

CHAPTER 20—NATIONAL DRUG CONTROL PROGRAM

SUBCHAPTER I—OFFICE OF NATIONAL DRUG CONTROL POLICY

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 22 section 2291.

SUBCHAPTER I—OFFICE OF NATIONAL DRUG CONTROL POLICY

§§ 1501, 1502. Repealed. Pub. L. 100-690, title I, § 1009, Nov. 18, 1988, 102 Stat. 4188, as amended by Pub. L. 105-20, § 2(b), June 27, 1997, 111 Stat. 234

Section 1501, Pub. L. 100-690, title I, § 1002, Nov. 18, 1988, 102 Stat. 4181, established Office of National Drug

Control Policy in Executive Office of President. See section 1702 of this title.

Section 1502, Pub. L. 100-690, title I, § 1003, Nov. 18, 1988, 102 Stat. 4182; Pub. L. 103-322, title IX, §§ 90201, 90202, 90207, Sept. 13, 1994, 108 Stat. 1990, 1991, 1995, related to appointment and duties of Director, Deputy Directors, and Associate Director of Office of National Drug Control Policy. See section 1703 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 30, 1997, see section 1009 of Pub. L. 100-690, as amended, which was formerly classified to section 1506 of this title.

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-20, § 1, June 27, 1997, 111 Stat. 224, provided that: "This Act [enacting subchapter II of this chapter and amending former sections 1504, 1506 to 1508 of this title, section 2291 of Title 22, Foreign Relations and Intercourse, and provisions set out as notes under this section] may be cited as the 'Drug-Free Communities Act of 1997'."

SHORT TITLE

Section 1 of Pub. L. 100-690 provided that: "This Act [see Tables for classification] may be cited as the 'Anti-Drug Abuse Act of 1988'."

Section 1001 of Pub. L. 100-690 provided that: "This subtitle [subtitle A (§§ 1001-1048) of title I of Pub. L. 100-690, enacting this chapter, amending section 1115 of this title, sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees, section 1105 of Title 31, Money and Finance, and section 402 of Title 50, War and National Defense, repealing sections 1103, 1111 to 1114, 1116, and 1201 to 1204 of this title, enacting provisions set out as notes under sections 1201 and 1501 of this title, and repealing provisions set out as notes under section 1201 of this title may be cited as the 'National Narcotics Leadership Act of 1988'."

REFERENCES TO SUBTITLE A OF PUB. L. 100-690

Pub. L. 105-20, § 2(b), June 27, 1997, 111 Stat. 234, provided that: "Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988 [see section 1001 of Pub. L. 100-690, set out above], 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 [June 27, 1997] shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 [chapter 1 of subtitle A (§§ 1002-1012) of title I of Pub. L. 100-690, see Tables for classification] (as so designated by this section)."

§ 1502a. Transferred

CODIFICATION

Section, Pub. L. 100-690, title I, § 1003A, as added Pub. L. 101-510, div. A, title X, § 1011, Nov. 5, 1990, 104 Stat. 1633, and amended, which related to the Counter-Drug Technology Assessment Center, was renumbered section 1008 of Pub. L. 100-690 by Pub. L. 103-322, title IX, § 90204(c)(2), (3), Sept. 13, 1994, 108 Stat. 1994, and transferred to former section 1505 of this title.

§§ 1503 to 1505. Repealed. Pub. L. 100-690, title I, § 1009, Nov. 18, 1988, 102 Stat. 4188, as amended by Pub. L. 105-20, § 2(b), June 27, 1997, 111 Stat. 234

Section 1503, Pub. L. 100-690, title I, § 1004, Nov. 18, 1988, 102 Stat. 4184, related to coordination between Office of National Drug Control Policy and executive branch departments and agencies. See section 1704 of this title.

Section 1504, Pub. L. 100-690, title I, § 1005, Nov. 18, 1988, 102 Stat. 4185; Pub. L. 103-322, title IX, § 90203, Sept. 13, 1994, 108 Stat. 1991; Pub. L. 105-20, § 2(b), June 27, 1997, 111 Stat. 234, related to annual development

and submission of National Drug Control Strategy by President to Congress. See section 1705 of this title.

Section 1505, Pub. L. 100-690, title I, §1008, formerly §1003A, as added Pub. L. 101-510, div. A, title X, §1011, Nov. 5, 1990, 104 Stat. 1633; renumbered §1008 and amended Pub. L. 103-322, title IX, §90204(a), (b), (c)(2), (3), Sept. 13, 1994, 108 Stat. 1993, 1994, established Counter-Drug Technology Assessment Center within Office of National Drug Control Policy. See section 1707 of this title.

