

contractual agreement under which the manufacturer agrees to bear the cost of such litigation or to conduct such litigation.

(Pub. L. 105-230, §6, Aug. 13, 1998, 112 Stat. 1526.)

§ 1606. Subsequent impleader of dismissed biomaterials supplier

(a) Impleading of dismissed defendant

A court, upon motion by a manufacturer or a claimant within 90 days after entry of a final judgment in an action by the claimant against a manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this chapter if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement 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. 1702.	Definitions. Office of National Drug Control Policy. (a) Establishment of Office. (b) Director and Deputy Directors. (c) Access by Congress. (d) Office of National Drug Control Policy Gift Fund.
1703.	Appointment and duties of Director and Deputy Directors. (a) Appointment. (b) Responsibilities. (c) National Drug Control Program budget. (d) Powers of the Director. (e) Personnel detailed to Office. (f) Fund control notices. (g) Inapplicability to certain programs. (h) Construction.
1704.	Coordination with National Drug Control Program agencies in demand reduction, supply reduction, and State and local affairs. (a) Access to information. (b) Certification of policy changes to Director. (c) General Services Administration. (d) Accounting of funds expended.
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. (b) Annual strategy report. (c) Performance measurement system.
1706.	High Intensity Drug Trafficking Areas Program. (a) Establishment. (b) Designation. (c) Factors for consideration. (d) Use of funds.
1707.	Counter-Drug Technology Assessment Center. (a) Establishment. (b) Director of Technology. (c) Additional responsibilities of the Director of National Drug Control Policy. (d) Assistance and support to Office of National Drug Control Policy.
1708.	President's Council on Counter-Narcotics. (a) Establishment. (b) Membership. (c) Functions. (d) Administration.
1709.	Parents Advisory Council on Youth Drug Abuse. (a) In general. (b) Duties of Council. (c) Expenses. (d) Authorization of appropriations.
1710.	Drug interdiction. (a) Definition. (b) Report. (c) Budget process.
1711.	Authorization of appropriations.
1712.	Termination of Office of National Drug Control Policy. (a) In general. (b) Exception.
1713.	Authorization of use of environmentally-approved herbicides to eliminate illicit narcotics crops.

§ 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; and
- (G) drug testing.

(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.

(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 Foreign Intelligence Program, the Joint Military Intelligence Program or Tactical Intelligence and Related Activities, 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 implicates otherwise, the term “Office” means the Office of National Drug Control Policy established under section 1702(a) of this title.

(10) State and local affairs

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

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

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels.

(11) Supply reduction

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

- (A) international drug control;
- (B) foreign and domestic drug intelligence;
- (C) interdiction; and
- (D) domestic drug law enforcement, including law enforcement directed at drug users.

(Pub. L. 105-277, div. C, title VII, §702, Oct. 21, 1998, 112 Stat. 2681-670.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, 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, known as Office of National Drug Control Policy Reauthorization Act of 1998, 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.

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.’”

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 that 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 programs.

(b) Director and Deputy Directors

(1) Director

There shall be at the head of the Office a Director of National Drug Control Policy.

(2) Deputy Director of National Drug Control Policy

There shall be in the Office a Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this chapter.

(3) Other Deputy Directors

There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 1701(1) of this title;

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 1701(11) of this title; and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 1701(10) of this title and subparagraph (D) of section 1701(11) of this title.

(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.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

GIFTS TO OFFICE OF NATIONAL DRUG CONTROL POLICY

Pub. L. 108-447, div. H, title III, Dec. 8, 2004, 118 Stat. 3249, 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. 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) Designation of other officers

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.

(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 Senate, 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 Federal departments and agencies engaged in drug enforcement, 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 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 (beginning in 1999) an evalua-

tion 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 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

(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) 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.

(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.

(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—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy;

(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 submit 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) 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 at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31.

(D) 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 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 \$5,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director.

(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 activities¹ have been authorized by Congress; 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

(10) participate in the drug certification process pursuant to section 2291j 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

¹ So in original. Probably should be "activities that".

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.

(g) Inapplicability to certain programs

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.

(h) Construction

Nothing in this chapter shall be construed as derogating the authorities and responsibilities of the Director of Central Intelligence contained in sections 403-4² and 414 of title 50 or any other law.

