ment at trial, or as part of a claim for contribution or indemnification, and the court finds based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court finds, based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) Standard of liability

Notwithstanding any preliminary finding under subsection (a) of this section, a biomaterials supplier who has been impleaded into an action covered by this chapter, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a) of this section; and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable State or Federal law other than this chapter.

(c) Discovery

Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier at any time prior to grant of a motion for impleader beyond that allowed under section 1605 of this title.

(Pub. L. 105–230, § 7, Aug. 13, 1998, 112 Stat. 1528.)

CHAPTER 22—NATIONAL DRUG CONTROL POLICY

Sec.
1701. Definitions.
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§ 1701. Definitions

In this chapter:

(1) Demand reduction

The term ''demand reduction'' means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;

(B) drug abuse prevention;

(C) drug abuse treatment;

(D) drug abuse research;

(E) drug abuse rehabilitation;

(F) drug-free workplace programs;

(G) drug testing, including the testing of employees;

(H) interventions for drug abuse and dependence;

(I) international drug control coordination and cooperation with respect to activities described in this paragraph; and

(J) international drug abuse education, prevention, treatment, research, rehabilitation activities, and interventions for drug abuse and dependence.

(2) Director

The term ''Director'' means the Director of National Drug Control Policy.

(3) Drug

The term ''drug'' has the meaning given the term ''controlled substance'' in section 802(6) of this title.

(4) Drug control

The term ''drug control'' means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction.

(5) Fund

The term ''Fund'' means the fund established under section 1702(d) of this title.

(6) National Drug Control Program

The term ''National Drug Control Program'' means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy, including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs.

(7) National Drug Control Program agency

The term ''National Drug Control Program agency'' means any agency that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency

that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program, the Joint Military Intelligence Program or Tactical Intelligence and Related Activities, or (for purposes of section 1703(d) of this title) an agency that is described in section 530C(a) of title 28, unless such agency has been designated—

(A) by the President; or

(B) jointly by the Director and the head of the agency.

(8) National Drug Control Strategy

The term ''National Drug Control Strategy'' means the strategy developed and submitted to Congress under section 1705 of this title.

(9) Office

Unless the context clearly indicates otherwise, the term ''Office'' means the Office of National Drug Control Policy established under section 1702(a) of this title.

(10) State, local, and tribal affairs

The term ''State, local, and tribal affairs'' means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of illegal drugs, including—

(A) coordination and enhancement of Federal, State, local, and tribal law enforcement drug control efforts;

(B) coordination and enhancement of efforts among National Drug Control Program agencies and State, local, and tribal demand reduction and supply reduction agencies;

(C) coordination and enhancement of Federal, State, local, and tribal law enforcement initiatives to gather, analyze, and disseminate information and law enforcement intelligence relating to drug control among domestic law enforcement agencies; and

(D) other coordinated and joint initiatives among Federal, State, local, and tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs.

(11) Supply reduction

The term ''supply reduction'' means any activity or program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of illegal drugs in the United States or abroad, including—

(A) law enforcement outside the United States;

(B) source country programs, including economic development programs primarily intended to reduce the production or trafficking of illicit drugs;

(C) activities to control international trafficking in, and availability of, illegal drugs, including—

(i) accurate assessment and monitoring of international drug production and interdiction programs and policies; and

(ii) coordination and promotion of compliance with international treaties relating to the production, transportation, or interdiction of illegal drugs;

(D) activities to conduct and promote international law enforcement programs and policies to reduce the supply of drugs; and

(E) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program agencies, relating to the production and trafficking of drugs in the United States and in foreign countries.

(12) Appropriate congressional committees

Except where otherwise provided, the term ''appropriate congressional committees'' means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(13) Law enforcement

The term ''law enforcement'' or ''drug law enforcement'' means all efforts by a Federal, State, local, or tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.

(Pub. L. 105–277, div. C, title VII, § 702, Oct. 21, 1998, 112 Stat. 2681–670; Pub. L. 109–469, title I, § 101, Dec. 29, 2006, 120 Stat. 3503.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title VII of div. C of Pub. L. 105–277, Oct. 21, 1998, 112 Stat. 2681–670, which is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out below and Tables.

CODIFICATION

The repeal of this chapter and of the amendments made by this chapter, effective Sept. 30, 2003, by section 1712 of this title, as in effect on Sept. 30, 2003, has not been given effect in the Code, to reflect the probable intent of Congress, because of the amendment to section 1712 of this title by Pub. L. 109–469 which substituted ''September 30, 2010'' for ''September 30, 2003'' as the effective date of the repeal.

AMENDMENTS

2006—(1)(G). Pub. L. 109–469, § 101(a)(2), substituted '', including the testing of employees;'' for period at end.

Par. (1)(H) to (J). Pub. L. 109–469, § 101(a)(1), (3), added subpars. (H) to (J).

Par. (6). Pub. L. 109–469, § 101(b), inserted '', including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs'' before period at end.

Par. (7). Pub. L. 109–469, § 101(c), in introductory provisions, substituted ''National Intelligence Program,'' for ''National Foreign Intelligence Program,'' and inserted ''or (for purposes of section 1703(d) of this title) an agency that is described in section 530C(a) of title 28,'' after ''Related Activities,''.

Par. (9). Pub. L. 109–469, § 101(d), substituted ''indicates'' for ''implicates''.

Par. (10). Pub. L. 109–469, § 101(e), amended par. (10) generally. Prior to amendment, text defined the term ''State and local affairs''.

Par. (11). Pub. L. 109–469, § 101(f), amended par. (11) generally. Prior to amendment, text defined the term ''supply reduction''.

Pars. (12), (13). Pub. L. 109–469, § 101(g), added pars. (12) and (13).

CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–469, § 1(a), Dec. 29, 2006, 120 Stat. 3502, provided that: ''This Act [enacting sections 1708a, 1714, 2001 to 2003, and 2011 to 2014 of this title, amending this section, sections 823, 1524, 1532, 1702 to 1708, 1710 to 1712 of this title, and section 458 of Title 6, Domestic Security, repealing sections 1509, 1709, and 1801 to 1804 of this title, enacting provisions set out as notes under this section, sections 1532, 1705, 1706, and 2001 of this title, and section 112 of Title 32, National Guard, amending provisions set out as a note under section 1521 of this title, and repealing provisions set out as a note under section 1801 of this title] may be cited as the 'Office of National Drug Control Policy Reauthorization Act of 2006'.''

Pub. L. 109–469, title III, § 302(a), Dec. 29, 2006, 120 Stat. 3524, provided that: ''This section [amending section 1706 of this title and enacting provisions set out as a note under section 1706 of this title] may be cited as the 'Dawson Family Community Protection Act'.''

SHORT TITLE

Pub. L. 105–277, div. C, title VII, § 701, Oct. 21, 1998, 112 Stat. 2681–670, provided that: ''This title [enacting this chapter, amending section 1509 of this title, sections 5312 to 5314 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] may be cited as the 'Office of National Drug Control Policy Reauthorization Act of 1998'.''

MODEL ACTS

Pub. L. 109–469, title XI, § 1105, Dec. 29, 2006, 120 Stat. 3541, provided that:

''(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall provide for or shall enter into an agreement with a non-profit corporation that is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and exempt from tax under section 501(a) of such Code to—

''(1) advise States on establishing laws and policies to address alcohol and other drug issues, based on the model State drug laws developed by the President's Commission on Model State Drug Laws in 1993; and

''(2) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in the alcohol and drug abuse problems in the State involved.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection [probably should be ''section''] $1,500,000 for each of fiscal years 2007 through 2011.''

EX. ORD. NO. 13165. WHITE HOUSE TASK FORCE ON DRUG USE IN SPORTS AND UNITED STATES REPRESENTATIVE ON THE BOARD OF THE WORLD ANTI-DOPING AGENCY

Ex. Ord. No. 13165, Aug. 9, 2000, 65 F.R. 49469, as amended by Ex. Ord. No. 13286, § 11, Feb. 28, 2003, 68 F.R. 10622, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Office of National Drug Control [Policy] Reauthorization Act of 1998, (21 U.S.C. 1701 *et seq.*), and in order to develop recommendations for Federal agency actions to address the use of drugs in sports, in particular among young people, it is hereby ordered as follows:

SECTION 1. *Policy*. The use of drugs in sports has reached a level that endangers not just the legitimacy of athletic competition but also the lives and health of athletes—from the elite ranks to youth leagues. The National Household Survey on Drug Abuse issued in 1999 found that in just 1 year's time the rate of steroid use among young people rose roughly 50 percent among both sexes and across all age groups. It is the policy of my Administration to take the steps needed to help eliminate illicit or otherwise banned drug use and doping in sports at the State, national, and international level.

SEC. 2. *Establishment of a White House Task Force on Drug Use in Sports*. (a) There is established a White House Task Force on Drug Use in Sports (Task Force). The Task Force shall comprise the co-vice chairs of the White House Olympic Task Force (the ''Olympic Task Force Vice Chairs''), and representatives designated by the Office of National Drug Control Policy, the Department of Health and Human Services, the Department of Labor, the President's Council on Physical Fitness and Sports, the Office of Management and Budget, the National Security Council, the Department of State, the Department of the Treasury, the Department of Education, the Department of Justice, the Department of Transportation, the Department of Homeland Security, the National Institute on Drug Abuse, and the Substance Abuse and Mental Health Services Administration.

(b) The Task Force shall develop recommendations for the President on further executive and legislative actions that can be undertaken to address the problem of doping and drug use in sports. In developing the recommendations, the Task Force shall consider, among other things: (i) the health and safety of America's athletes, in particular our Nation's young people; (ii) the integrity of honest athletic competition; and (iii) the views and recommendations of State and local governments, the private sector, citizens, community groups, and nonprofit organizations, on actions to address this threat. The Task Force, through its Chairs, shall submit its recommendations to the President.

(c) The Director of the Office of National Drug Control Policy (the Director), the Secretary of the Department of Health and Human Services, and the Olympic Task Force Vice Chairs or their designees shall serve as the Task Force Chairs.

(d) To the extent permitted by law and at the request of the Chairs, agencies shall cooperate with and provide information to the Task Force.

SEC. 3. *Participation in the World Anti-Doping Agency*. (a) As part of my Administration's efforts to address the problem of drug use in sports, the United States has played a leading role in the formation of a World Anti-Doping Agency (WADA) by the Olympic and sports community and the nations of the world. Through these efforts, the United States has been selected to serve as a governmental representative on the board of the WADA. This order will authorize the Director to serve as the United States Government's representative on the WADA board.

(b) Pursuant to 21 U.S.C. 1701 *et seq.*, the Director, or in his absence his designee, is hereby authorized to take all necessary and proper actions to execute his responsibilities as United States representative to the WADA.

(c) To assist the Director in carrying out these responsibilities as the United States Government representative to the WADA and to the extent permitted by law, Federal employees may serve in their official capacity, *inter alia*, on WADA Committees or WADA advisory committees, serving as experts to the WADA.