A prior section 1505, Pub. L. 100-690, title I, §1008, Nov. 18, 1988, 102 Stat. 4188, provided for an executive reorganization study and report to Congress and the President no later than Jan. 15, 1990, prior to repeal by Pub. L. 103-322, §90204(c)(1).

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 30, 1997, see section 1009 of Pub. L. 100-690, as amended, which was formerly classified to section 1506 of this title.

§ 1505a. Annual report on development and deployment of narcotics detection technologies

(a) Report requirement

Not later than December 1st of each year, the Director of the Office of National Drug Control Policy shall submit to Congress and the President a report on the development and deployment of narcotics detection technologies by Federal agencies. Each such report shall be prepared in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of the Treasury.

(b) Matters to be included

Each report under subsection (a) of this section shall include—

- (1) a description of each project implemented by a Federal agency relating to the development or deployment of narcotics detection technology;
- (2) the agency responsible for each project described in paragraph (1);
- (3) the amount of funds obligated or expended to carry out each project described in paragraph (1) during the fiscal year in which the report is submitted or during any fiscal year preceding the fiscal year in which the report is submitted;
- (4) the amount of funds estimated to be obligated or expended for each project described in paragraph (1) during any fiscal year after the fiscal year in which the report is submitted to Congress; and
- (5) a detailed timeline for implementation of each project described in paragraph (1).

(Pub. L. 105-85, div. A, title X, §1034, Nov. 18, 1997, 111 Stat. 1884.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1998, and not as part of the National Narcotics Leadership Act of 1988 which comprises this chapter.

§§ 1506 to 1508. Repealed. Pub. L. 100-690, title I, § 1009, Nov. 18, 1988, 102 Stat. 4188, as amended by Pub. L. 105-20, § 2(b), June 27, 1997, 111 Stat. 234

Section 1506, Pub. L. 100-690, title I, §1009, Nov. 18, 1988, 102 Stat. 4188; Pub. L. 103-322, title IX, §90208(a),

Sept. 13, 1994, 108 Stat. 1995; Pub. L. 105-20, §2(b), June 27, 1997, 111 Stat. 234, repealed this subchapter, and the amendments made by this subchapter, except for section 1007, effective Sept. 30, 1997.

Section 1507, Pub. L. 100-690, title I, §1010, Nov. 18, 1988, 102 Stat. 4188; Pub. L. 105-20, §2(b), June 27, 1997, 111 Stat. 234, defined terms for purposes of this subchapter. See section 1701 of this title.

Section 1508, Pub. L. 100-690, title I, §1011, Nov. 18, 1988, 102 Stat. 4189; Pub. L. 103-322, title IX, §90206, Sept. 13, 1994, 108 Stat. 1995; Pub. L. 105-20, §2(b), June 27, 1997, 111 Stat. 234, authorized appropriations to carry out this subchapter. See section 1711 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 30, 1997, see section 1009 of Pub. L. 100-690, as amended, which was formerly classified to section 1506 of this title.

§ 1509. Establishment of Special Forfeiture Fund

(a) In general

There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the "Fund") which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations Acts.

(b) Deposits

There shall be deposited into the Fund the amounts specified by section 524(c)(8) of title 28 and section 9703(g)¹ of title 31 and any earnings on the investments authorized by subsection (d) of this section.

(c) Super surplus

(1) Any unobligated balance up to \$20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.

(d) Investment of Fund

Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(e) President's budget

The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control Strategy.

(f) Funds provided supplemental

Funds disbursed under this subsection² shall not be used to supplant existing funds, but shall

¹ See References in Text note below.

² So in original. Probably should be "section".

be used to supplement the amount of funds that would be otherwise available.

(Pub. L. 100-690, title VI, § 6073, Nov. 18, 1988, 102 Stat. 4323; Pub. L. 101-647, title XX, § 2001(b), Nov. 29, 1990, 104 Stat. 4854; Pub. L. 102-393, title VI, § 638(c), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 103-322, title IX, § 90205(a), (d), Sept. 13, 1994, 108 Stat. 1994, 1995; Pub. L. 105-277, div. C, title VII, § 712, Oct. 21, 1998, 112 Stat. 2681-692.)

AMENDMENT OF SECTION

For repeal of amendment by Pub. L. 105-277, see Termination Date of 1998 Amendment note below.

REFERENCES IN TEXT

Section 9703(g) of title 31, referred to in subsec. (b), probably means the section 9703 of title 31 added by section 638(b)(1) of Pub. L. 102-393.

