

1024 of the National Narcotics Leadership Act of 1988, to reflect the probable intent of Congress. See 2006 Amendment notes below.

#### AMENDMENTS

2006—Subsec. (a)(11) to (15). Pub. L. 109-469, §801(a), added pars. (11) to (15). See Codification note above.

Subsec. (b). Pub. L. 109-469, §801(b), amended subsec. (b) generally. See Codification note above. Prior to amendment, text read as follows: “Not more than the following percentages of the amounts authorized under subsection (a) of this section may be used to pay administrative costs:

“(1) 10 percent for fiscal year 1998.

“(2) 6 percent for fiscal year 1999.

“(3) 4 percent for fiscal year 2000.

“(4) 3 percent for fiscal year 2001.

“(5) 6 percent for each of fiscal years 2002 through 2007.”

2001—Subsec. (a)(5) to (10). Pub. L. 107-82, §1(b), added pars. (5) to (10) and struck out former par. (5) which read as follows: “\$43,500,000 for fiscal year 2002.”

Subsec. (b)(5). Pub. L. 107-82, §1(c), added par. (5) and struck out former par. (5) which read as follows: “3 percent for fiscal year 2002.”

#### PART A—DRUG-FREE COMMUNITIES SUPPORT PROGRAM

### § 1531. Establishment of drug-free communities support program

#### (a) Establishment

The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance abuse among youth.

#### (b) Program

In carrying out the Program, the Director shall—

(1) make and track grants to grant recipients;

(2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Director determines to be effective in reducing substance abuse; and

(3) provide for the general administration of the Program.

#### (c) Administration

Not later than 30 days after receiving recommendations from the Advisory Commission under section 1542(a)(1) of this title, the Director shall appoint an Administrator to carry out the Program.

#### (d) Contracting

The Director may employ any necessary staff and may enter into contracts or agreements with national drug control agencies, including interagency agreements to delegate authority for the execution of grants and for such other activities necessary to carry out this subchapter.

(Pub. L. 100-690, title I, §1031, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 226.)

### § 1532. Program authorization

#### (a) Grant eligibility

To be eligible to receive an initial grant or a renewal grant under this part, a coalition shall meet each of the following criteria:

#### (1) Application

The coalition shall submit an application to the Administrator in accordance with section 1533(a)(2) of this title.

#### (2) Major sector involvement

##### (A) In general

The coalition shall consist of 1 or more representatives of each of the following categories:

(i) Youth.

(ii) Parents.

(iii) Businesses.

(iv) The media.

(v) Schools.

(vi) Organizations serving youth.

(vii) Law enforcement.

(viii) Religious or fraternal organizations.

(ix) Civic and volunteer groups.

(x) Health care professionals.

(xi) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse).

(xii) Other organizations involved in reducing substance abuse.

##### (B) Elected officials

If feasible, in addition to representatives from the categories listed in subparagraph (A), the coalition shall have an elected official (or a representative of an elected official) from—

(i) the Federal Government; and

(ii) the government of the appropriate State and political subdivision thereof or the governing body or an Indian tribe (as that term is defined in section 450b(e) of title 25).

##### (C) Representation

An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

##### (3) Commitment

The coalition shall demonstrate, to the satisfaction of the Administrator—

(A) that the representatives of the coalition have worked together on substance abuse reduction initiatives, which, at a minimum, includes initiatives that target drugs referenced in section 1523(9)(A) of this title, for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or community boards; and

(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy).

##### (4) Mission and strategies

The coalition shall, with respect to the community involved—

(A) have as its principal mission the reduction of substance abuse, which, at a minimum, includes the use and abuse of drugs

referenced in section 1523(9)(A) of this title, in a comprehensive and long-term manner, with a primary focus on youth in the community;

(B) describe and document the nature and extent of the substance abuse problem, which, at a minimum, includes the use and abuse of drugs referenced in section 1523(9)(A) of this title, in the community;

(C)(i) provide a description of substance abuse prevention and treatment programs and activities, which, at a minimum, includes programs and activities relating to the use and abuse of drugs referenced in section 1523(9)(A) of this title, in existence at the time of the grant application; and

(ii) identify substance abuse programs and service gaps, which, at a minimum, includes programs and gaps relating to the use and abuse of drugs referenced in section 1523(9)(A) of this title, in the community;

(D) develop a strategic plan to reduce substance abuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1523(9)(A) of this title, in a comprehensive and long-term fashion; and

(E) work to develop a consensus regarding the priorities of the community to combat substance abuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1523(9)(A) of this title.