§ 1702. Office of National Drug Control Policy

(a) Establishment of Office

There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;

(2) coordinate and oversee the implementation of the national drug control policy;

(3) assess and certify the adequacy of National Drug Control Programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control policy and the National Drug Control Program agencies' programs, by developing and applying specific goals and performance measurements.

When developing the national drug control policy, any policy of the Director relating to syringe exchange programs for intravenous drug users shall be based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use. In making any policy relating to syringe exchange programs, the Director shall consult with the National Institutes of Health and the National Academy of Sciences.

(b) Director of National Drug Control Policy and Deputy Directors

(1) Director

There shall be a Director of National Drug Control Policy who shall head the Office (referred to in this chapter as the ''Director'') and shall hold the same rank and status as the head of an executive department listed in section 101 of title 5.

(2) Deputy Director

There shall be a Deputy Director of National Drug Control Policy who shall report directly to the Director (referred to in this chapter as the ''Deputy Director'').

(3) Other Deputy Directors

(A) In general

There shall be a Deputy Director for Demand Reduction, a Deputy Director for Supply Reduction, and a Deputy Director for State, Local, and Tribal Affairs.

(B) Reporting

The Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall report directly to the Deputy Director of the Office of National Drug Control Policy.

(C) Deputy Director for Demand Reduction

The Deputy Director for Demand Reduction shall be responsible for the activities in subparagraphs (A) through (H) of section 1701(1)[1] of this title.

(D) Deputy Director for Supply Reduction

The Deputy Director for Supply Reduction shall—

(i) have substantial experience and expertise in drug interdiction and other supply reduction activities; and

(ii) be responsible for the activities in subparagraphs (A) through (C) in section 1701(11) of this title.

(E) Deputy Director for State, Local, and Tribal Affairs

The Deputy Director for State, Local, and Tribal Affairs shall be responsible for the activities—

(i) in subparagraphs (A) through (D) of section 1701(10) of this title;

(ii) in section 1706 of this title, the High Intensity Drug Trafficking Areas Program; and

(iii) in section 1707 of this title, the Counterdrug Technology Assessment Center.

(c) Access by Congress

The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office.

(d) Office of National Drug Control Policy Gift Fund

(1) Establishment

There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 1703(c) of this title.

(2) Contributions

The Office may accept, hold, and administer contributions to the Fund.

(3) Use of amounts deposited

Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

(Pub. L. 105–277, div. C, title VII, § 703, Oct. 21, 1998, 112 Stat. 2681–672; Pub. L. 109–469, title I, § 102, title XI, § 1120, Dec. 29, 2006, 120 Stat. 3505, 3548.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), (2), was in the original ''this Act'' and was translated as reading ''this title'', meaning title VII of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681–670, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 1701(1) of this title, referred to in subsec. (b)(3)(C), was in the original ''section 702(1)'', and was translated as reading ''section 702(1)'', meaning section 702(1) of Pub. L. 105–277, to reflect the probable intent of Congress, because section 702 of Pub. L. 105–277 does not contain a subsec. (1).

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–469, § 1120, inserted concluding provisions.

Pub. L. 109–469, § 102(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to establishment of Office of National Drug Control Policy.

[1] See References in Text note below.

Subsec. (b). Pub. L. 109–469, § 102(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to Director and Deputy Directors of National Drug Control Policy.

GIFTS TO OFFICE OF NATIONAL DRUG CONTROL POLICY

Pub. L. 111–117, div. C, title II, Dec. 16, 2009, 123 Stat. 3170, provided in part: ''That the Office [of National Drug Control Policy] is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 111–8, div. D, title II, Mar. 11, 2009, 123 Stat. 641.

Pub. L. 110–161, div. D, title II, Dec. 26, 2007, 121 Stat. 1983.

Pub. L. 109–115, div. A, title V, Nov. 30, 2005, 119 Stat. 2475.

Pub. L. 108–447, div. H, title III, Dec. 8, 2004, 118 Stat. 3249.

Pub. L. 108–199, div. F, title III, Jan. 23, 2004, 118 Stat. 324.

Pub. L. 108–7, div. J, title III, Feb. 20, 2003, 117 Stat. 446.

Pub. L. 107–67, title III, Nov. 12, 2001, 115 Stat. 530.

Pub. L. 106–554, § 1(a)(3) [title III], Dec. 21, 2000, 114 Stat. 2763, 2763A–139.

Pub. L. 106–58, title III, Sept. 29, 1999, 113 Stat. 447.

Pub. L. 105–277, div. A, § 101(h) [title III], Oct. 21, 1998, 112 Stat. 2681–480, 2681–496.

Pub. L. 105–61, title III, Oct. 10, 1997, 111 Stat. 1293.

Pub. L. 104–208, div. A, title I, § 101(f) [title III], Sept. 30, 1996, 110 Stat. 3009–314, 3009–329.

Pub. L. 104–52, title III, Nov. 19, 1995, 109 Stat. 479.

Pub. L. 103–329, title III, Sept. 30, 1994, 108 Stat. 2394.

Pub. L. 103–123, title III, Oct. 28, 1993, 107 Stat. 1237.

Pub. L. 102–393, title III, Oct. 6, 1992, 106 Stat. 1741.

Pub. L. 102–141, title III, Oct. 28, 1991, 105 Stat. 847.

Pub. L. 101–509, title III, Nov. 5, 1990, 104 Stat. 1402.

Pub. L. 101–136, title III, Nov. 3, 1989, 103 Stat. 793.

EX. ORD. NO. 12911. SEAL FOR OFFICE OF NATIONAL DRUG CONTROL POLICY

Ex. Ord. No. 12911, Apr. 25, 1994, 59 F.R. 21121 [22121], provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. There is approved for the Office of National Drug Control Policy in the Executive Office of the President an official seal described as follows:

On a blue disc the Arms of the United States proper above a curved gold scroll inscribed ''OFFICE OF NATIONAL DRUG CONTROL POLICY'' in blue letters, all within a white border edged in gold and inscribed ''EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES'' in blue letters.

This design is appropriate for the Office of National Drug Control Policy. The dark blue in this seal is suggested by the Seal of the President and denotes the direct organizational link of the Office of National Drug Control Policy with the Presidential office. The Arms of the United States refer to the entire Nation and represent the involvement in drug control policies that are necessary to assist the President in his role as Chief Executive of the United States.

SEC. 2. The seal shall be of the design that is attached hereto and made a part of this order.

WILLIAM J. CLINTON.

§ 1703. Appointment and duties of Director and Deputy Directors

(a) Appointment

(1) In general

The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.

(2) Duties of Deputy Director of National Drug Control Policy

The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.

(3) Acting Director

If the Director dies, resigns, or is otherwise unable to perform the functions and duties of the office, the Deputy Director shall perform the functions and duties of the Director temporarily in an acting capacity pursuant to subchapter III of chapter 33 of title 5.

(4) Prohibition

No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(5) Prohibition on political campaigning

Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Sen-

ate, may not participate in Federal election campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates.

(b) Responsibilities

The Director—

(1) shall assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program;

(2) shall promulgate the National Drug Control Strategy under section 1705(a) of this title and each report under section 1705(b) of this title in accordance with section 1705 of this title;

(3) shall coordinate and oversee the implementation by the National Drug Control Program agencies of the policies, goals, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy and make recommendations to National Drug Control Program agency heads with respect to implementation of Federal counter-drug programs;

(4) shall make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of National Drug Control Program agencies, and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) shall consult with and assist State and local governments with respect to the formulation and implementation of National Drug Control Policy and their relations with the National Drug Control Program agencies;

(6) shall appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) shall notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the President and the appropriate congressional committees, and maintain a copy of each such notification;

(8) shall provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall—

(A) apply to the next budget year scheduled for formulation under chapter 11 of title 31, and each of the 4 subsequent fiscal years; and

(B) address funding priorities developed in the National Drug Control Strategy;

(9) may serve as representative of the President in appearing before Congress on all issues relating to the National Drug Control Program;

(10) shall, in any matter affecting national security interests, work in conjunction with the Assistant to the President for National Security Affairs;

(11) may serve as spokesperson of the Administration on drug issues;

(12) shall ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 812 of this title and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

(A) is listed in schedule I of section 812 of this title; and

(B) has not been approved for use for medical purposes by the Food and Drug Administration;

(13) shall require each National Drug Control Program agency to submit to the Director on an annual basis an evaluation of progress by the agency with respect to drug control program goals using the performance measures for the agency developed under section 1705(c) of this title, including progress with respect to—

(A) success in reducing domestic and foreign sources of illegal drugs;

(B) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

(C) success in reducing violent crime associated with drug use in the United States;

(D) success in reducing the negative health and social consequences of drug use in the United States; and

(E) implementation of drug treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs;

(14) shall submit to the appropriate congressional committees on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

(A) each of the evaluations received by the Director under paragraph (13); and

(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency developed under section 1705(c) of this title;

(15) shall ensure that drug prevention and drug treatment research and information is effectively disseminated by National Drug Control Program agencies to State and local governments and nongovernmental entities involved in demand reduction by—

(A) encouraging formal consultation between any such agency that conducts or sponsors research, and any such agency that disseminates information in developing research and information product development agendas;

(B) encouraging such agencies (as appropriate) to develop and implement dissemination plans that specifically target State and local governments and nongovernmental entities involved in demand reduction; and

(C) supporting the substance abuse information clearinghouse administered by the Administrator of the Substance Abuse and Mental Health Services Administration and established in section 290aa(d)(16) of title 42 by—

(i) encouraging all National Drug Control Program agencies to provide all appropriate and relevant information; and

(ii) supporting the dissemination of information to all interested entities;

(16) shall coordinate with the private sector to promote private research and development of medications to treat addiction;

(17) shall seek the support and commitment of State, local, and tribal officials in the formulation and implementation of the National Drug Control Strategy;

(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local and regional drug trafficking and production threats;

(19) shall submit an annual report to Congress detailing how the Office of National Drug Control Policy has consulted with and assisted State, local, and tribal governments with respect to the formulation and implementation of the National Drug Control Strategy and other relevant issues; and

(20) shall, within 1 year after December 29, 2006, report to Congress on the impact of each Federal drug reduction strategy upon the availability, addiction rate, use rate, and other harms of illegal drugs.

(c) National Drug Control Program budget

(1) Responsibilities of National Drug Control Program agencies

(A) In general

For each fiscal year, the head of each department, agency, or program of the Federal Government with responsibilities under the National Drug Control Program Strategy shall transmit to the Director a copy of the proposed drug control budget request of the department, agency, or program at the same time as that budget request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31.

(B) Submission of drug control budget requests

The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted pursuant to this paragraph, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(C) Content of drug control budget requests

A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand reduction, supply reduction, and State, local, and tribal affairs, including any drug law enforcement activities. If an activity has both drug control and nondrug control purposes or applications, the department, agency, or program shall estimate by a documented calculation the total funds requested for that activity that would be used for drug control, and shall set forth in its request the basis and method for making the estimate.

