

DRUG-FREE COMMUNITIES PANDEMIC RELIEF ACT

OCTOBER 19, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 654]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 654) to provide the Administrator of the Drug-Free Communities Support Program the authority to waive the Federal fund limitation for the Drug-Free Communities Support Program, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drug-Free Communities Pandemic Relief Act”.

SEC. 2. WAIVER OF FEDERAL FUND LIMITATION FOR THE DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

(a) **IN GENERAL.**—Subject to subsection (b), if the Administrator of the Drug-Free Communities Support Program determines that, as a result of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of COVID-19, an eligible coalition is unable to raise the amount of non-Federal funds, including in-kind contributions, agreed to be raised by the coalition for a fiscal year under an agreement entered into with the Administrator pursuant to paragraph (1)(A) or (3) of section 1032(b) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)), the Administrator may, notwithstanding such paragraphs, provide to the eligible coalition the grant or renewal grant, as applicable, for that fiscal year in an amount—

(1) with respect to an initial grant or renewal grant described under paragraph (1)(A) or (3)(A) of such section, that exceeds the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year;

(2) with respect to a renewal grant described under paragraph (3)(D)(i) of such section, that exceeds 125 percent of the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year; and

(3) with respect to a renewal grant described under paragraph (3)(D)(ii) of such section, that exceeds 150 percent of the amount of non-Federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year.

(b) **LIMITATION.**—The Administrator may not provide a grant or renewal grant to an eligible coalition in an amount exceeding the amount of funds initially agreed to be provided by the Administrator under the applicable agreement.

SEC. 3. RAISING CAP ON ADMINISTRATIVE EXPENSES UNDER ANTI-DRUG ABUSE ACT OF 1988.

Section 1024(b) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1524(b)) is amended by striking “8 percent” and inserting “12 percent”.

Amend the title so as to read:

A bill to provide the Administrator of the Drug-Free Communities Support Program the authority to waive the Federal fund limitation for the Drug-Free Communities Support Program, and for other purposes.

I. PURPOSE AND SUMMARY

H.R. 654, the “Drug-Free Communities Pandemic Relief Act,” would waive a federal funding limitation for the Drug-Free Communities Support Program, which is a program that supports community-based drug prevention coalitions in the United States. The bill also would increase the resources made available for evaluation and administrative expenses of the Drug-Free Communities Support Program, by raising the program’s cap from eight percent to 12 percent.

II. BACKGROUND AND NEED FOR LEGISLATION

The Drug-Free Communities (DFC) Support Program was created in 1997 and funds community-based coalitions that work to prevent youth substance use.¹ DFC Coalitions consist of community leaders across multiple sectors, such as businesses, schools, and healthcare professionals, that organize to meet the local prevention needs of youth and families in their communities.² According to the Office of National Drug Control Policy (ONDCP), one in five Americans live in a community with a DFC coalition and the program

¹ White House Office of National Drug Control Policy, *About the DFC Program* (<https://www.whitehouse.gov/ondcp/dfc/>) (Accessed Aug. 20, 2021).

² *Id.*

reaches an estimated 2.4 million middle school students and 3.4 million high school students.³

ONDCP administers this program and community coalitions that receive the grants must match a specified percentage of their federal awards with non-federal funds, including in-kind contributions. Among the requirements of the DFC Support Program is a requirement that the amount of federal funds awarded to an eligible coalition may not exceed the amount raised by the DFC Coalition in non-federal funds.⁴ However, due to the coronavirus disease of 2019 (COVID-19) pandemic and its economic consequences, DFC coalitions have faced challenges in meeting this matching requirement. This issue was identified by several regions in coalition comments that were included in the 2021 DFC National Evaluation Annual Report⁵:

- “Since COVID, the hospital is no longer able to provide funding due to revenue loss.” (Year 10, Midwestern region)
- “We will continue to seek federal and local support, but many of the funds are diverted at this time to crisis pandemic needs.” (Year 10, Midwestern region)
- “Since COVID-19 pandemic began several of our collaborating partners that supported us with matching have been closed since March, so their ability to provide match dollars has been impacted greatly.” (Year 7, Northeastern region)
- “COVID-19 has dealt our coalition a tough hand in some areas of our budget, foundation/non-profit organizations and in-kind donations in particular.” (Year 6, Southern region)

H.R. 654 authorizes the DFC Support Program to waive the matching fund requirements if the Administrator determines that the eligible coalition is unable to raise the amount of non-federal funds as a result of COVID-19.