**(5) Sustainability**

The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

(A) is—

- (i) a nonprofit organization; or
- (ii) an entity that the Administrator determines to be appropriate; or
- (iii) part of, or is associated with, an established legal entity;

(B) receives financial support (including, in the discretion of the Administrator, in-kind contributions) from non-Federal sources; and

(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

**(6) Accountability**

The coalition shall—

(A) establish a system to measure and report outcomes—

- (i) consistent with common indicators and evaluation protocols established by the Administrator; and
- (ii) approved by the Administrator;

(B) conduct—

- (i) for an initial grant under this part, an initial benchmark survey of drug use among youth (or use local surveys or performance measures available or accessible in the community at the time of the grant application); and
- (ii) biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

- (i) in gathering data related to substance abuse among youth; or
- (ii) in evaluating the effectiveness of community anti-drug coalitions.

**(7) Additional criteria**

The Director shall not impose any eligibility criteria on new applicants or renewal grantees not provided in this subchapter.

**(b) Grant amounts**

**(1) In general**

**(A) Grants**

**(i) In general**

Subject to clause (iv), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

**(ii) Suspension of grants**

If such grant recipient fails to continue to meet the criteria specified in subsection (a) of this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

**(iii) Renewal grants**

Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

**(iv) Limitation**

The amount of a grant award under this subparagraph may not exceed \$125,000 for a fiscal year.

**(B) Coalition awards**

**(i) In general**

Except as provided in clause (ii), the Administrator may, with respect to a community, make a grant to 1 eligible coalition that represents that community.

**(ii) Exception**

The Administrator may make a grant to more than 1 eligible coalition that represents a community if—

- (I) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and
- (II) each of the coalitions has independently met the requirements set forth in subsection (a) of this section.

**(2) Rural coalition grants**

**(A) In general**

**(i) In general**

In addition to awarding grants under paragraph (1), to stimulate the develop-

ment of coalitions in sparsely populated and rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a county with a population that does not exceed 30,000 individuals. In awarding a grant under this paragraph, the Administrator may waive any requirement under subsection (a) of this section if the Administrator considers that waiver to be appropriate.

**(ii) Matching requirement**

Subject to subparagraph (C), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

**(iii) Suspension of grants**

If such grant recipient fails to continue to meet any criteria specified in subsection (a) of this section that has not been waived by the Administrator pursuant to clause (i), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

**(B) Renewal grants**

The Administrator may award a renewal grant to an eligible coalition that is a grant recipient under this paragraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, during the 4-year period following the period of the initial grant.

**(C) Limitations**

**(i) Amount**

The amount of a grant award under this paragraph shall not exceed \$125,000 for a fiscal year.

**(ii) Awards**

With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

**(3) Additional grants**

**(A) In general**

Subject to subparagraph (F), the Administrator may award an additional grant under this paragraph to an eligible coalition awarded a grant under paragraph (1) or (2) for any first fiscal year after the end of the 4-year period following the period of the initial grant under paragraph (1) or (2), as the case may be.

**(B) Scope of grants**

A coalition awarded a grant under paragraph (1) or (2), including a renewal grant under such paragraph, may not be awarded another grant under such paragraph, and is eligible for an additional grant under this section only under this paragraph.

**(C) No priority for applications**

The Administrator may not afford a higher priority in the award of an additional grant under this paragraph than the Administrator would afford the applicant for the grant if the applicant were submitting an application for an initial grant under paragraph (1) or (2) rather than an application for a grant under this paragraph.

**(D) Renewal grants**

Subject to subparagraph (F), the Administrator may award a renewal grant to a grant recipient under this paragraph for each of the fiscal years of the 4-fiscal-year period following the fiscal year for which the initial additional grant under subparagraph (A) is awarded in an amount not to exceed amounts as follows:

(i) For the first and second fiscal years of that 4-fiscal-year period, the amount equal to 80 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

(ii) For the third and fourth fiscal years of that 4-fiscal-year period, the amount equal to 67 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

**(E) Suspension**

If a grant recipient under this paragraph fails to continue to meet the criteria specified in subsection (a) of this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

**(F) Limitation**

The amount of a grant award under this paragraph may not exceed \$125,000 for a fiscal year.