(2) National Drug Control Program budget proposal

For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency and the head of each major national organization that represents law enforcement officers, agencies, or associations—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy and to inform Congress and the public about the total amount proposed to be spent on all supply reduction, demand reduction, State, local, and tribal affairs, including any drug law enforcement, and other drug control activities by the Federal Government, which shall conform to the content requirements set forth in paragraph (1)(C);

(B) submit the consolidated budget proposal to the President; and

(C) after submission under subparagraph (B), submit the consolidated budget proposal to Congress.

(3) Review and certification of budget requests and budget submissions of National Drug Control Program agencies

(A) In general

The Director shall review each drug control budget request submitted to the Director under paragraph (1).

(B) Review of budget requests

(i) Inadequate requests

If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to implement those objectives.

(ii) Adequate requests

If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall sub-

mit to the head of the applicable National Drug Control Program agency a written statement confirming the adequacy of the request.

(iii) Record

The Director shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(C) Specific requests

The Director shall not confirm the adequacy of any budget request that—

(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities;

(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement;

(iii) requests funding for drug treatment activities that do not provide adequate results and accountability measures;

(iv) requests funding for any activities of the Safe and Drug-Free Schools Program that do not include a clear anti-drug message or purpose intended to reduce drug use;

(v) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity;

(vi) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 1091(r)(1)[1] of title 20 by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance; and

(vii) requests funding for the operations and management of the Department of Homeland Security that does not include a specific request for funds for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 458 of title 6.

(D) Agency response

(i) In general

The head of a National Drug Control Program agency that receives a description under subparagraph (B)(i) shall include the funding levels and initiatives described by the Director in the budget submission for that agency to the Office of Management and Budget.

(ii) Impact statement

The head of a National Drug Control Program agency that has altered its budget submission under this subparagraph shall include as an appendix to the budget submission for that agency to the Office of Management and Budget an impact statement that summarizes—

(I) the changes made to the budget under this subparagraph; and

(II) the impact of those changes on the ability of that agency to perform its other responsibilities, including any impact on specific missions or programs of the agency.

(iii) Congressional notification

The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives and the appropriate congressional committees, at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31.

(E) Certification of budget submissions

(i) In general

At the time a National Drug Control Program agency submits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(ii) Certification

The Director—

(I) shall review each budget submission submitted under clause (i); and

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) may issue a written decertification of that agency's budget; and

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives and the appropriate congressional committees, a copy of—

(aaa) the decertification issued under item (aa);

(bbb) the description made under subparagraph (B); and

(ccc) the budget recommendations made under subsection (b)(8) of this section.

(4) Reprogramming and transfer requests

(A) In general

No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $1,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director. If the Director has not responded to a request for reprogramming subject to this subparagraph within 30 days after receiving notice of the request having been made, the request shall be deemed approved by the Director under this subparagraph and forwarded to Congress.

[1] So in original. Probably should be preceded by ''section''.

(B) Appeal

The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request under this paragraph.

(d) Powers of the Director

In carrying out subsection (b) of this section, the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees of the Office as may be necessary to carry out the functions of the Office under this chapter;

(2) subject to subsection (e)(3) of this section, request the head of a department or agency, or program of the Federal Government to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department, agency, or program in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5311 of title 5;

(5) accept and use gifts and donations of property from Federal, State, and local government agencies, and from the private sector, as authorized in section 1702(d) of this title;

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations;

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law;

(B) the Director may exercise the authority under this paragraph only with the concurrence of the head of each affected agency;

(C) in the case of an interagency transfer, the total amount of transfers under this paragraph may not exceed 3 percent of the total amount of funds made available for National Drug Control Strategy programs and activities to the agency from which those funds are to be transferred;

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities authorized by law; and

(E) the Director shall—

(i) submit to Congress, including to the Committees on Appropriations of the Senate and the House of Representatives, the authorizing committees for the Office, and any other applicable committees of jurisdiction, a reprogramming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency or agencies; and

(ii) annually submit to Congress a report describing the effect of all transfers of funds made pursuant to this paragraph or subsection (c)(4) of this section during the 12-month period preceding the date on which the report is submitted;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) of this section to ensure compliance with the National Drug Control Program Strategy and notify the appropriate congressional committees of any fund control notice issued in accordance with subsection (f)(5);

(10) participate in the drug certification process pursuant to section 2291j of title 22 and section 2291j–1 of title 22.

(e) Personnel detailed to Office

(1) Evaluations

Notwithstanding any provision of chapter 43 of title 5, the Director shall perform the evaluation of the performance of any employee detailed to the Office for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) Compensation

(A) Bonus payments

Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) Restrictions

An amount paid under this paragraph to an employee for any period—

(i) shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period; and

(ii) shall be in addition to the basic pay of such employee.

(C) Aggregate amount

The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(3) Maximum number of detailees

The maximum number of personnel who may be detailed to another department or agency

(including the Office) under subsection (d)(2) of this section during any fiscal year is—

(A) for the Department of Defense, 50; and

(B) for any other department or agency, 10.

(f) Fund control notices

(1) In general

A fund control notice may direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated by—

(A) months, fiscal year quarters, or other time periods; and

(B) activities, functions, projects, or object classes.

(2) Unauthorized obligation or expenditure prohibited

An officer or employee of a National Drug Control Program agency shall not make or authorize an expenditure or obligation contrary to a fund control notice issued by the Director.

(3) Disciplinary action for violation

In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

(4)[2] Congressional notice

A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

(5)[3] Restrictions

The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner—

(A) contrary, in whole or in part, to a specific appropriation; or

(B) contrary, in whole or in part, to the expressed intent of Congress.

(4)[2] Congressional notice.—

A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

(5)[3] Restrictions

The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner contrary, in whole or in part, to a specific appropriation or statute.

(g) Inapplicability to certain programs

The provisions of this section shall not apply to the National Intelligence Program, the Joint Military Intelligence Program, and Tactical and Related Activities, unless such program or an element of such program is designated as a National Drug Control Program—

(1) by the President; or

(2) jointly by—

(A) in the case of the National Intelligence Program, the Director and the Director of National Intelligence; or

(B) in the case of the Joint Military Intelligence Program and Tactical and Related Activities, the Director, the Director of National Intelligence, and the Secretary of Defense.

(h) Construction

Nothing in this chapter shall be construed as derogating the authorities and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency contained in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or any other law.

(Pub. L. 105–277, div. C, title VII, § 704, Oct. 21, 1998, 112 Stat. 2681–672; Pub. L. 109–469, title I, §§ 103(a)–(e), (f)(3), 105, Dec. 29, 2006, 120 Stat. 3506, 3507, 3510, 3511.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

Levels III and IV of the Executive Schedule, referred to in subsecs. (d)(4) and (e)(2)(C), are set out in sections 5314 and 5315, respectively, of Title 5, Government Organization and Employees.

This chapter, referred to in subsec. (h), was in the original ''this Act'' and was translated as reading ''this title'', meaning title VII of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681–670, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

The National Security Act of 1947, referred to in subsec. (h), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50, War and National Defense, and Tables.

The Central Intelligence Agency Act of 1949, referred to in subsec. (h), is act June 20, 1949, ch. 227, 63 Stat. 208, as amended, which is classified generally to section 403a et seq. of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 403a of Title 50 and Tables.

CODIFICATION

In subsec. (b)(8)(A), ''chapter 11 of title 31'' substituted for ''the Budget and Accounting Act of 1921'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

2006—Subsec. (a)(3). Pub. L. 109–469, § 103(a), amended par. (3) generally. Prior to amendment, text read as follows: ''In the absence of the Deputy Director, or if the Office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office to serve as the Director, if the Director is absent or unable to serve.''

Subsec. (b)(4). Pub. L. 109–469, § 103(b)(1), substituted ''National Drug Control Program agencies'' for ''Federal departments and agencies engaged in drug enforcement''.

[2] So in original. Two pars. (4) have been enacted.

[3] So in original. Two pars. (5) have been enacted.

Subsec. (b)(7). Pub. L. 109–469, §103(b)(2), inserted ''and the appropriate congressional committees'' after ''President''.

Subsec. (b)(13). Pub. L. 109–469, §103(b)(3), struck out ''(beginning in 1999)'' after ''basis'' in introductory provisions.

Subsec. (b)(14). Pub. L. 109–469, §103(b)(4), added par. (14) and struck out former par. (14) which read as follows: ''shall submit to the Appropriations committees and the authorizing committees of jurisdiction of the House of Representatives and the Senate on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

''(A) each of the evaluations received by the Director under paragraph (13); and

''(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency developed under section 1705(c) of this title; and''.

Subsec. (b)(15)(C). Pub. L. 109–469, §103(b)(5), added subpar. (C) and struck out former subpar. (C) which read as follows: ''developing a single interagency clearinghouse for the dissemination of research and information by such agencies to State and local governments and nongovernmental agencies involved in demand reduction.''

Subsec. (b)(16) to (20). Pub. L. 109–469, §103(b)(6), added pars. (16) to (20).

Subsec. (c)(1)(C). Pub. L. 109–469, §105(a), added subpar. (C).

Subsec. (c)(2). Pub. L. 109–469, §105(b)(1), inserted ''and the head of each major national organization that represents law enforcement officers, agencies, or associations'' after ''agency'' in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 109–469, §105(b)(2), inserted ''and to inform Congress and the public about the total amount proposed to be spent on all supply reduction, demand reduction, State, local, and tribal affairs, including any drug law enforcement, and other drug control activities by the Federal Government, which shall conform to the content requirements set forth in paragraph (1)(C)'' before semicolon at end.

Subsec. (c)(3)(C). Pub. L. 109–469, §105(c)(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (c)(3)(C)(iii). Pub. L. 109–469, §103(c)(1), inserted ''and the appropriate congressional committees,'' after ''House of Representatives''.

Subsec. (c)(3)(D). Pub. L. 109–469, §105(c)(1), redesignated subpar. (C) as (D). Former subpar. (D) redesignated (E).

Subsec. (c)(3)(D)(ii)(II)(bb). Pub. L. 109–469, §103(c)(2), inserted ''and the appropriate congressional committees,'' after ''House of Representatives''.

Subsec. (c)(3)(D)(iii). Pub. L. 109–469, §105(c)(3), which directed amendment of cl. (iii) by inserting ''and the appropriate congressional committees,'' after ''House of Representatives'', was not executed in view of the identical amendment made by Pub. L. 109–469, §103(c)(1) to subpar. (C)(iii) prior to its redesignation as (D)(iii). See above.

Subsec. (c)(3)(E). Pub. L. 109–469, §105(c)(1), redesignated subpar. (D) as (E).

