

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;

(4) may make recommendations to the Director regarding any policy or criteria established by the Director to carry out the Program;

(5) may—

(A) collect, by correspondence or by personal investigation, information concerning initiatives, studies, services, programs, or other activities of coalitions or organizations working in the field of substance abuse in the United States or any other country; and

(B) with the approval of the Director, make the information referred to in subparagraph (A) available through appropriate publications or other methods for the benefit of eligible coalitions and the general public; and

(6) may appoint subcommittees and convene workshops and conferences.

(b) Recommendations

If the Director rejects any recommendation of the Advisory Commission under subsection (a)(1) of this section, the Director shall notify the Advisory Commission in writing of the reasons for the rejection not later than 15 days after receiving the recommendation.

(c) Conflict of interest

A member of the Advisory Commission shall recuse himself or herself from any decision that would constitute a conflict of interest.

(Pub. L. 100-690, title I, §1042, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 231.)

§ 1543. Membership

(a) In general

The President shall appoint 11 members to the Advisory Commission as follows:

(1) four members shall be appointed from the general public and shall include leaders—

(A) in fields of youth development, public policy, law, or business; or

(B) of nonprofit organizations or private foundations that fund substance abuse programs.

(2) four members shall be appointed from the leading representatives of national substance abuse reduction organizations, of which no fewer than three members shall have extensive training or experience in drug prevention.

(3) three members shall be appointed from the leading representatives of State substance abuse reduction organizations.

(b) Chairperson

The Advisory Commission shall elect a chairperson or co-chairpersons from among its members.

(c) Ex officio members

The ex officio membership of the Advisory Commission shall consist of any two officers or employees of the United States that the Director determines to be necessary for the Advisory Commission to effectively carry out its functions.

(Pub. L. 100-690, title I, §1043, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 232.)

§ 1544. Compensation

(a) In general

Members of the Advisory Commission who are officers or employees of the United States shall not receive any additional compensation for service on the Advisory Commission. The remaining members of the Advisory Commission shall receive, for each day (including travel time) that they are engaged in the performance of the functions of the Advisory Commission, compensation at rates not to exceed the daily equivalent to the annual rate of basic pay payable for grade GS-10 of the General Schedule.

(b) Travel expenses

Each member of the Advisory Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(Pub. L. 100-690, title I, §1044, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 232.)

REFERENCES IN TEXT

Grade GS-10 of the General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 1545. Terms of office

(a) In general

Subject to subsection (b) of this section, the term of office of a member of the Advisory Commission shall be 3 years, except that, as designated at the time of appointment—

(1) of the initial members appointed under section 1543(a)(1) of this title, two shall be appointed for a term of 2 years;

(2) of the initial members appointed under section 1543(a)(2) of this title, two shall be appointed for a term of 2 years; and

(3) of the initial members appointed under section 1543(a)(3) of this title, one shall be appointed for a term of 1 year.

(b) Vacancies

Any member appointed to fill a vacancy for an unexpired term of a member shall serve for the remainder of the unexpired term. A member of the Advisory Commission may serve after the expiration of such member's term until a successor has been appointed and taken office.

(Pub. L. 100-690, title I, §1045, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 233.)

§ 1546. Meetings

(a) In general

After its initial meeting, the Advisory Commission shall meet, with the advanced approval of the Administrator, at the call of the Chairperson (or Co-chairpersons) of the Advisory Commission or a majority of its members or upon the request of the Director or Administrator of the Program.

(b) Quorum

Six members of the Advisory Commission shall constitute a quorum.

(Pub. L. 100-690, title I, §1046, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 233.)

§ 1547. Staff

The Administrator shall make available to the Advisory Commission adequate staff, information, and other assistance.

(Pub. L. 100-690, title I, §1047, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 233.)

§ 1548. Termination

The Advisory Commission shall terminate at the end of fiscal year 2007.

(Pub. L. 100-690, title I, §1048, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 234; amended Pub. L. 107-82, §3, Dec. 14, 2001, 115 Stat. 820.)

AMENDMENTS

2001—Pub. L. 107-82 substituted “2007” for “2002”.

CHAPTER 21—BIOMATERIALS ACCESS ASSURANCE

Sec.	
1601.	Findings.
1602.	Definitions.
1603.	General requirements; applicability; preemption.
1604.	Liability of biomaterials suppliers.
1605.	Procedures for dismissal of civil actions against biomaterials suppliers.
1606.	Subsequent impleader of dismissed biomaterials supplier.

§ 1601. Findings

The Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life-enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) move in interstate commerce;

(B) are not designed or manufactured specifically for use in medical devices; and

(C) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and component parts;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device,

the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices for a number of reasons, including concerns about the costs of such litigation;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; or

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) because medical devices and the raw materials and component parts used in their manufacture move in interstate commerce, a shortage of such raw materials and component parts affects interstate commerce;

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs;

(16) the several States and their courts are the primary architects and regulators of our tort system; Congress, however, must, in certain circumstances involving the national interest, address tort issues, and a threatened shortage of raw materials and component parts for lifesaving medical devices is one such circumstance; and

(17) the protections set forth in this chapter are needed to assure the continued supply of materials for lifesaving medical devices, al-