(Pub. L. 105-277, div. C, title VII, §704, Oct. 21, 1998, 112 Stat. 2681-672.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

REFERENCES IN TEXT

Levels III and IV of the Executive Schedule, referred to in subssecs. (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.

Section 403-4 of title 50, referred to in subsec. (h), was repealed and a new section 403-4 was enacted by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3660.

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.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

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

² See References in Text note below.

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

(3) Illegal drug cultivation

The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.

(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 Program.

(c) General Services Administration

The Administrator of General Services shall provide to the Director, in¹ 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.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, 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.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

§ 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, 1999, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 5 years, for reducing drug abuse and the consequences of drug abuse 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—

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse 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 of the period beginning on the date on which the National Drug Control Strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

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

(B) Classified information

Any contents of the National Drug Control Strategy that involves 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.

(3) Process for development and submission

(A) Consultation

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

(i) shall consult with—

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

(II) Congress;

(III) State and local officials;

(IV) private citizens and 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;

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

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

(B) Inclusion in Strategy

The National Drug Control Strategy under this subsection, and each report submitted under subsection (b) of this section, shall include a list of each entity consulted under subparagraph (A)(i).

(4) Specific targets

The targets in the National Drug Control Strategy shall include the following:

(A) Reduction of unlawful drug use to 3 percent of the population of the United States or less by December 31, 2003 (as measured in terms of overall illicit drug use during the past 30 days by the National House-

¹ So in original. Probably should be "on".

hold Survey), and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(B) Reduction of adolescent unlawful drug use (as measured in terms of illicit drug use during the past 30 days by the Monitoring the Future Survey of the University of Michigan or the National PRIDE Survey conducted by the National Parents' Resource Institute for Drug Education) to 3 percent of the adolescent population of the United States or less by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(C) Reduction of the availability of cocaine, heroin, marijuana, and methamphetamine in the United States by 80 percent by December 31, 2003.

(D) Reduction of the respective nationwide average street purity levels for cocaine, heroin, marijuana, and methamphetamine (as estimated by the interagency drug flows assessment led by the Office of National Drug Control Policy, and based on statistics collected by the Drug Enforcement Administration and other National Drug Control Program agencies identified as relevant by the Director) by 60 percent by December 31, 2003, and achievement of at least 20 percent of each such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(E) Reduction of drug-related crime in the United States by 50 percent by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003, including—

(i) reduction of State and Federal unlawful drug trafficking and distribution;

(ii) reduction of State and Federal crimes committed by persons under the influence of unlawful drugs;

(iii) reduction of State and Federal crimes committed for the purpose of obtaining unlawful drugs or obtaining property that is intended to be used for the purchase of unlawful drugs; and

(iv) reduction of drug-related emergency room incidents in the United States (as measured by data of the Drug Abuse Warning Network on illicit drug abuse), including incidents involving gunshot wounds and automobile accidents in which illicit drugs are identified in the bloodstream of the victim, by 50 percent by December 31, 2003.

(5) Further reductions in drug use, availability, and crime

Following the submission of a National Drug Control Strategy under this section to achieve the specific targets described in paragraph (4), the Director may formulate a strategy for additional reductions in drug use and availability and drug-related crime beyond the 5-year period covered by the National Drug Control Strategy that has been submitted.

(b) Annual Strategy report

(1) In general

Not later than February 1, 1999, and on February 1 of each year thereafter, the President

shall submit to Congress a report on the progress in implementing the Strategy under subsection (a) of this section, which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c) of this section, including—

(i) an assessment of drug use and availability in the United States; and

(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c) of this section;

(C) an assessment of the manner in which the budget proposal submitted under section 1703(c) of this title is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

(D) measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii) of this section;

(E) an assessment of current drug use (including inhalants) and availability, impact of 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—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

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

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

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

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

(III) 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;

(V) the number of cocaine and methamphetamine processing laboratories destroyed domestically and in other countries;

(VI) changes in the price and purity of heroin and cocaine, changes in the price

of methamphetamine, and changes in tetrahydrocannabinol level of marijuana;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

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

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

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

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

(2) Submission of revised Strategy

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

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

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

(3) 1999 Strategy report

With respect to the Strategy report required to be submitted by this subsection on Feb-

ruary 1, 1999, the President shall prepare the report using such information as is available for the period covered by the report.