Subsec. (c)(3)(E)(ii)(II)(bb). Pub. L. 109–469, §105(c)(4), which directed amendment of item (bb) by inserting ''and the appropriate congressional committees,'' after ''House of Representatives'', was not executed in view of the identical amendment made by Pub. L. 109–469, §103(c)(2) to subpar. (D)(ii)(II)(bb) prior to its redesignation as (E)(ii)(II)(bb). See above.

Subsec. (c)(4)(A). Pub. L. 109–469, §105(d), substituted ''$1,000,000'' for ''$5,000,000'' and inserted at end ''If the Director has not responded to a request for reprogramming subject to this subparagraph within 30 days after receiving notice of the request having been made, the request shall be deemed approved by the Director under this subparagraph and forwarded to Congress.''

Subsec. (d)(8)(D). Pub. L. 109–469, §105(e)(1), substituted ''authorized by law;'' for ''have been authorized by Congress;''.

Subsec. (d)(9). Pub. L. 109–469, §105(e)(2), which directed the substitution of ''Strategy and notify the appropriate congressional committees of any fund control notice issued; and'' for ''Strategy; and'', could not be executed because the words ''Strategy; and'' did not appear subsequent to amendment by Pub. L. 109–469, §103(d)(1). See below.

Pub. L. 109–469, §103(d)(1), substituted ''Strategy and notify the appropriate congressional committees of any fund control notice issued in accordance with subsection (f)(5);'' for ''Strategy; and''.

Subsec. (d)(10). Pub. L. 109–469, §§103(d)(2) and 105(e)(3), made identical amendments, inserting ''and section 2291j–1 of title 22'' before period at end.

Subsec. (f)(4), (5). Pub. L. 109–469, §105(f), added pars. (4) and (5) set out second.

Pub. L. 109–469, §103(e), added pars. (4) and (5) set out first.

Subsec. (g). Pub. L. 109–469, §103(f)(3)(A), amended subsec. (g) generally. Prior to amendment, text read as follows: ''The provisions of this section shall not apply to the National Foreign Intelligence Program, the Joint Military Intelligence Program and Tactical Intelligence and Related Activities unless the agency that carries out such program is designated as a National Drug Control Program agency by the President or jointly by the Director and the head of the agency.''

Subsec. (h). Pub. L. 109–469, §103(f)(3)(B), amended subsec. (h) generally. Prior to amendment, text read as follows: ''Nothing in this chapter shall be construed as derogating the authorities and responsibilities of the Director of Central Intelligence contained in sections 403–4 and 414 of title 50 or any other law.''

REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS

Pub. L. 105–277, div. D, title II, §221, Oct. 21, 1998, 112 Stat. 2681–758, expressed sense of Congress that efforts of the Federal Government to reduce demand for illegal drugs in United States are frustrated by fragmentation of those efforts across multiple departments and agencies, and improvement of those efforts can best be achieved through consolidation and coordination, and further provided that not later than 18 months after Oct. 21, 1998, Director of the Office of National Drug Control Policy was to prepare and submit to Congress a report evaluating options for increasing efficacy of drug prevention and treatment programs, including a thorough review of activities and potential consolidation of existing Federal drug information clearinghouses.

EX. ORD. NO. 12880. NATIONAL DRUG CONTROL PROGRAM

Ex. Ord. No. 12880, Nov. 16, 1993, 58 F.R. 60989, as amended by Ex. Ord. No. 13008, June 3, 1996, 61 F.R. 28721, provided:

The Office of National Drug Control Policy has the lead responsibility within the Executive Office of the President to establish policies, priorities, and objectives for the Nation's drug control program, with the goal of reducing the production, availability, and use of illegal drugs. All lawful and reasonable means must be used to ensure that the United States has a comprehensive and effective National Drug Control Strategy.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Narcotics Leadership Act of 1988, as amended (former 21 U.S.C. 1501 *et seq.*), and in order to provide for the effective management of the drug abuse policies of the United States, it is hereby ordered as follows:

SECTION 1. GENERAL PROVISIONS. (a) Because the United States considers the operations of international criminal narcotics syndicates as a national security threat requiring an extraordinary and coordinated response by civilian and military agencies involved in national security, the Director of the Office of National Drug Control Policy (Director), in his role as the principal adviser to the National Security Council on na-

tional drug control policy (50 U.S.C. 402(f)), shall provide drug policy guidance and direction in the development of related national security programs.

(b) The Director shall provide oversight and direction for all international counternarcotics policy development and implementation, in coordination with other concerned Cabinet members, as appropriate.

(c) An Interagency Working Group (IWG) on international counternarcotics policy, chaired by the Office of National Drug Control Policy, shall develop and ensure coordinated implementation of an international counternarcotics policy. The IWG shall report its activities and differences of views among agencies to the Director for review, mediation, and resolution with concerned Cabinet members, and if necessary, by the President.

(d) A coordinator for drug interdiction shall be designated by the Director to ensure that assets dedicated by Federal drug program agencies for interdiction are sufficient and that their use is properly integrated and optimized. The coordinator shall ensure that interdiction efforts and priorities are consistent with overall U.S. international counternarcotics policy.

(e) The Director shall examine the number and structure of command/control and drug intelligence centers operated by drug control program agencies involved in international counter-narcotics and suggest improvements to the current structure for consideration by the President and concerned members of the Cabinet.

(f) The Director, utilizing the services of the Drugs and Crime Data Center and Department of Justice Clearinghouse, shall assist in coordinating and enhancing the dissemination of statistics and studies relating to anti-drug abuse policy.

(g) The Director shall provide advice to agencies regarding ways to achieve efficiencies in spending and improvements to interagency cooperation that could enhance the delivery of drug control treatment and prevention services to the public. The Director may request agencies to provide studies, information, and analyses in support of this order.

SEC. 2. GOALS, DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL DRUG CONTROL PROGRAM. (a) *Budget Matters*. (1) In addition to the budgetary authorities and responsibilities provided to the Director by statute, [former] 21 U.S.C. 1502, for those agency budget requests that are not certified as adequate to implement the objectives of the National Drug Control Strategy, the Director shall include in such certifications initiatives or funding levels that would make such requests adequate.

(2) The Director shall provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program. The recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(b) *Measurement of National Drug Control Strategy Outcomes*. (1) The National Drug Control Strategy shall include long-range goals for reducing drug use and the consequences of drug use in the United States, including burdens on hospital emergency rooms, drug use among arrestees, the extent of drug-related crime, high school dropout rates, the number of infants exposed annually to illicit drugs in utero, national drug abuse treatment capacity, and the annual national health care costs of drug use.

(2) The National Drug Control Strategy shall also include an assessment of the quality of techniques and instruments to measure current drug use and supply and demand reduction activities, and the adequacy of the coverage of existing national drug use instruments and techniques to measure the total illicit drug user population and groups at-risk for drug use.

(3) The Director shall coordinate an effort among the relevant drug control program agencies to assess the quality, access, management, effectiveness, and standards of accountability of drug abuse treatment, prevention, education, and other demand reduction activities.

(c) *Provision of Reports*. To the extent permitted by law, heads of departments and agencies with responsibilities under the National Drug Control Program shall make available to the Office of National Drug Control Policy, appropriate statistics, studies, and reports, pertaining to Federal drug abuse control.

WILLIAM J. CLINTON.

§ 1704. Coordination with National Drug Control Program agencies in demand reduction, supply reduction, and State and local affairs

(a) Access to information

(1) In general

Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) Protection of intelligence information

(A) In general

The authorities conferred on the Office and the Director by this chapter shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The Director of National Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this chapter regarding intelligence sources and methods.

(B) Duties of Director

The Director of National Intelligence and the Director of the Central Intelligence Agency shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) Required reports

(A) Secretaries of the Interior and Agriculture

Not later than July 1 of each year, the Secretaries of Agriculture and the Interior shall jointly submit to the Director and the appropriate congressional committees an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

(B) Secretary of Homeland Security

Not later than July 1 of each year, the Secretary of Homeland Security shall submit to the Director and the appropriate congressional committees information for the preceding year regarding—

(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

(ii) the number of air and maritime patrol hours primarily dedicated to drug sup-

ply reduction missions undertaken by each component of the Department of Homeland Security.

(C) Secretary of Defense

The Secretary of Defense shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

(D) Attorney General

The Attorney General shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number and type of—

(i) arrests for drug violations;

(ii) prosecutions for drug violations by United States Attorneys; and

(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.

(b) Certification of policy changes to Director

(1) In general

Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) Exception

If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Strategy.

(c) General Services Administration

The Administrator of General Services shall provide to the Director, on a reimbursable basis, such administrative support services as the Director may request.

(d) Accounting of funds expended

The Director shall—

(A) require the National Drug Control Program agencies to submit to the Director not later than February 1 of each year a detailed accounting of all funds expended by the agencies for National Drug Control Program activities during the previous fiscal year, and require such accounting to be authenticated by the Inspector General for each agency prior to submission to the Director; and

(B) submit to Congress not later than April 1 of each year the information submitted to the Director under subparagraph (A).

(Pub. L. 105–277, div. C, title VII, § 705, Oct. 21, 1998, 112 Stat. 2681–680; Pub. L. 109–469, title I, § 104, Dec. 29, 2006, 120 Stat. 3510.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (a)(2)(A), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50, War and National Defense, and Tables.

AMENDMENTS

2006—Subsec. (a)(1)(A). Pub. L. 109–469, § 104(1), struck out ''abuse'' after ''drug''.

Subsec. (a)(2)(A). Pub. L. 109–469, § 104(2), substituted ''Director of National Intelligence'' for ''Director of Central Intelligence''.

Subsec. (a)(2)(B). Pub. L. 109–469, § 104(3), substituted ''Director of National Intelligence and the Director of the Central Intelligence Agency'' for ''Director of Central Intelligence''.

Subsec. (a)(3). Pub. L. 109–469, § 104(4), amended par. (3) generally. Prior to amendment, text read as follows: ''The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.''

Subsec. (b)(2)(B). Pub. L. 109–469, § 104(5), substituted ''Strategy'' for ''Program''.

Subsec. (c). Pub. L. 109–469, § 104(6), substituted ''on'' for ''in''.

§ 1705. Development, submission, implementation, and assessment of National Drug Control Strategy

(a) Timing, contents, and process for development and submission of National Drug Control Strategy

(1) Timing

Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for the year to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of, and reducing the demand for, illegal drugs.

(2) Contents

(A) In general

The National Drug Control Strategy submitted under paragraph (1) shall include the following:

(i) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States.

(ii) Annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year beginning on the date on which the National Drug Control Strategy is submitted.

(iii) A 5-year projection for program and budget priorities.

(iv) A review of international, State, local, and private sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government.

(v) An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit drug use, and treatment availability, which assessment shall include—

(I) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of nondependent and dependent illicit drug use;

(II) illicit drug use in the workplace and the productivity lost by such use; and

(III) illicit drug use by arrestees, probationers, and parolees.