**(4) Process for suspension**

A grantee shall not be suspended or terminated under paragraph (1)(A)(ii), (2)(A)(iii), or (3)(E) unless that grantee is afforded a fair, timely, and independent appeal prior to such suspension or termination.

**(c) Treatment of funds for coalitions representing certain organizations**

Funds appropriated for the substance abuse activities of a coalition that includes a representative of the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency with expertise in the field of substance abuse may be counted as non-Federal funds raised by the coalition for purposes of this section.

**(d) Priority in awarding grants**

In awarding grants under subsection (b)(1)(A)(i) of this section, priority shall be given to a coalition serving economically disadvantaged areas.

(Pub. L. 100-690, title I, §1032, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 227; amended Pub. L. 107-82, §1(d), (g), (h), Dec. 14, 2001, 115 Stat. 818, 819; Pub. L. 109-469, title VIII, §§802(a), 803, 804, Dec. 29, 2006, 120 Stat. 3535.)

## CODIFICATION

Pub. L. 109-469, §§802(a), 803, 804, which directed amendment of section 1032 of the “Drug-Free Communities Act of 1997”, were executed to this section, which is section 1032 of the National Narcotics Leadership Act of 1988, to reflect the probable intent of Congress. See 2006 Amendment notes below.

## AMENDMENTS

2006—Subsec. (a)(7). Pub. L. 109-469, §804, added par. (7). See Codification note above.

Subsec. (b)(1)(A)(iv), (2)(C)(i), (3)(F). Pub. L. 109-469, §803, substituted “\$125,000” for “\$100,000”. See Codification note above.

Subsec. (b)(4). Pub. L. 109-469, §802(a), added par. (4). See Codification note above.

2001—Subsec. (b)(3). Pub. L. 107-82, §1(d), added par. (3).

Subsec. (c). Pub. L. 107-82, §1(g), added subsec. (c).

Subsec. (d). Pub. L. 107-82, §1(h), added subsec. (d).

## REPORT TO CONGRESS

Pub. L. 109-469, title VIII, §802(b), Dec. 29, 2006, 120 Stat. 3535, provided that: “Not later than 60 days after the date of enactment of this Act [Dec. 29, 2006], the Director of the Office of National Drug Control Policy shall submit to Congress a report detailing the appeals process required by section 1032(b)(4) of the Drug-Free Communities Act of 1997 [probably means 21 U.S.C. 1532(b)(4)], as added by subsection (a) [see 2006 Amendments note above].”

### § 1533. Information collection and dissemination with respect to grant recipients

#### (a) Coalition information

##### (1) General auditing authority

For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this subchapter; and

(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1532(a) of this title.

##### (2) Application process

The Administrator shall issue a request for proposal regarding, with respect to the grants awarded under section 1532 of this title, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Administrator.

##### (3) Reporting

The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this part.

#### (b) Data collection and dissemination

##### (1) In general

The Administrator may collect data from—

(A) national substance abuse organizations that work with eligible coalitions, community anti-drug coalitions, departments or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

#### (2) Activities of Administrator

The Administrator may—

(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

(B) conduct an evaluation of the Program; and

(C) disseminate information described in this subsection to—

- (i) eligible coalitions and other substance abuse organizations; and
- (ii) the general public.

#### (3) Consultation

The Administrator shall carry out activities under this subsection in consultation with the Advisory Commission and the National Community Antidrug Coalition Institute.

#### (4) Limitation on use of certain funds for evaluation of Program

Amounts for activities under paragraph (2)(B) may not be derived from amounts under section 1524(a) of this title except for amounts that are available under section 1524(b) of this title for administrative costs.

(Pub. L. 100-690, title I, §1033, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 230; amended Pub. L. 107-82, §1(e), (f), Dec. 14, 2001, 115 Stat. 818.)

## AMENDMENTS

2001—Subsec. (b)(3). Pub. L. 107-82, §1(e), added par. (3).

Subsec. (b)(4). Pub. L. 107-82, §1(f), added par. (4).

### § 1534. Technical assistance and training

#### (a) In general

##### (1) Technical assistance and agreements

With respect to any grant recipient or other organization, the Administrator may—

(A) offer technical assistance and training; and

(B) enter into contracts and cooperative agreements.

##### (2) Coordination of programs

The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

#### (b) Training

The Administrator may provide training to any representative designated by a grant recipient in—

(1) coalition building;

(2) task force development;

(3) mediation and facilitation, direct service, assessment and evaluation; or

(4) any other activity related to the purposes of the Program.