(c) Performance measurement system

(1) Sense of Congress

It is the sense of Congress that—

(A) the targets described in subsection (a) of this section are important to the reduction of overall drug use in the United States;

(B) the President should seek to achieve those targets during the 5 years covered by the National Drug Control Strategy required to be submitted under subsection (a) of this section;

(C) the purpose of such targets and the annual reports to Congress on the progress towards achieving the targets is to allow for the annual restructuring of appropriations by the Appropriations Committees and authorizing committees of jurisdiction of Congress to meet the goals described in this chapter;

(D) the performance measurement system developed by the Director described in this subsection is central to the National Drug Control Program targets, programs, and budget;

(E) the Congress strongly endorses the performance measurement system for establishing clear outcomes for reducing drug use nationwide during the next five years, and the linkage of this system to all agency drug control programs and budgets receiving funds scored as drug control agency funding.

(2) Submission to Congress

Not later than February 1, 1999, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

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

(D) evaluates in detail the implementation by each National Drug Control Program agency of program activities supporting the National Drug Control Strategy;

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

(F) 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—

(i) the quality of current drug use measurement instruments and techniques to

measure supply reduction and demand reduction activities;

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

(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4) of this section.

(3) Modifications

A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (2) shall be included in each report submitted under subsection (b) of this section.

(Pub. L. 105-277, div. C, title VII, § 706, Oct. 21, 1998, 112 Stat. 2681-681.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1)(C), 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.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

§ 1706. High Intensity Drug Trafficking Areas Program

(a) Establishment

There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b) Designation

The Director, upon consultation with the Attorney General, the Secretary of the Treasury, 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. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

(2) 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;

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

(4) coordinate activities under this subsection (specifically administrative, record-keeping, and funds management activities) with State and local officials.

(c) 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 center of illegal drug production, manufacturing, importation, or distribution;

(2) State and local 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 harmful impact 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.

(d) Use of funds

The Director shall ensure that no Federal funds appropriated for the High Intensity Drug Trafficking Program are expended for the establishment or expansion of drug treatment programs.

(Pub. L. 105-277, div. C, title VII, § 707, Oct. 21, 1998, 112 Stat. 2681-686.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

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 apports 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) Director of Technology

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.

(c) Additional responsibilities of the Director of National Drug Control Policy

(1) In general

The Director, acting through the Director of Technology shall—

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

- (i) advanced surveillance, tracking, and radar imaging;
- (ii) electronic support measures;
- (iii) communications;
- (iv) data fusion, advanced computer systems, and artificial intelligence; and
- (v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

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

- (i) improving treatment through neuroscientific advances;
- (ii) improving the transfer of biomedical research to the clinical setting; and
- (iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) 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 counter-drug technology research and development.

(2) Limitation on authority

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

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

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 counter-drug technology assessment.

(Pub. L. 105-277, div. C, title VII, §708, Oct. 21, 1998, 112 Stat. 2681-687.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

§ 1708. President's Council on Counter-Narcotics**(a) Establishment**

There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

(b) Membership**(1) In general**

Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

- (A) 1 shall be the President, who shall serve as Chairman of the Council;
- (B) 1 shall be the Vice President;
- (C) 1 shall be the Secretary of State;
- (D) 1 shall be the Secretary of the Treasury;
- (E) 1 shall be the Secretary of Defense;
- (F) 1 shall be the Attorney General;
- (G) 1 shall be the Secretary of Transportation;
- (H) 1 shall be the Secretary of Health and Human Services;
- (I) 1 shall be the Secretary of Education;
- (J) 1 shall be the Representative of the United States of America to the United Nations;
- (K) 1 shall be the Director of the Office of Management and Budget;
- (L) 1 shall be the Chief of Staff to the President;
- (M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;
- (N) 1 shall be the Director of Central Intelligence;
- (O) 1 shall be the Assistant to the President for National Security Affairs;
- (P) 1 shall be the Counsel to the President;
- (Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and
- (R) 1 shall be the National Security Advisor to the Vice President.

(2) Additional members

The President may, in the discretion of the President, appoint additional members to the Council.

(c) Functions

The Council shall 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 of the Federal Government concerning implementation of the National Drug Control Strategy.

(d) Administration**(1) In general**

The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

(2) Staff

The staff of the Office, in coordination with the staffs of the Vice President and the Assis-

tant to the President for National Security Affairs, shall act as staff for the Council.