(vi) An assessment of the reduction of illicit drug availability, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

(III) the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized and other drugs; and

(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

(vii) An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—

(I) the burden illicit drug users placed on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

(II) the annual national health care cost of illicit drug use; and

(III) the extent of illicit drug-related crime and criminal activity.

(viii) A determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment utilization; and

(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

(ix) A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.

(x) A summary of the efforts made to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—

(I) screening chemicals for potential therapeutic value;

(II) developing promising compounds;

(III) conducting clinical trials;

(IV) seeking Food and Drug Administration approval for drugs to treat addiction;

(V) marketing the drug for the treatment of addiction;

(VI) urging physicians to use the drug in the treatment of addiction; and

(VII) encouraging insurance companies to reimburse the cost of the drug for the treatment of addiction.

(xi) An assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy.

(xii) A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, local, and tribal government agencies.

(xiii) Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children of substance abusers), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

(xiv) A supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

(B) Classified information

Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(C) Selection of data and information

In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assess-

ment of the National Drug Control Strategy; and

(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

(3) Process for development and submission

In developing and effectively implementing the National Drug Control Strategy, the Director—

(A) shall consult with—

(i) the heads of the National Drug Control Program agencies;

(ii) Congress;

(iii) State, local, and tribal officials;

(iv) private citizens and organizations, including community and faith-based organizations with experience and expertise in demand reduction;

(v) private citizens and organizations with experience and expertise in supply reduction; and

(vi) appropriate representatives of foreign governments;

(B) in satisfying the requirements of subparagraph (A), shall ensure, to the maximum extent possible, that State, local, and tribal officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy;

(C) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to support or implement the National Drug Control Strategy; and

(D) with the concurrence of the Director of National Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to support or implement the National Drug Control Strategy.

(b) Submission of revised strategy

The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

(2) if a new President or Director takes office.

(c) Performance measurement system

Not later than February 1 of each year, the Director shall submit to Congress as part of the National Drug Control Strategy, a description of a national drug control performance measurement system, that—

(1) develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, availability, and the consequences of drug use;

(2) describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;

(3) identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;

(4) evaluates the contribution of demand reduction and supply reduction activities as defined in section 1701 of this title implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;

(5) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency's goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(A) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use;

(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

(D) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of this subsection.

(d) Modifications

A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (c) shall be included in each report submitted under subsection (b).

(Pub. L. 105–277, div. C, title VII, § 706, Oct. 21, 1998, 112 Stat. 2681–681; Pub. L. 109–469, title II, §§ 201, 202, Dec. 29, 2006, 120 Stat. 3513, 3517.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

AMENDMENTS

2006—Pub. L. 109–469, § 201, amended section generally. Prior to amendment, section related to development, submission, implementation, and assessment of National Drug Control Strategy.

Subsecs. (c), (d). Pub. L. 109–469, § 202, added subsecs. (c) and (d).

REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY

Pub. L. 109–469, title XI, § 1110, Dec. 29, 2006, 120 Stat. 3543, provided that:

''(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Dec. 29, 2006], and every 2 years thereafter, the Director of National Drug Control Policy shall submit to the Congress a Southwest Border Counternarcotics Strategy.

''(b) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

''(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

''(2) state the specific roles and responsibilities of the relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

''(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

''(c) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

''(1) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

''(2) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

''(d) CONSULTATION WITH OTHER AGENCIES.—The Director shall issue the Southwest Border Counternarcotics Strategy in consultation with the heads of the relevant National Drug Control Program agencies.

''(e) LIMITATION.—The Southwest Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

''(f) REPORT TO CONGRESS.—The Director shall provide a copy of the Southwest Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

''(g) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Southwest Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the strategy.''

§ 1706. High Intensity Drug Trafficking Areas Program

(a) Establishment

(1) In general

There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the ''Program'').

(2) Purpose

The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

(A) facilitating cooperation among Federal, State, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing law enforcement intelligence sharing among Federal, State, local, and tribal law enforcement agencies;

(C) providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

(b) Designation

(1) In general

The Director, in consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

(2) Activities

After making a designation under paragraph (1) and in order to provide Federal assistance to the area so designated, the Director may—

(A) obligate such sums as are appropriated for the Program;

(B) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(C) take any other action authorized under section 1703 of this title to provide increased Federal assistance to those areas; and

(D) coordinate activities under this section (specifically administrative, recordkeeping, and funds management activities) with State, local, and tribal officials.

(c) Petitions for designation

The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

(d) Factors for consideration

In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution;

(2) State, local, and tribal law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a significant harmful impact in the area, and in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

(e) Organization of high intensity drug trafficking areas

(1) Executive Board and officers

To be eligible for funds appropriated under this section, each high intensity drug traffick-

ing area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

(2) Responsibilities

The Executive Board of a high intensity drug trafficking area shall be responsible for—

(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

(B) managing the funds of the high intensity drug trafficking area;

(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

(3) Board representation

None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership or region of a high intensity drug trafficking area, if the Executive Board for such area, region, or partnership, does not apportion an equal number of votes between representatives of participating Federal agencies and representatives of participating State, local, and tribal agencies. Where it is impractical for an equal number of representatives of Federal agencies and State, local, and tribal agencies to attend a meeting of an Executive Board in person, the Executive Board may use a system of proxy votes or weighted votes to achieve the voting balance required by this paragraph.

(4) No agency relationship

The eligibility requirements of this section are intended to ensure the responsible use of Federal funds. Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government.

(f) Use of funds

The Director shall ensure that no Federal funds appropriated for the Program are expended for the establishment or expansion of drug treatment programs, and shall ensure that not more than 5 percent of the Federal funds appropriated for the Program are expended for the establishment of drug prevention programs.

(g) Counterterrorism activities

(1) Assistance authorized

The Director may authorize use of resources available for the Program to assist Federal, State, local, and tribal law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively with respect to such investigations and activities that are also related to drug trafficking.

(2) Limitation

The Director shall ensure—

(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism, except on a temporary basis under extraordinary circumstances, as determined by the Director.

(h) Role of Drug Enforcement Administration

The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

(i) Annual HIDTA Program budget submissions

As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a budget justification that includes—

(1) the amount proposed for each high intensity drug trafficking area, conditional upon a review by the Office of the request submitted by the HIDTA and the performance of the HIDTA, with supporting narrative descriptions and rationale for each request;

(2) a detailed justification that explains—

(A) the reasons for the proposed funding level; how such funding level was determined based on a current assessment of the drug trafficking threat in each high intensity drug trafficking area;

(B) how such funding will ensure that the goals and objectives of each such area will be achieved; and

(C) how such funding supports the National Drug Control Strategy; and

(3) the amount of HIDTA funds used to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year, and a description of how those funds were used.

(j) Emerging threat response fund

(1) In general

Subject to the availability of appropriations, the Director may expend up to 10 percent of the amounts appropriated under this section on a discretionary basis, to respond to any emerging drug trafficking threat in an existing high intensity drug trafficking area, or to establish a new high intensity drug trafficking area or expand an existing high intensity drug trafficking area, in accordance with the criteria established under paragraph (2).

(2) Consideration of impact

In allocating funds under this subsection, the Director shall consider—

(A) the impact of activities funded on reducing overall drug traffic in the United States, or minimizing the probability that an emerging drug trafficking threat will spread to other areas of the United States; and

(B) such other criteria as the Director considers appropriate.

(k) Evaluation

(1) Initial report

Not later than 90 days after December 29, 2006, the Director shall, after consulting with

the Executive Boards of each designated high intensity drug trafficking area, submit a report to Congress that describes, for each designated high intensity drug trafficking area—

(A) the specific purposes for the high intensity drug trafficking area;

(B) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area;

(C) the measurements that will be used to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals; and

(D) the reporting requirements needed to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals.

(2) Evaluation of HIDTA Program as part of National Drug Control Strategy

For each designated high intensity drug trafficking area, the Director shall submit, as part of the annual National Drug Control Strategy report, a report that—

(A) describes—

(i) the specific purposes for the high intensity drug trafficking area; and

(ii) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area; and

(B) includes an evaluation of the performance of the high intensity drug trafficking area in accomplishing the specific long-term and short-term goals and objectives identified under paragraph (1)(B).

***(l)* Assessment of drug enforcement task forces in high intensity drug trafficking areas**

Not later than 1 year after December 29, 2006, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

(1) assessing the number and operation of all federally funded drug enforcement task forces within each high intensity drug trafficking area; and

(2) describing—

(A) each Federal, State, local, and tribal drug enforcement task force operating in the high intensity drug trafficking area;

(B) how such task forces coordinate with each other, with any high intensity drug trafficking area task force, and with investigations receiving funds from the Organized Crime and Drug Enforcement Task Force;

(C) what steps, if any, each such task force takes to share information regarding drug trafficking and drug production with other federally funded drug enforcement task forces in the high intensity drug trafficking area;

(D) the role of the high intensity drug trafficking area in coordinating the sharing of such information among task forces;

(E) the nature and extent of cooperation by each Federal, State, local, and tribal participant in ensuring that such information is shared among law enforcement agencies and with the high intensity drug trafficking area;

(F) the nature and extent to which information sharing and enforcement activities are coordinated with joint terrorism task forces in the high intensity drug trafficking area; and

(G) any recommendations for measures needed to ensure that task force resources are utilized efficiently and effectively to reduce the availability of illegal drugs in the high intensity drug trafficking areas.

(m) Assessment of law enforcement intelligence sharing in High Intensity Drug Trafficking Areas Program

Not later than 180 days after December 29, 2006, and as part of each subsequent annual National Drug Control Strategy report, the Director, in consultation with the Director of National Intelligence, shall submit to Congress a report—

(1) evaluating existing and planned law enforcement intelligence systems supported by each high intensity drug trafficking area, or utilized by task forces receiving any funding under the Program, including the extent to which such systems ensure access and availability of law enforcement intelligence to Federal, State, local, and tribal law enforcement agencies within the high intensity drug trafficking area and outside of it;

(2) the extent to which Federal, State, local, and tribal law enforcement agencies participating in each high intensity drug trafficking area are sharing law enforcement intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

(3) the measures needed to improve effective sharing of information and law enforcement intelligence regarding drug trafficking and drug production among Federal, State, local, and tribal law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

(n) Coordination of Law enforcement intelligence sharing with Organized Crime Drug Enforcement Task Force program

The Director, in consultation with the Attorney General, shall ensure that any drug enforcement intelligence obtained by the Intelligence Support Center for each high intensity drug trafficking area is shared, on a timely basis, with the drug intelligence fusion center operated by the Organized Crime Drug Enforcement Task Force of the Department of Justice.

***(o)* Use of funds to combat methamphetamine trafficking**

(1) Requirement

As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a report describing the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year.

(2) Contents

The report shall include—

(A) the number of methamphetamine manufacturing facilities discovered through HIDTA-funded initiatives in the previous fiscal year;

(B) the amounts of methamphetamine or listed chemicals (as that term is defined in section 802(33) of this title[1] seized by HIDTA-funded initiatives in the area during the previous year; and

(C) law enforcement intelligence and predictive data from the Drug Enforcement Administration showing patterns and trends in abuse, trafficking, and transportation in methamphetamine and listed chemicals.

