

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6224

To establish a Federal incentive grant program for States that implement effective measures to prevent and reduce underage consumption of beverage alcohol, to evaluate the effectiveness and efficiency of anti-underage drinking programs funded with Federal dollars, and to provide appropriate reporting of Federal underage drinking data.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

Mr. WHITFIELD (for himself, Mr. TOWNS, Mr. PORTER, Mr. GORDON, Ms. BERKLEY, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish a Federal incentive grant program for States that implement effective measures to prevent and reduce underage consumption of beverage alcohol, to evaluate the effectiveness and efficiency of anti-underage drinking programs funded with Federal dollars, and to provide appropriate reporting of Federal underage drinking data.

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 “Underage Drinking  
5 Prevention Act of 2006”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) The consumption of beverage alcohol by un-  
4 derage youth is an ongoing national concern. About  
5 10.8 million Americans between the ages of 12 to  
6 20—for whom alcohol is illegal—report current alco-  
7 hol use, approximately 29 percent of that age group.  
8 (Substance Abuse and Mental Health Services Ad-  
9 ministration; 2004 National Survey on Drug Use  
10 and Health.)

11 (2) Despite the seriousness of the problem that  
12 exists, significant declines have been noted over the  
13 past decade among 8th, 10th and 12th graders.  
14 Since 1991, “binge drinking” has declined by 19  
15 percent for 8th graders; 8 percent for 10th graders;  
16 and 6 percent for 12th graders, and “past month  
17 drinking” has declined by 32 percent for 8th grad-  
18 ers; 22 percent for 10th graders; and 13 percent for  
19 12th graders (2005 Monitoring the Future Survey).

20 (3) However, 42 percent of college students re-  
21 port having five or more drinks in a row at least  
22 once in the past two weeks. Sixty-eight percent re-  
23 port drinking alcohol within the past month. Con-  
24 sumption patterns in this category have remained  
25 flat over the last decade. (Johnson, et al., 2004  
26 Monitoring the Future Study.)

1           (4) Sixty-five percent of underage youth who  
2           drink obtain alcohol from family and friends. Seven  
3           percent of youth report they obtained alcohol from  
4           retailers who failed to check for identification (Teen-  
5           age Research Unlimited, Omnibus 2003).

6           (5) Data from the National Academy of  
7           Sciences/Institute of Medicine, the Federal Trade  
8           Commission and the American Medical Association  
9           show that most youth who drink obtain alcohol pri-  
10          marily through non-commercial sources, such as  
11          family and friends.

12          (6) In 2000, an estimated \$71 million of feder-  
13          ally appropriated funding was dedicated to the pre-  
14          vention of underage drinking. Many Federal agen-  
15          cies have program activities that include the preven-  
16          tion of underage drinking, but for which agency offi-  
17          cials have not isolated funding specific to alcohol.  
18          For example, \$769 million in funding was used for  
19          activities that addressed the prevention of alcohol  
20          and other drug use that targeted either youth or  
21          both youth and the broader community. (GAO-01-  
22          503, Underage Drinking, Information on Federal  
23          Funds Targeted at Prevention, 2001.)

24          (7) The Department of Health and Human  
25          Services/Substance Abuse and Mental Health Serv-

1       ices Administration stated that programs that have  
2       not been rigorously evaluated cannot be assumed to  
3       be effective. Programs that are funded by the Fed-  
4       eral Government should have evidence of effective-  
5       ness (A Comprehensive Plan for Preventing and Re-  
6       ducing Underage Drinking, 2006).

7           (8) Based upon evidence of effectiveness, exist-  
8       ing Federal funding should be reallocated to pro-  
9       grams and grants to States with effective measures  
10      to prevent and reduce underage drinking.

11 **SEC. 3. ADMINISTRATION; CONSULTATION.**

12       (a) ADMINISTRATION.—This Act shall be carried out  
13      by the Secretary of Health and Human Services on behalf  
14      of the Interagency Coordinating Committee on the Preven-  
15      tion of Underage Drinking (referred to in this Act as  
16      “ICCPUD”).

17       (b) CONSULTATION WITH NONFEDERAL ENTI-  
18      TIES.—In carrying out this Act, the Secretary shall con-  
19      sult with States, public and private entities, including col-  
20      leges and universities; public health and consumer organi-  
21      zations; and the beverage alcohol industry.

