takes  
21               office.

22               “(c) PERFORMANCE MEASUREMENT SYSTEM.—

23               “(1) IN GENERAL.—Not later than April 1,  
24               1999, the Director shall submit to Congress a de-  
25               scription of the national drug control performance

1 measurement system, designed in consultation with  
2 affected National Drug Control Program agencies,  
3 that—

4 “(A) develops performance objectives,  
5 measures, and targets for each National Drug  
6 Control Strategy goal and objective;

7 “(B) revises performance objectives, meas-  
8 ures, and targets, to conform with National  
9 Drug Control Program Agency budgets;

10 “(C) identifies major programs and activi-  
11 ties of the National Drug Control Program  
12 agencies that support the goals and objectives  
13 of the National Drug Control Strategy;

14 “(D) evaluates implementation of major  
15 program activities supporting the National  
16 Drug Control Strategy developed under section  
17 1005;

18 “(E) monitors consistency between the  
19 drug-related goals and objectives of the Na-  
20 tional Drug Control Program agencies and en-  
21 sures that drug control agency goals and budg-  
22 ets support and are fully consistent with the  
23 National Drug Control Strategy; and

24 “(F) coordinates the development and im-  
25 plementation of national drug control data col-



lection and reporting systems to support policy  
 formulation and performance measurement, in-  
 cluding an assessment of—

“(i) the quality of current drug use  
 measurement instruments and techniques  
 to measure supply reduction and demand  
 reduction activities;

“(ii) the adequacy of the coverage of  
 existing national drug use measurement in-  
 struments and techniques to measure the  
 casual drug user population and groups  
 that are at risk for drug use; and

“(iii) the actions the Director shall  
 take to correct any deficiencies and limita-  
 tions identified pursuant to subparagraphs  
 (A) and (B) of subsection (b)(4).

“(2) MODIFICATIONS.—A description of any  
 modifications made during the preceding year to the  
 national drug control performance measurement sys-  
 tem described in paragraph (1) shall be included in  
 each report submitted under subsection (b).”.

**SEC. 402. REPORT BY PRESIDENT.**

Not later than April 1, 1999, and every April 1 and  
 October 1 thereafter, the President shall prepare and sub-  
 mit to the appropriate committees of Congress a report

- 1 on the prevalence of the use of any illegal drugs by youth
- 2 between the ages of 12 and 17.