(3) Certification

Before the Director awards any funds to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities participating in that HIDTA are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(p) Authorization of appropriations

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

(1) $240,000,000 for fiscal year 2007;
(2) $250,000,000 for fiscal year 2008;
(3) $260,000,000 for fiscal year 2009;
(4) $270,000,000 for fiscal year 2010; and
(5) $280,000,000 for each of[2] fiscal year 2011.

(q) Specific purposes

(1) In general

The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $7,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

(2) Required uses

The funds used under paragraph (1) shall be used—

(A) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

(B) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.

(Pub. L. 105–277, div. C, title VII, §707, Oct. 21, 1998, 112 Stat. 2681–686; Pub. L. 109–469, title III, §§301, §302(c), Dec. 29, 2006, 120 Stat. 3518, 3525.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

December 29, 2006, referred to in subsecs. (k)(1), (*l*), and (m) was in the original ''the date of the enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 109–469, which amended this section generally, to reflect the probable intent of Congress.

[1] So in original. There probably should be a closing parenthesis.

[2] So in original.

AMENDMENTS

2006—Pub. L. 109–469, §301, amended section generally. Prior to amendment, section related to the High Intensity Drug Trafficking Areas Program.

Subsec. (q). Pub. L. 109–469, §302(c), added subsec. (q).

FINDINGS

Pub. L. 109–469, title III, §302(b), Dec. 29, 2006, 120 Stat. 3524, provided that: ''Congress finds the following:

''(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification to police about persistent drug distribution activity in their East Baltimore City neighborhood.

''(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

''(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

''(4) In all phases of counternarcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

''(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

''(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

''(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

''(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with tribal, local, State, and Federal law enforcement efforts to combat illegal drug trafficking.''

COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS

Pub. L. 106–310, div. B, title XXXVI, §3624, Oct. 17, 2000, 114 Stat. 1232, provided that:

''(a) IN GENERAL.—

''(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

''(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2000; and

''(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

''(c) APPORTIONMENT OF FUNDS.—

''(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

''(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

''(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

''(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

''(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

''(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

''(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).''

FUNDING FOR HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

Pub. L. 106–58, title III, Sept. 29, 1999, 113 Stat. 448, provided in part: ''That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area (HIDTA) shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations''.

§ 1707. Counter-Drug Technology Assessment Center

(a) Establishment

There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the ''Center''). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug technology research and development organization of the United States Government.

(b) Chief Scientist

There shall be at the head of the Center the Chief Scientist, who shall be appointed by the Director from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

(c) Research and development responsibilities

The Director, acting through the Chief Scientist, shall—

(1) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, local, and tribal drug supply reduction agencies, including—

(A) advanced surveillance, tracking, and radar imaging;

(B) electronic support measures;

(C) communications;

(D) data fusion, advanced computer systems, and artificial intelligence; and

(E) chemical, biological, radiological (including neutron and electron), and other means of detection;

(2) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(A) improving treatment through neuroscientific advances;

(B) improving the transfer of biomedical research to the clinical setting; and

(C) in consultation with the National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness and availability of drug treatment;

(3) make a priority ranking of such needs identified in paragraphs (1) and (2) according to fiscal and technological feasibility, as part of a National Counterdrug Research and Development Program;

(4) oversee and coordinate counterdrug technology initiatives with related activities of other Federal civilian and military departments;

(5) provide support to the development and implementation of the national drug control performance measurement system established under subsection (c) of section 1705 of this title; and

(6) pursuant to the authority of the Director of National Drug Control Policy under section 1703 of this title, submit requests to Congress for the reprogramming or transfer of funds appropriated for counterdrug technology research and development.

(d) Limitation on authority

The authority granted to the Director under this section shall not extend to the awarding of contracts, management of individual projects, or other operational activities.

(e) Assistance and support to the Office of National Drug Control Policy

The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counterdrug technology assessment.

(f) Technology transfer program

(1) Program

The Chief Scientist, with the advice and counsel of experts from State, local, and tribal law enforcement agencies, shall be responsible to the Director for coordination and implementation of a counterdrug technology transfer program.

(2) Purpose

The purpose of the Technology Transfer Program shall be for the Counterdrug Technology Assessment Center to transfer technology and associated training directly to State, local, and tribal law enforcement agencies.

(3) Priority of receipts

Transfers shall be made in priority order based on—

(A) the need of potential recipients for such technology;

(B) the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and

(C) the ability and willingness of potential recipients to evaluate transferred technology.

(4) Agreement authority

The Director may enter into an agreement with the Secretary of Homeland Security to transfer technology with both counterdrug and homeland security applications to State, local, and tribal law enforcement agencies on a reimbursable basis.

(5) Report

On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the following:

(A) The number of requests received during the previous 12 months, including the identity of each requesting agency and the type of technology requested.

(B) The number of requests fulfilled during the previous 12 months, including the identity of each recipient agency and the type of technology transferred.

(C) A summary of the criteria used in making the determination on what requests were funded and what requests were not funded, except that such summary shall not include specific information on any individual requests.

(D) A general assessment of the future needs of the program, based on expected changes in threats, expected technologies, and likely need from potential recipients.

(E) An assessment of the effectiveness of the technologies transferred, based in part on the evaluations provided by the recipients, with a recommendation whether the technology should continue to be offered through the program.

(Pub. L. 105–277, div. C, title VII, § 708, Oct. 21, 1998, 112 Stat. 2681–687; Pub. L. 109–469, title IV, § 401, Dec. 29, 2006, 120 Stat. 3525.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–469, § 401(a), amended subsec. (b) generally. Prior to amendment, text read as follows: ''There shall be at the head of the Center the Director of Technology, who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.''

Subsec. (c). Pub. L. 109–469, § 401(b)(1)(B), added subsec. (c) and struck out former subsec. (c) which related to additional responsibilities of the Director of National Drug Control Policy.

Subsec. (d). Pub. L. 109–469, § 401(c), which directed insertion of '', the Secretary of Homeland Security,'' after ''The Secretary of Defense'', could not be executed because the words ''The Secretary of Defense'' did not appear subsequent to amendment by Pub. L. 109–469, § 401(b)(1). See below.

Pub. L. 109–469, § 401(b)(1)(B), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 109–469, § 401(b)(2), amended subsec. (e) generally. Prior to amendment, text read as follows: ''The Secretary of Defense and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counterdrug technology assessment.''

Pub. L. 109–469, § 401(b)(1)(A), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 109–469, § 401(b)(3), added subsec. (f).

§ 1708. National youth anti-drug media campaign

(a) In general

The Director shall conduct a national youth anti-drug media campaign (referred to in this chapter[1] as the ''national media campaign'') in accordance with this section for the purposes of—

(1) preventing drug abuse among young people in the United States;

(2) increasing awareness of adults of the impact of drug abuse on young people; and

(3) encouraging parents and other interested adults to discuss with young people the dangers of illegal drug use.

(b) Use of funds

(1) In general

Amounts made available to carry out this section for the national media campaign may only be used for the following:

(A) The purchase of media time and space, including the strategic planning for, and accounting of, such purchases.

(B) Creative and talent costs, consistent with paragraph (2)(A).

(C) Advertising production costs.

(D) Testing and evaluation of advertising.

(E) Evaluation of the effectiveness of the national media campaign.

(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee to enter into contracts to carry out activities authorized by this section.

(G) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

[1] See References in Text note below.

(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(I) Operational and management expenses.

(2) Specific requirements

(A) Creative services

(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government (including creative services provided by the Partnership for a Drug-Free America) wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost; or

(III) the Director determines that the Partnership for a Drug-Free America is unable to provide, pursuant to subsection (d)(2)(B).

(ii) Subject to the availability of appropriations, no more than $1,500,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the national media campaign with advance approval from the Committee on Appropriations of the Senate and of the House of Representatives upon a showing of the circumstances causing such urgent needs of the national media campaign.

(B) Testing and evaluation of advertising

In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

(C) Evaluation of effectiveness of media campaign

In using amounts for the evaluation of the effectiveness of the national media campaign under paragraph (1)(E), the Director shall—

(i) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

(I) the Monitoring the Future Study published by the Department of Health and Human Services;

(II) the Attitude Tracking Study published by the Partnership for a Drug-Free America;

(III) the National Household Survey on Drug Abuse; and

(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(ii) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

(3) Purchase of advertising time and space

Subject to the availability of appropriations, for each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign, subject to the following exceptions:

(A) In any fiscal year for which less than $125,000,000 is appropriated for the national media campaign, not less than 72 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign.

(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 82 percent shall be used for advertising production costs and the purchase of advertising time and space for the national media campaign.

(c) Advertising

In carrying out this section, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(d) Division of responsibilities and functions under the program

(1) In general

The Director, in consultation with the Partnership for a Drug-Free America, shall determine the overall purposes and strategy of the national media campaign.

(2) Responsibilities

(A) Director

The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in subsection (a), and shall approve—

(i) the strategy of the national media campaign;

(ii) all advertising and promotional material used in the national media campaign; and

(iii) the plan for the purchase of advertising time and space for the national media campaign.

(B) The Partnership for a Drug-Free America

The Director shall request that the Partnership for a Drug-Free America—

(i) develop and recommend strategies to achieve the goals of the national media campaign, including addressing national and local drug threats in specific regions or States, such as methamphetamine and ecstasy;

(ii) create all advertising to be used in the national media campaign, except advertisements that are—

(I) provided by other nonprofit entities pursuant to subsection (f);

(II) intended to respond to high-priority or emergent campaign needs that cannot timely be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America;

(III) intended to reach a minority, ethnic, or other special audience that cannot be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America; or

(IV) any other advertisements that the Director determines that the Partnership for a Drug-Free America is unable to provide or if the Director determines that another entity is more appropriate, subject to the requirements of subsection (b)(2)(A).

If the Director determines that another entity is more appropriate under clause (ii)(IV), the Director shall notify Congress, through the committees of jurisdiction in the House and Senate, in writing, not less than 30 days prior to contracting with a party other than the Partnership for a Drug-Free America.

(C) Media buying contractor

The Director shall enter into a contract with a media buying contractor to plan and purchase advertising time and space for the national media campaign. The media buying contractor shall not provide any other service or material, or conduct any other function or activity which the Director determines should be provided by the Partnership for a Drug-Free America.

(e) Prohibitions

None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

(1) To supplant current anti-drug community-based coalitions.

(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

(f) Matching requirement

(1) In general

Amounts made available under subsection (b) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

(2) No-cost match advertising direct relationship requirement

The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the national media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

(3) No-cost match advertising not directly related

The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

(g) Financial and performance accountability

The Director shall cause to be performed—

(1) audits and reviews of costs of the national media campaign pursuant to section 254d of title 41; and

(2) an audit to determine whether the costs of the national media campaign are allowable under section 256 of title 41.