22 **SEC. 4. EVALUATION OF FEDERAL UNDERAGE DRINKING**  
23 **PROGRAMS.**

24       (a) IN GENERAL.—The Secretary shall in accordance  
25      with subsection (b) evaluate programs that are carried out

1 in whole or in part with Federal funds and are intended  
2 to prevent and reduce the consumption of beverage alcohol  
3 by minors (referred to in this Act as “underage drink-  
4 ing”).

5 (b) CERTAIN REQUIREMENTS.—In carrying out sub-  
6 section (a), the Secretary shall—

7 (1) identify Federal underage drinking pro-  
8 grams—

9 (A) that primarily make awards of grants,  
10 cooperative agreements, or contracts to States  
11 or local governments; and

12 (B) that primarily make such awards to  
13 private entities;

14 (2) determine the cost of each of the programs,  
15 with allocations specific to Federal, State, local, and  
16 private expenditures; and

17 (3) evaluate all programs and require grantees  
18 to build the evaluation costs into grant proposals.

19 (c) CERTAIN REQUIREMENTS.—With respect to eval-  
20 uations under subsection (a):

21 (1) The Secretary shall work jointly with the  
22 funded entity to develop evaluation criteria appro-  
23 priate to each program.

24 (2) The Secretary shall determine that all eval-  
25 uations are properly completed in a timely fashion.

1           (3) Programs that do not receive a score that  
2           demonstrates effectiveness will have to be modified  
3           or will not be eligible for future funding.

4           (d) REPORT TO CONGRESS.—The Secretary shall  
5           complete the evaluations under subsection (a) and submit  
6           to the Congress a report summarizing the results of the  
7           evaluations. The report shall include the information pur-  
8           suant to subsections (b) and (c) and recommendations for  
9           reallocating Federal funding for underage drinking pre-  
10          vention and reduction programs toward the incentive  
11          grant created in section 5 or to programs deemed to be  
12          effective and evidence-based. The list of evaluated and evi-  
13          dence-based programs should be made available online and  
14          should be evaluated on a revolving basis.

15   **SEC. 5. INCENTIVE GRANTS TO STATES REGARDING MEAS-**  
16                   **URES TO PREVENT OR REDUCE UNDERAGE**  
17                   **DRINKING.**

18          (a) IN GENERAL.—The Secretary may make grants  
19          to eligible States for the purpose of carrying out activities  
20          to prevent, and reduce underage drinking by reallocating  
21          funding from grants and programs deemed ineffective in  
22          section 4.

23          (b) ELIGIBLE STATES.—A State is an eligible State  
24          for purposes of this section if the State has implemented

1 not fewer than five of the following ten policies with re-  
2 spect to underage drinking:

3           (1) The State has demonstrated coordination  
4           among agencies, including public health, alcohol bev-  
5           erage control and law enforcement, to prevent and  
6           reduce underage drinking and abuse by providing  
7           prevention and treatment as well as enforcing laws  
8           regarding the illegal purchase, attempt to purchase,  
9           possession, consumption, furnishing, and provision  
10          of beverage alcohol to minors.

11          (2) The appropriate agencies referred to in  
12          paragraph (1) have conducted a review to identify  
13          and catalog state and local underage drinking pre-  
14          vention and reduction programs online and have  
15          evaluated programs consistent with criteria pursuant  
16          to section 4.

17          (3) The State has implemented a comprehensive  
18          plan to improve enforcement and adjudication of ex-  
19          isting laws to prevent and reduce underage drinking  
20          and to report the results of these efforts.

21          (4) The State has—

22                  (A) penalties for adults who knowingly and  
23                  illegally provide alcohol to minors in violation of  
24                  State law;

1 (B) penalties for minors who purchase, at-  
2 tempt to purchase, possess or consume beverage  
3 alcohol in violation of State law, including driv-  
4 er's license penalties; and

5 (C) penalties that escalate with repeat of-  
6 fenses.

7 (5) The State has monetary fines resulting  
8 from the imposition of such penalties outlined in  
9 paragraph (4) that are used to provide funding for  
10 programs to prevent and reduce underage drinking  
11 in the States in which the violation occurred.

12 (6) The State requires parental notification for  
13 minors who seek to fraudulently acquire beverage al-  
14cohol in violation of State law.

15 (7) The State publicizes its laws and penalties  
16 regarding underage drinking, including penalties for  
17 individuals who illegally provide or furnish beverage  
18 alcohol to minors in violation of State laws.

