Public Law 105–20
105th Congress

An Act

June 27, 1997
[H.R. 956]

To amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug-Free Communities Act of 1997.
21 USC 1501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Communities Act of 1997".

SEC. 2. NATIONAL DRUG CONTROL PROGRAM.

(a) IN GENERAL.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is amended—

(1) by inserting between sections 1001 and 1002 the following:

"CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY";

and

(2) by adding at the end the following:

"CHAPTER 2—DRUG-FREE COMMUNITIES

21 USC 1521.

"SEC. 1021. FINDINGS.

"Congress finds the following:

"(1) Substance abuse among youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

"(2) The most dramatic increases in substance abuse has occurred among 13- and 14-year-olds.

"(3) Casual or periodic substance abuse by youth today will contribute to hard core or chronic substance abuse by the next generation of adults.

"(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

"(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

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"(6)(A) Substance abuse is a preventable behavior and a treatable disease; and

"(B)(i) during the 13-year period beginning with 1979, monthly use of illegal drugs among youth 12 to 17 years of age declined by over 70 percent; and

"(ii) data suggests that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

"(7) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

"(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities throughout the United States.

"SEC. 1022. PURPOSES. 21 USC 1522.

"The purposes of this chapter are—

"(1) to reduce substance abuse among youth in communities throughout the United States, and over time, to reduce substance abuse among adults;

"(2) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

"(3) to enhance intergovernmental cooperation and coordination on the issue of substance abuse among youth;

"(4) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance abuse among youth;

"(5) to rechannel resources from the fiscal year 1998 Federal drug control budget to provide technical assistance, guidance, and financial support to communities that demonstrate a long-term commitment in reducing substance abuse among youth;

"(6) to disseminate to communities timely information regarding the state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth;

"(7) to enhance, not supplant, local community initiatives for reducing substance abuse among youth; and

"(8) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

"SEC. 1023. DEFINITIONS. 21 USC 1523.

"In this chapter:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed by the Director under section 1031(c).

"(2) ADVISORY COMMISSION.—The term 'Advisory Commission' means the Advisory Commission established under section 1041.

"(3) COMMUNITY.—The term 'community' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of National Drug Control Policy.

"(5) ELIGIBLE COALITION.—The term 'eligible coalition' means a coalition that meets the applicable criteria under section 1032(a).

"(6) GRANT RECIPIENT.—The term 'grant recipient' means the recipient of a grant award under section 1032.

"(7) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(8) PROGRAM.—The term 'Program' means the program established under section 1031(a).

"(9) SUBSTANCE ABUSE.—The term 'substance abuse' means—

"(A) the illegal use or abuse of drugs, including substances listed in schedules I through V of section 112 of the Controlled Substances Act (21 U.S.C. 812);

"(B) the abuse of inhalants; or

"(C) the use of alcohol, tobacco, or other related product as such use is prohibited by State or local law.

"(10) YOUTH.—The term 'youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

21 USC 1524.

"SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

"(1) $10,000,000 for fiscal year 1998;

"(2) $20,000,000 for fiscal year 1999;

"(3) $30,000,000 for fiscal year 2000;

"(4) $40,000,000 for fiscal year 2001; and

"(5) $43,500,000 for fiscal year 2002.

"(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) 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) 3 percent for fiscal year 2002.

"Subchapter I—Drug-Free Communities Support Program

21 USC 1531.

"SEC. 1031. 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—

Grants.

"(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 1042(a)(1), 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 chapter.

"SEC. 1032. PROGRAM AUTHORIZATION. 21 USC 1532.

"(a) GRANT ELIGIBILITY.—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

"(1) APPLICATION.—The coalition shall submit an application to the Administrator in accordance with section 1033(a)(2).

"(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 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e))).

"(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 1023(9)(A), 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 1023(9)(A), 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 1023(9)(A), 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 1023(9)(A), 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 1023(9)(A), 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 1023(9)(A), 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 1023(9)(A).

"(5) SUSTAINABILITY.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

"(A) is—

"(i)(I) a nonprofit organization; or

"(II) an entity that the Administrator determines to be appropriate; or

"(ii) 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 subchapter, 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.

"(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), 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 $100,000 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 coaiitions has independently met the requirements set forth in subsection (a).

"(2) RURAL COALITION GRANTS.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—In addition to awarding grants under paragraph (1), to stimulate the development 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) 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) 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 $100,000 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.

21 USC 1533.

"SEC. 1033. 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 chapter; and

"(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1032(a).

"(2) APPLICATION PROCESS.—The Administrator shall issue a request for proposal regarding, with respect to the grants awarded under section 1032, 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 subchapter.

"(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.

"SEC. 1034. TECHNICAL ASSISTANCE AND TRAINING. 21 USC 1534.

"(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.

"Subchapter II—Advisory Commission

"SEC. 1041. ESTABLISHMENT OF ADVISORY COMMISSION. 21 USC 1541.

"(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.

"SEC. 1042. DUTIES. 21 USC 1542.

"(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.

Notification.

"(b) RECOMMENDATIONS.—If the Director rejects any recommendation of the Advisory Commission under subsection (a)(1), 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.

21 USC 1543.

"SEC. 1043. MEMBERSHIP.

President.

"(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.

21 USC 1544.

"SEC. 1044. 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, United States Code.

"SEC. 1045. TERMS OF OFFICE. 21 USC 1545.

"(a) IN GENERAL.—Subject to subsection (b), 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 1043(a)(1), two shall be appointed for a term of 2 years;

"(2) of the initial members appointed under section 1043(a)(2), two shall be appointed for a term of 2 years; and

"(3) of the initial members appointed under section 1043(a)(3), 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.

"SEC. 1046. MEETINGS. 21 USC 1546.

"(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.

"SEC. 1047. STAFF. 21 USC 1547.

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

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21 USC 1548.

"SEC. 1048. TERMINATION.

"The Advisory Commission shall terminate at the end of fiscal year 2002.".

21 USC 1501 note.

(b) REFERENCES.—Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988, with the exception of section 1001 of such subtitle, in any provision of law that is in effect on the day before the date of enactment of this Act shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 (as so designated by this section).

Approved June 27, 1997.

LEGISLATIVE HISTORY—H.R. 956 (S. 536):

HOUSE REPORTS: No. 105–105, Pt. 1 (Comm. on Government Reform and Oversight).

CONGRESSIONAL RECORD, Vol. 143 (1997):
May 22, considered and passed House.
June 18, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):
June 27, Presidential remarks.