(h) Report to Congress

The Director shall submit on an annual basis a report to Congress that describes—

(1) the strategy of the national media campaign and whether specific objectives of the media campaign were accomplished;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(i) Local target requirement

The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

(j) Prevention of marijuana use

(1) Findings

The Congress finds the following:

(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to 5 times more likely to use hard drugs.

(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

(H) Teens who use marijuana are up to 4 times more likely to have a teen pregnancy than teens who have not.

(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

(J) Federal law enforcement agencies have identified possible links between trade in cannabis products and financing for terrorist organizations.

(2) Emphasis on prevention of youth marijuana use

In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

(k) Prevention of methamphetamine abuse and other emerging drug abuse threats

(1) Requirement to use 10 percent of funds for methamphetamine abuse prevention

The Director shall ensure that, of the amounts appropriated under this section for the national media campaign for a fiscal year, not less than 10 percent shall be expended solely for the activities described in subsection (b)(1) with respect to advertisements specifically intended to reduce the use of methamphetamine.

(2) Authority to use funds for other drug abuse upon certification that methamphetamine abuse fell during fiscal year 2007

With respect to fiscal year 2008 and any fiscal year thereafter, if the Director certifies in writing to Congress that domestic methamphetamine laboratory seizures (as reported to the El Paso Intelligence Center of the Drug Enforcement Administration) decreased to at least 75 percent of the 2006 level, or the Director has documented a highly, statistically significant increase in a specific drug, from a baseline determined by locally collected data, that can be defined as a local drug crisis, the Director may apply paragraph (1)(A) for that fiscal year with respect to advertisements specifically intended to reduce the use of such other drugs.

(*l*) Authorization of appropriations

There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2007 and 2008 and $210,000,000 for each of fiscal years 2009 through 2011.

(Pub. L. 105–277, div. C, title VII, § 709, Oct. 21, 1998, 112 Stat. 2681–688; Pub. L. 109–469, title V, § 501(a), Dec. 29, 2006, 120 Stat. 3527.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this subtitle'' and was translated as reading ''this title'', meaning title VII of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681–670, which is classified principally to this chapter, to reflect the probable intent of Congress. Title VII does not contain subtitles. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

AMENDMENTS

2006—Pub. L. 109–469 amended section catchline and text generally. Prior to amendment, section related to the President's Council on Counter-Narcotics.

EX. ORD. NO. 12992. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 12992, Mar. 15, 1996, 61 F.R. 11287, as amended by Ex. Ord. No. 13023, §§ 2, 3, Nov. 6, 1996, 61 F.R. 57767; Ex. Ord. No. 13284, § 8, Jan. 23, 2003, 68 F.R. 4076, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Establishment*. There is established the President's Drug Policy Council (''Council'').

SEC. 2. *Membership*. The Council shall comprise the:

(a) President, who shall serve as Chairman of the Council;

(b) Vice President;

(c) Secretary of State;

(d) Secretary of the Treasury;

(e) Secretary of Defense;

(f) Attorney General;

(g) Secretary of the Interior;

(h) Secretary of Agriculture;

(i) Secretary of Health and Human Services;

(j) Secretary of Housing and Urban Development;

(k) Secretary of Transportation;

(*l*) Secretary of Education;

(m) Secretary of Veterans Affairs;

(n) Secretary of Homeland Security;
(o) Representative of the United States of America to the United Nations;
(p) Director of the Office of Management and Budget;
(q) Chief of Staff to the President;
(r) Director of National Drug Control Policy;
(s) Director of Central Intelligence;
(t) Assistant to the President for National Security Affairs;
(u) Counsel to the President;
(v) Chairman, Joint Chiefs of Staff;
(w) National Security Advisor to the Vice President; and
(x) Assistant to the President for Domestic Policy.

As applicable, the Council shall also comprise such other officials of the departments and agencies as the President may, from time to time, designate.

SEC. 3. *Meetings of the Council*. The President, or upon his direction, the Vice President, may convene meetings of the Council. The President shall preside over meetings of the Council, provided that in his absence, the Vice President will preside. The Council will meet at least quarterly.

SEC. 4. *Functions*. (a) The functions of the Council are to advise and assist the President in: (1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and (2) ensuring coordination among departments and agencies concerning implementation of the President's national drug control strategy.

(b) The Director of National Drug Control Policy will continue to be the senior drug control policy official in the executive branch and the President's chief drug control policy spokesman.

(c) In matters affecting national security interests, the Director of National Drug Control Policy shall work in conjunction with the Assistant to the President for National Security Affairs.

SEC. 5. *Administration*. (a) The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director of National Drug Control Policy or his representative, in carrying out its functions under this order.

(b) The staff of the Office of National Drug Control Policy, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

EX. ORD. NO. 13023. EXPANDING AND CHANGING NAME OF PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 13023, Nov. 6, 1996, 61 F.R. 57767, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to change the name of the ''President's Council on Counter-Narcotics'' to the ''President's Drug Policy Council'' and to make the Secretaries of the Interior, Agriculture, Health and Human Services, Housing and Urban Development, Education, Veterans Affairs, and the Assistant to the President for Domestic Policy, permanent members of the Council, it is hereby ordered as follows:

SECTION 1. The Council established by Executive Order 12992 [set out above] shall henceforth be called the ''President's Drug Policy Council.''

[SECS. 2, 3. Amended Ex. Ord. No. 12992, set out above.]

WILLIAM J. CLINTON.

§ 1708a. Annual report requirement

(a) In general

On or before February 1 of each year, the Director shall submit a report to Congress that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

(6) specific policies and steps implemented to ensure compliance with title IV of this Act;

(7) steps taken to ensure that the national media campaign will secure, to the maximum extent possible, no cost matches of advertising time and space or in-kind contributions that are directly related to the campaign in accordance with title IV of this Act; and

(8) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

(b) Audit

The Government Accountability Office shall, at a frequency of not less than once per year—

(1) conduct and supervise an audit and investigation relating to the programs and operations of the—

(A) Office; or

(B) certain programs within the Office, including—

(i) the High Intensity Drug Trafficking Areas Program;

(ii) the Counterdrug Technology Assessment Center; or

(iii) the National Youth Anti-drug Media Campaign; and

(2) provide the Director and the appropriate congressional committees with a report containing an evaluation of and recommendations on the—

(A) policies and activities of the programs and operations subject to the audit and investigation;

(B) economy, efficiency, and effectiveness in the administration of the reviewed programs and operations; and

(C) policy or management changes needed to prevent and detect fraud and abuse in such programs and operations.

(Pub. L. 109–469, title II, § 203, Dec. 29, 2006, 120 Stat. 3517.)

REFERENCES IN TEXT

Title IV of this Act, referred to in subsec. (a)(6), (7), is title IV of Pub. L. 109–469, Dec. 29, 2006, 120 Stat. 3525, which amended section 1707 of this title.

CODIFICATION

Section was enacted as part of the Office of National Drug Control Policy Reauthorization Act of 2006, and not as part of the Office of National Drug Control Policy Reauthorization Act of 1998 which comprises this chapter.

§ 1709. Repealed. Pub. L. 109–469, title XI, § 1101(a), Dec. 29, 2006, 120 Stat. 3539

Section, Pub. L. 105–277, div. C, title VII, § 710, Oct. 21, 1998, 112 Stat. 2681–689, related to Parents Advisory Council on Youth Drug Abuse.

§ 1710. Drug Interdiction Coordinator and Committee

(a) United States Interdiction Coordinator

(1) In general

The United States Interdiction Coordinator shall perform the duties of that position described in paragraph (2) and such other duties as may be determined by the Director with respect to coordination of efforts to interdict illicit drugs from entering the United States.

(2) Responsibilities

The United States Interdiction Coordinator shall be responsible to the Director for—

(A) coordinating the interdiction activities of the National Drug Control Program agencies to ensure consistency with the National Drug Control Strategy;

(B) on behalf of the Director, developing and issuing, on or before March 1 of each year and in accordance with paragraph (3), a National Interdiction Command and Control Plan to ensure the coordination and consistency described in subparagraph (A);

(C) assessing the sufficiency of assets committed to illicit drug interdiction by the relevant National Drug Control Program agencies; and

(D) advising the Director on the efforts of each National Drug Control Program agency to implement the National Interdiction Command and Control Plan.

(3) Staff

The Director shall assign such permanent staff of the Office as he considers appropriate to assist the United States Interdiction Coordinator to carry out the responsibilities described in paragraph (2), and may also, at his discretion, request that appropriate National Drug Control Program agencies detail or assign staff to the Office of Supply Reduction for that purpose.

(4) National Interdiction Command and Control Plan

(A) Purposes

The National Interdiction Command and Control Plan shall—

(i) set forth the Government's strategy for drug interdiction;

(ii) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

(iii) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

(B) Consultation with other agencies

The United States Interdiction Coordinator shall issue the National Interdiction Command and Control Plan in consultation with the other members of the Interdiction Committee described in subsection (b).

(C) Limitation

The National Interdiction Command and Control Plan shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

(D) Report to Congress

On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees, to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate, which shall include—

(i) a copy of that year's National Interdiction Command and Control Plan;

(ii) information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas of such seizures; and

(iii) information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas in which such patrol hours took place.

(E) Treatment of classified or law enforcement sensitive information

Any content of the report described in subparagraph (D) that involves information classified under criteria established by an Executive order, or the public disclosure of which, as determined by the Director, the Director of National Intelligence, or the head of any Federal Government agency the activities of which are described in the plan, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

(b) Interdiction Committee

(1) In general

The Interdiction Committee shall meet to—

(A) discuss and resolve issues related to the coordination, oversight and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy;

(B) review the annual National Interdiction Command and Control Plan, and provide advice to the Director and the United States Interdiction Coordinator concerning that plan; and

(C) provide such other advice to the Director concerning drug interdiction strategy and policies as the committee determines is appropriate.

(2) Chairman

The Director shall designate one of the members of the Interdiction Committee to serve as chairman.

(3) Meetings

The members of the Interdiction Committee shall meet, in person and not through any delegate or representative, at least once per calendar year, prior to March 1. At the call of either the Director or the current chairman, the Interdiction Committee may hold additional meetings, which shall be attended by the members either in person, or through such delegates or representatives as they may choose.

(4) Report

Not later than September 30 of each year, the chairman of the Interdiction Committee shall submit a report to the Director and to the appropriate congressional committees describing the results of the meetings and any significant findings of the Committee during the previous 12 months. Any content of such a report that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director, the chairman, or any member, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the report.

(Pub. L. 105–277, div. C, title VII, § 711, Oct. 21, 1998, 112 Stat. 2681–691; Pub. L. 109–469, title I, § 103(f)(1), Dec. 29, 2006, 120 Stat. 3507.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

AMENDMENTS

2006—Pub. L. 109–469, which directed that section 711 of Office of National Drug Control Policy Reauthorization Act of 1998 (Pub. L. 105–277, div. C, title VII) be amended by ''adding at the end'' a new section 711, was executed by substituting the new section 711 for this section which was the existing section 711 of the Act, to reflect the probable intent of Congress. Prior to amendment, this section related to drug interdiction.