In addition, H.R. 654 would allow ONDCP to utilize up to 12 percent of the funds appropriated to the DFC Support Program for administrative costs associated with carrying out the program. Currently, ONDCP is only able to use up to eight percent of such funds for administrative purposes. This legislative change was requested as a part of the fiscal year (FY) 2022 budget request for the DFC Support Program. In FY 2020, ONDCP transitioned administration of the DFC grants from the Substance Abuse and Mental Health Services Administration (SAMHSA) to the Centers for Disease Control and Prevention (CDC). According to the FY 2022 budget request, ONDCP recognized as a part of the transition that there was a “need for additional resources to support the management of the programs.”⁶ The request noted that the increase will help to ensure coalitions have appropriate oversight and receive timely technical assistance and guidance, which will help increase the success of these programs.⁷

³*Id.*

⁴21 U.S.C. § 1532(b).

⁵White House Office of National Drug Control Policy, *Drug-Free Communities Support Program National Cross-Site Evaluation, End-of-Year 2020 Report* (March 2021).

⁶Office of Management and Budget, *Budget of the U.S. Government Fiscal Year 2022* (May 2021).

⁷*Id.*

III. COMMITTEE HEARINGS

For the purposes of section 3(c) of rule XIII of the Rules of the House of Representatives, the following hearing was used to develop or consider H.R. 654:

The Subcommittee on Health held a legislative hearing on Wednesday, April 14, 2021, entitled “An Epidemic within a Pandemic: Understanding Substance Use and Misuse in America.” The Subcommittee received testimony from the following witnesses:

Panel I:

- Regina M. LaBelle, Acting Director, White House Office of National Drug Control Policy

Panel II:

- Geoffrey M. Laredo, Principal Santa Cruz Strategies, LLC;
- Patricia L. Richman, National Sentencing Resource Counsel, Federal Public and Community Defenders;
- Mark Vargo, Pennington County State’s Attorney Legislative Committee Chairman, National District Attorneys Association;
- Timothy Westlake, M.D., F.F.S.M.B., F.A.C.E.P., Emergency Department Medical Director, Pro Health Care Oconomowoc Memorial Hospital; and
- J. Deanna Wilson, M.D., M.P.H., Assistant Professor of Medicine and Pediatrics, University of Pittsburgh School of Medicine.

IV. COMMITTEE CONSIDERATION

Representatives David Joyce (R–OH) and Derek Kilmer (D–WA) introduced H.R. 654, the “Drug-Free Communities Pandemic Relief Act,” on February 1, 2021, and it was referred to the Committee on Energy and Commerce. Subsequently, on February 2, 2021, H.R. 654 was referred to the Subcommittee on Health. A legislative hearing was held on the bill on April 14, 2021.

On July 15, 2021, the Subcommittee on Health met in open markup session, pursuant to notice, to consider H.R. 654 and 18 other bills. During consideration of the bill, an amendment offered by Representative Joyce (R–PA) was agreed to by a voice vote. Upon conclusion of consideration of the bill, the Subcommittee on Health agreed to report the bill favorably to the full Committee, amended, by a voice vote.

On July 21, 2021, the full Committee met in open markup session, pursuant to notice, to consider H.R. 654 and 23 other bills. No amendments were offered to H.R. 654. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage offered by Representative Pallone (D–NJ), Chairman of the Committee, to order H.R. 654 reported favorably to the House, as amended, by a voice vote.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 654.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide the Administrator of the Drug-Free Communities Support Program the authority to waive the Federal fund limitation for the Drug-Free Communities Support Program and increase the cap on administrative expenses.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 654 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 654 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Drug-Free Communities Pandemic Relief Act.”

Sec. 2. Waiver of Federal fund limitation for the Drug-Free Communities Support Program

Section 2 provides the Administrator of the DFC Support Program the authority to make initial grants or renewal grants in amounts that exceed the non-federal funds raised by the eligible coalition, including in-kind contributions, for that fiscal year, effectively waiving the matching fund requirement, if a coalition is unable to raise the amount of non-federal funds because of the COVID-19 public health emergency. The Administrator may not provide a grant or renewal grant to an eligible coalition that exceeds the amount initially agreed upon by the Administrator in the applicable agreement.

Sec. 3. Raising cap on administrative expenses under Anti-Drug Abuse Act of 1988

Section 3 revises the limitation on the administrative costs associated with the DFC Support Program from eight percent to 12 percent.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ANTI-DRUG ABUSE ACT OF 1988

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**TITLE I—COORDINATION OF NATIONAL
DRUG POLICY**

**Subtitle A—National Drug Control
Program**

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CHAPTER 2—DRUG-FREE COMMUNITIES

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SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter \$99,000,000 for each of fiscal years 2018 through 2023.

(b) **ADMINISTRATIVE COSTS.**—Not more than **[8 percent]** *12 percent* of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.

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