(Pub. L. 100-690, title I, §1034, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 231.)

### § 1535. Supplemental grants for coalition mentoring activities

#### (a) Authority to make grants

As part of the program established under section 1531 of this title, the Director may award an

initial grant under this subsection, and renewal grants under subsection (f) of this section, to any coalition awarded a grant under section 1532 of this title that meets the criteria specified in subsection (d) of this section in order to fund coalition mentoring activities by such coalition in support of the program.

**(b) Treatment with other grants**

**(1) Supplement**

A grant awarded to a coalition under this section is in addition to any grant awarded to the coalition under section 1532 of this title.

**(2) Requirement for basic grant**

A coalition may not be awarded a grant under this section for a fiscal year unless the coalition was awarded a grant or renewal grant under section 1532(b) of this title for that fiscal year.

**(c) Application**

A coalition seeking a grant under this section shall submit to the Administrator an application for the grant in such form and manner as the Administrator may require.

**(d) Criteria**

A coalition meets the criteria specified in this subsection if the coalition—

- (1) has been in existence for at least 5 years;
- (2) has achieved, by or through its own efforts, measurable results in the prevention and treatment of substance abuse among youth;
- (3) has staff or members willing to serve as mentors for persons seeking to start or expand the activities of other coalitions in the prevention and treatment of substance abuse;
- (4) has demonstrable support from some members of the community in which the coalition mentoring activities to be supported by the grant under this section are to be carried out; and
- (5) submits to the Administrator a detailed plan for the coalition mentoring activities to be supported by the grant under this section.

**(e) Use of grant funds**

A coalition awarded a grant under this section shall use the grant amount for mentoring activities to support and encourage the development of new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse in such new coalitions' communities. The mentoring coalition shall encourage such development in accordance with the plan submitted by the mentoring coalition under subsection (d)(5) of this section.

**(f) Renewal grants**

The Administrator may make a renewal grant to any coalition awarded a grant under subsection (a) of this section, or a previous renewal grant under this subsection, if the coalition, at the time of application for such renewal grant—

- (1) continues to meet the criteria specified in subsection (d) of this section; and
- (2) has made demonstrable progress in the development of one or more new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse.

**(g) Grant amounts**

**(1) In general**

Subject to paragraphs (2) and (3), the total amount of grants awarded to a coalition under this section for a fiscal year may not exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year. Funds appropriated for the substance abuse activities of a coalition that includes a representative of the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency with expertise in the field of substance abuse may be counted as non-Federal funds raised by the coalition.

**(2) Initial grants**

The amount of the initial grant awarded to a coalition under subsection (a) of this section may not exceed \$75,000.

**(3) Renewal grants**

The total amount of renewal grants awarded to a coalition under subsection (f) of this section for any fiscal year may not exceed \$75,000.

**(h) Fiscal year limitation on amount available for grants**

The total amount available for grants under this section, including renewal grants under subsection (f) of this section, in any fiscal year may not exceed the amount equal to five percent of the amount authorized to be appropriated by section 1524(a) of this title for that fiscal year.

**(i) Priority in awarding initial grants**

In awarding initial grants under this section, priority shall be given to a coalition that expressly proposes to provide mentorship to a coalition or aspiring coalition serving economically disadvantaged areas.

(Pub. L. 100-690, title I, § 1035, as added Pub. L. 107-82, § 2, Dec. 14, 2001, 115 Stat. 819.)

PART B—ADVISORY COMMISSION

**§ 1541. Establishment of Advisory Commission**

**(a) Establishment**

There is established a commission to be known as the "Advisory Commission on Drug-Free Communities".

**(b) Purpose**

The Advisory Commission shall advise, consult with, and make recommendations to the Director concerning matters related to the activities carried out under the Program.

(Pub. L. 100-690, title I, § 1041, as added Pub. L. 105-20, § 2(a)(2), June 27, 1997, 111 Stat. 231.)

**§ 1542. Duties**

**(a) In general**

The Advisory Commission—

- (1) shall, not later than 30 days after its first meeting, make recommendations to the Director regarding the selection of an Administrator;
- (2) may make recommendations to the Director regarding any grant, contract, or cooperative agreement made by the Program;
- (3) may make recommendations to the Director regarding the activities of the Program;