§ 1710a. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials

(a) Requirement

Each advertisement or other communication paid for by the Office, either directly or through a contract awarded by the Office, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by the Office.

(b) Advertisement or other communication

In this section, the term ''advertisement or other communication'' includes—

(1) an advertisement disseminated in any form, including print or by any electronic means; and

(2) a communication by an individual in any form, including speech, print, or by any electronic means.

(Pub. L. 105–277, div. C, title VII, § 712, as added Pub. L. 109–469, title XI, § 1118, Dec. 29, 2006, 120 Stat. 3546.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

CODIFICATION

Another section 712 of title VII of div. C of Pub. L. 105–277 amended former section 1509 of this title.

§ 1711. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter except activities otherwise specified, to remain available until expended, such sums as may be necessary for each of fiscal years 2006 through 2010.

(Pub. L. 105–277, div. C, title VII, § 714, Oct. 21, 1998, 112 Stat. 2681–693; Pub. L. 109–469, title VI, § 601, Dec. 29, 2006, 120 Stat. 3533.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title VII of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681–670, which is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

AMENDMENTS

2006—Pub. L. 109–469 substituted ''chapter except activities otherwise specified,'' for ''chapter,'' and ''2006 through 2010'' for ''1999 through 2003''.

APPROPRIATIONS

Provisions appropriating funds to carry out activities authorized by the Office of National Drug Control Policy Reauthorization Act of 1998, which enacted this chapter, notwithstanding section 1712 of this title, were contained in the following appropriation acts:

Pub. L. 109–115, div. A, title V, Nov. 30, 2005, 119 Stat. 2475.

Pub. L. 108–447, div. H, title III, Dec. 8, 2004, 118 Stat. 3249, 3250.

Pub. L. 108–199, div. F, title III, Jan. 23, 2004, 118 Stat. 324.

§ 1712. Termination of Office of National Drug Control Policy

(a) In general

Except as provided in subsection (b) of this section, effective on September 30, 2010, this chapter and the amendments made to this chapter are repealed.

(b) Exception

Subsection (a) of this section does not apply to section 713 or the amendments made by that section.

(Pub. L. 105–277, div. C, title VII, § 715, Oct. 21, 1998, 112 Stat. 2681–693; Pub. L. 109–469, title VI, § 602, Dec. 29, 2006, 120 Stat. 3533.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this title'', meaning title VII of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681–670, which is

classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 713, referred to in subsec. (b), is section 713 of Pub. L. 105–277, div. C, title VII, Oct. 21, 1998, 112 Stat. 2681–693, which amended sections 5312 to 5314 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.

CODIFICATION

The repeal of this chapter and of the amendments made by this chapter, effective Sept. 30, 2003, by this section, as in effect on Sept. 30, 2003, has not been given effect in the Code, to reflect the probable intent of Congress, because of the amendment to this section by Pub. L. 109–469 which substituted ''September 30, 2010'' for ''September 30, 2003'' as the effective date of the repeal. See 2006 Amendment note below.

AMENDMENTS

2006—Pub. L. 109–469 substituted ''September 30, 2010, this chapter and the amendments made to this chapter'' for ''September 30, 2003, this chapter and the amendments made by this chapter''.

§ 1713. Authorization of use of environmentally-approved herbicides to eliminate illicit narcotics crops

The Secretary of State, the Attorney General, the Secretary of Agriculture, the Secretary of Defense, the Director of the Office of National Drug Control Policy, and the Administrator of the Environmental Protection Agency are authorized to support the development and use of environmentally-approved herbicides to eliminate illicit narcotics crops, including coca, cannabis, and opium poppy, both in the United States and in foreign countries.

(Pub. L. 105–277, div. C, title VIII, § 834, Oct. 21, 1998, 112 Stat. 2681–702.)

CODIFICATION

Section was enacted as part of the Western Hemisphere Drug Elimination Act, and not as part of the Office of National Drug Control Policy Reauthorization Act of 1998 which comprises this chapter.

§ 1714. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions

(a) Awards required

The Director shall make competitive awards to fund demonstration programs by eligible partnerships for the purpose of reducing the use of illicit drugs by chronic hard-drug users living in the community while under the supervision of the criminal justice system.

(b) Use of award amounts

Award amounts received under this section shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership;

(2) to develop and field a drug testing and graduated sanctions program for chronic hard-drug users living in the community under criminal justice supervision; and

(3) to assist individuals described in subsection (a) by strengthening rehabilitation efforts through such means as job training, drug treatment, or other services.

(c) Eligible partnership defined

In this section, the term ''eligible partnership'' means a working group whose application to the Director—

(1) identifies the roles played, and certifies the involvement of, two or more agencies or organizations, which may include—

(A) State, local, or tribal agencies (such as those carrying out police, probation, prosecution, courts, corrections, parole, or treatment functions);

(B) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and United States Attorney offices); and

(C) community-based organizations;

(2) includes a qualified researcher;

(3) includes a plan for using judicial or other criminal justice authority to administer drug tests to individuals described in subsection (a) at least twice a week, and to swiftly and certainly impose a known set of graduated sanctions for non-compliance with community-release provisions relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition or otherwise);

(4) includes a strategy for responding to a range of substance use and abuse problems and a range of criminal histories;

(5) includes a plan for integrating data infrastructure among the agencies and organizations included in the eligible partnership to enable seamless, real-time tracking of individuals described in subsection (a);

(6) includes a plan to monitor and measure the progress toward reducing the percentage of the population of individuals described in subsection (a) who, upon being summoned for a drug test, either fail to show up or who test positive for drugs.

(d) Reports to Congress

(1) Interim report

Not later than June 1, 2009, the Director shall submit to Congress a report that identifies the best practices in reducing the use of illicit drugs by chronic hard-drug users, including the best practices identified through the activities funded under this section.

(2) Final report

Not later than June 1, 2010, the Director shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section $4,900,000 for each of fiscal years 2007 through 2009.

(Pub. L. 105–277, div. C, title VII, § 716, as added Pub. L. 109–469, title XI, § 1119, Dec. 29, 2006, 120 Stat. 3547.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

CHAPTER 23—NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

§§ 1801 to 1804. Repealed. Pub. L. 109–469, title V, § 501(b), Dec. 29, 2006, 120 Stat. 3533

Section 1801, Pub. L. 105–277, div. D, title I, § 102, Oct. 21, 1998, 112 Stat. 2681–752, related to requirement to conduct national media campaign.

Section 1802, Pub. L. 105–277, div. D, title I, § 103, Oct. 21, 1998, 112 Stat. 2681–752, related to use of funds.

Section 1803, Pub. L. 105–277, div. D, title I, § 104, Oct. 21, 1998, 112 Stat. 2681–753, related to reports to Congress.

Section 1804, Pub. L. 105–277, div. D, title I, § 105, Oct. 21, 1998, 112 Stat. 2681–753, related to authorization of appropriations.

SHORT TITLE

Pub. L. 105–277, div. D, § 1(a), Oct. 21, 1998, 112 Stat. 2681–751, provided that: ''This division [enacting this chapter and section 7144 of Title 20, Education, and enacting provisions set out as notes under this section, section 1703 of this title, section 6301 of Title 20, and section 3751 of Title 42, The Public Health and Welfare] may be cited as the 'Drug Demand Reduction Act'.''

Pub. L. 105–277, div. D, title I, § 101, Oct. 21, 1998, 112 Stat. 2681–752, which provided that subtitle A (§§ 101–105) of title I of div. D of Pub. L. 105–277, enacting this chapter, was to be cited as the ''Drug-Free Media Campaign Act of 1998'', was repealed by Pub. L. 109–469, title V, § 501(b), Dec. 29, 2006, 120 Stat. 3533.

CHAPTER 24—INTERNATIONAL NARCOTICS TRAFFICKING

Sec.
1901. Findings and policy.
1902. Purpose.
1903. Public identification of significant foreign narcotics traffickers and required reports.
1904. Blocking assets and prohibiting transactions.
1905. Authorities.
1906. Enforcement.
1907. Definitions.
1908. Judicial Review Commission on Foreign Asset Control.

§ 1901. Findings and policy

(a) Findings

Congress makes the following findings:

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.) to target and apply sanctions to four international narcotics traffickers and their organizations that operate from Colombia.

(3) IEEPA was successfully applied to international narcotics traffickers in Colombia and based on that successful case study, Congress believes similar authorities should be applied worldwide.

(4) There is a national emergency resulting from the activities of international narcotics traffickers and their organizations that threatens the national security, foreign policy, and economy of the United States.

(b) Policy

It shall be the policy of the United States to apply economic and other financial sanctions to significant foreign narcotics traffickers and their organizations worldwide to protect the national security, foreign policy, and economy of the United States from the threat described in subsection (a)(4) of this section.

(Pub. L. 106–120, title VIII, § 802, Dec. 3, 1999, 113 Stat. 1626.)

REFERENCES IN TEXT

Executive Order No. 12978, referred to in subsec. (a)(2), is Ex. Ord. No. 12978, Oct. 21, 1995, 60 F.R. 54579, which is listed in a table under section 1701 of Title 50, War and National Defense.

The International Emergency Economic Powers Act, referred to in subsec. (a)(2), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, as amended, which is classified generally to chapter 35 (§ 1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

EFFECTIVE DATE

Pub. L. 106–120, title VIII, § 811, Dec. 3, 1999, 113 Stat. 1636, provided that: ''This title [see Short Title note set out below] shall take effect on the date of the enactment of this Act [Dec. 3, 1999].''

SHORT TITLE

Pub. L. 106–120, title VIII, § 801, Dec. 3, 1999, 113 Stat. 1626, provided that: ''This title [enacting this chapter and amending section 1182 of Title 8, Aliens and Nationality] may be cited as the 'Foreign Narcotics Kingpin Designation Act'.''

§ 1902. Purpose

The purpose of this chapter is to provide authority for the identification of, and application of sanctions on a worldwide basis to, significant foreign narcotics traffickers, their organizations, and the foreign persons who provide support to those significant foreign narcotics traffickers and their organizations, whose activities threaten the national security, foreign policy, and economy of the United States.

(Pub. L. 106–120, title VIII, § 803, Dec. 3, 1999, 113 Stat. 1626.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title VIII of Pub. L. 106–120, Dec. 3, 1999, 113 Stat. 1626, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

§ 1903. Public identification of significant foreign narcotics traffickers and required reports

(a) Provision of information to the President

The Secretary of the Treasury, the Attorney General, the Secretary of Defense, the Secretary of State, and the Director of Central Intelligence shall consult among themselves and provide the appropriate and necessary information to enable the President to submit the report under subsection (b) of this section. This infor-