CODIFICATION

Subsec. (g) of this section, which required the President to submit to both Houses of Congress, no later than 4 months after the end of each fiscal year, a detailed report on amounts deposited in the Fund and a description of expenditures, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 18 of House Document No. 103-7.

Section was enacted as part of the Anti-Drug Abuse Act of 1988 and as part of the Asset Forfeiture Amendments Act of 1988, and not as part of the National Narcotics Leadership Act of 1988 which comprises this chapter.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277, § 712(1), temporarily substituted “section 524(c)(8)” for “section 524(c)(9)” and “section 9703(g)” for “section 9307(g)”. See Termination Date of 1998 Amendment note below.

Subsec. (e). Pub. L. 105-277, § 712(2), temporarily substituted “Strategy” for “strategy”. See Termination Date of 1998 Amendment note below.

1994—Subsec. (b). Pub. L. 103-322, § 90205(a), which directed that this section be amended to read as follows, was executed by amending subsec. (b) of this section generally, to reflect the probable intent of Congress. Prior to amendment, subsec. (b) read as follows: “There may be transferred to and deposited into the Special Forfeiture Fund, amounts from—

“(1) the Department of Justice Assets Forfeiture Fund pursuant to section 524(c)(9) of title 28; and

“(2) the Department of the Treasury Forfeiture Fund pursuant to section 9703(g)(3)(A) of title 31.”

Subsecs. (c) to (g). Pub. L. 103-322, § 90205(d), added subsec. (c) and redesignated former subsecs. (c) to (f) as (d) to (g), respectively.

1992—Subsec. (b). Pub. L. 102-393 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Deposits in the Fund shall be made by transfer from the Department of Justice Assets Forfeiture Fund in the manner provided in section 524(c)(9) of title 28.”

1990—Subsec. (b). Pub. L. 101-647 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Beginning in fiscal year 1990, there shall be deposited in the Fund not to exceed \$150,000,000 in unobligated amounts remaining at the end of each fiscal year from the Department of Justice Assets Forfeiture Fund (28 U.S.C. 524(c)) except that amounts specified in section 524(c)(9) of title 28 may be carried forward and remain available for appropriation in the next fiscal year.”

TERMINATION DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 repealed effective Sept. 30, 2003, see section 715 of Pub. L. 105-277, which is classified to section 1712 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 524; title 31 section 9703.

SUBCHAPTER II—DRUG-FREE COMMUNITIES

§ 1521. 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.

(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.

(Pub. L. 100-690, title I, § 1021, as added Pub. L. 105-20, § 2(a)(2), June 27, 1997, 111 Stat. 224.)

§ 1522. Purposes

The purposes of this subchapter 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.

(Pub. L. 100-690, title I, §1022, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 225.)

§ 1523. Definitions

In this subchapter:

(1) Administrator

The term “Administrator” means the Administrator appointed by the Director under section 1531(c) of this title.

(2) Advisory Commission

The term “Advisory Commission” means the Advisory Commission established under section 1541 of this title.

(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 1532(a) of this title.

(6) Grant recipient

The term “grant recipient” means the recipient of a grant award under section 1532 of this title.

(7) Nonprofit organization

The term “nonprofit organization” means an organization described under section 501(c)(3) of title 26 that is exempt from taxation under section 501(a) of title 26.

(8) Program

The term “Program” means the program established under section 1531(a) of this title.

(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 812 of this title;

(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.

(Pub. L. 100-690, title I, §1023, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 225.)

REFERENCES IN TEXT

Section 812 of this title, referred to in par. (9)(A), was in the original “section 112 of the Controlled Substances Act (21 U.S.C. 812)”, and was translated as reading “section 202”, meaning section 202 of Pub. L. 91-513, to reflect the probable intent of Congress, because Pub. L. 91-513 does not contain a section 112.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1532 of this title.

§ 1524. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this subchapter—

- (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) 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) 3 percent for fiscal year 2002.

(Pub. L. 100-690, title I, §1024, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 226.)

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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1523 of this title.

§ 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) (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 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.

(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 \$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 com-

munity, 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 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) 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 \$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.

(Pub. L. 100-690, title I, §1032, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 227.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1523, 1533 of this title.

§ 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.

(Pub. L. 100-690, title I, §1033, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 230.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1532 of this title.

§ 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.)

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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1523 of this title.

§ 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1531 of this title.

§ 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1545 of this title.

§ 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 2002.

(Pub. L. 100-690, title I, §1048, as added Pub. L. 105-20, §2(a)(2), June 27, 1997, 111 Stat. 234.)

CHAPTER 21—BIOMATERIALS ACCESS ASSURANCE

Sec.	
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§ 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 cer-