19 (8) The State has established mechanisms for  
20 effective collaboration between licensed retailers, in-  
21cluding retailers owned or operated by or on behalf  
22of the State or its agency, and law enforcement au-  
23thorities to detect and stop the use of false or fraud-  
24ulent identification.

1           (9) The State has established incentives for  
2 such retailers as defined in paragraph (8)—

3           (A) to regularly train employees who serve  
4 or sell alcohol; and

5           (B) to utilize age verification in the serving  
6 and selling of alcohol.

7           (10) The State has developed and implemented  
8 evidence-based programs designed to educate par-  
9 ents about underage drinking and how to address  
10 the issue.

11 **SEC. 6. FUNDING.**

12       (a) CERTAIN TRANSFERS.—With respect to Federal  
13 underage drinking prevention and reduction programs  
14 that are determined by the Secretary through evaluations  
15 under section 4 to be ineffective, the Secretary may termi-  
16 nate such programs and transfer the Federal amounts in-  
17 volved for use for—

18           (1) programs determined under the evaluations  
19 to be effective in preventing or reducing underage  
20 drinking;

21           (2) evidence-based programs to prevent or re-  
22 duce underage drinking; and

23           (3) incentive grants to states regarding meas-  
24 ures to prevent or reduce underage drinking.

1 (b) STATE FUNDING LEVELS.—Once the Secretary  
2 has submitted the report under section 4 to Congress,  
3 States will retain and manage their Federal funds and will  
4 have an initial two-year grace period to either modify or  
5 sunset ineffective programs and reallocate Federal re-  
6 sources. Thereafter, unused funds must be obligated be-  
7 fore the fiscal year ends in order to be carried over to  
8 the next fiscal year. Once obligated, the funds can be used  
9 within a four-year period.

10 **SEC. 7. IMPROVED COLLECTION AND REPORTING.**

11 (a) IN GENERAL.—

12 (1) REPORTING IN CONSISTENT MANNER.—  
13 ICCPUD, as part of its ongoing efforts to improve  
14 Federal data collection, shall require that federally  
15 funded surveys collect and report data in a con-  
16 sistent manner that allows users of this data to com-  
17 pare the results of these surveys. In these efforts,  
18 the surveys shall report demographic categories that  
19 represent the cohort of those under the age of 21.  
20 In order to facilitate more useful data analysis, the  
21 following age categories shall be established, where  
22 cohorts are available and used in those activities de-  
23 scribed in subsection (b):

24 (A) Early teens—persons 12 to 14 years of  
25 age.

1 (B) Teens—persons 15 to 17 years of age.

2 (C) Underaged adults—persons 18 to 20  
3 years of age.

4 (2) ADDITIONAL REQUIREMENTS.—With re-  
5 spect to the age groupings under paragraph (1):

6 (A) The grouping shall not preclude the  
7 use of other age groups or the use of a com-  
8 prehensive age grouping of people between the  
9 ages of 12 to 20.

10 (B) The groups shall include gender, eth-  
11 nic and other specific demographic data.

12 (b) USE OF CERTAIN NATIONAL SURVEYS.—Activi-  
13 ties under subsection (a) shall include the collection and  
14 reporting of relevant data from—

15 (1) national surveys funded by the Secretary,  
16 including but not limited to Monitoring the Future  
17 Survey and National Survey on Drug Use and  
18 Health; and

19 (2) State data available from research con-  
20 ducted or supported by the States, which wholly or  
21 partially use Federal funds.

22 **SEC. 8. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “Secretary” means the Secretary  
25 of Health and Human Services.

1           (2) The term “underage drinking” means the  
2 illegal consumption, purchase, attempt to purchase  
3 or possession of beverage alcohol in violation of  
4 State law.

5           (3) The term “underage drinking programs”  
6 means programs referred to in section 4(a).

7           (4) The term “minors,” with respect to a State,  
8 means individuals who are under the age designated  
9 in the law of the State as the minimum age for le-  
10 gally purchasing, attempting to purchase, consuming  
11 or possessing beverage alcohol as defined under  
12 State law.

13           (5) The term “beverage alcohol industry”  
14 means producers, bottlers, importers, marketers,  
15 wholesalers, and retailers, including control state ju-  
16 risdictions, of beer, wine and distilled spirits.

17           (6) Incentive grant means funding reallocated  
18 from programs deemed to be ineffective.

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