(3) Cooperation from other agencies

Each department and agency of the executive branch shall—

- (A) cooperate with the Council in carrying out the functions of the Council under this section; and
- (B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

(Pub. L. 105-277, div. C, title VII, §709, Oct. 21, 1998, 112 Stat. 2681-688.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

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 inter-agency 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.

§ 1709. Parents Advisory Council on Youth Drug Abuse

(a) In general

(1) Establishment

There is established a Council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the "Council").

(2) Membership

(A) Composition

The Council shall be composed of 16 members, of whom—

(i) 4 shall be appointed by the President, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(ii) 4 shall be appointed by the Majority Leader of the Senate, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iii) 2 shall be appointed by the Minority Leader of the Senate, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iv) 4 shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made; and

(v) 2 shall be appointed by the Minority Leader of the House of Representatives, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made.

(B) Requirements

(i) In general

Each member of the Council shall be an individual from the private sector with a demonstrated interest and expertise in research, education, treatment, or prevention activities related to youth drug abuse.

(ii) Representatives of nonprofit organizations

Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be a representative of a nonprofit organization focused on involving parents in antidrug education and prevention.

(C) Date

The appointments of the initial members of the Council shall be made not later than 60 days after October 21, 1998.

(D) Executive Director

The Director shall appoint the Executive Director of the Council, who shall be an employee of the Office of National Drug Control Policy.

(3) Period of appointment; vacancies

(A) Period of appointment

Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—

(i) 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be appointed for a term of 1 year; and

(ii) 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be appointed for a term of 2 years.

(B) Vacancies

Any vacancy in the Council shall not affect its powers, provided that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the

member's predecessor was appointed shall be appointed only for the remainder of that term.

(C) Appointment of successor

To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for not more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(4) Initial meeting

Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(5) Meetings

The Council shall meet at the call of the Chairperson.

(6) Quorum

Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(7) Chairperson and Vice Chairperson

(A) In general

The members of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) Duties of Chairperson

The Chairperson of the Council shall assign committee duties relating to the Council and direct the Executive Director to convene hearings and conduct other necessary business of the Council.

(C) Duties of Vice Chairperson

If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(b) Duties of Council

(1) In general

The Council—

(A) shall advise the Director on drug prevention, education, and treatment and assist the Deputy Director of Demand Reduction in the responsibilities for the coordination of the demand reduction programs of the Federal Government and the analysis and consideration of prevention and treatment alternatives; and

(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the reports detailed in paragraph (2), as the Council considers appropriate.

(2) Submission of reports

Any report or recommendation issued by the Council shall be submitted to the Director and subsequently to Congress.

(3) Advice on the national drug control strategy

Not later than December 1, 1999, and on December 1 of each year thereafter, the Council shall submit to the Director an annual report containing drug control strategy recommendations on drug prevention, education, and treat-

ment. The Director may include any recommendations submitted under this paragraph in the report submitted by the Director under section 1705(b) of this title.

(c) Expenses

The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Council.

(d) Authorization of appropriations

There are authorized to be appropriated to the Council such sums as may be necessary¹ carry out this section.

(Pub. L. 105-277, div. C, title VII, §710, Oct. 21, 1998, 112 Stat. 2681-689.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1710. Drug interdiction

(a) Definition

In this section, the term "Federal drug control agency" means—

- (1) the Office of National Drug Control Policy;
- (2) the Department of Defense;
- (3) the Drug Enforcement Administration;
- (4) the Federal Bureau of Investigation;
- (5) the Immigration and Naturalization Service;
- (6) the United States Coast Guard;
- (7) the United States Customs Service; and
- (8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) Report

In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before October 21, 1998, not later than 90 days after October 21, 1998, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

- (1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the

¹ So in original. Probably should be followed by "to".

Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 960(a) of this title and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

(c) Budget process

(1) Information to Director

Based on the report submitted under subsection (b) of this section, each Federal drug control agency shall submit to the Director, at the same time as each annual drug control budget request is submitted by the Federal drug control agency to the Director under section 1703(c)(1) of this title, a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b) of this section.

(2) Information to Congress

The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 1703(c)(2) of this title, which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b) of this section.

(Pub. L. 105-277, div. C, title VII, §711, Oct. 21, 1998, 112 Stat. 2681-691.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relat-

ing thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 1711. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter, to remain available until expended, such sums as may be necessary for each of fiscal years 1999 through 2003.

(Pub. L. 105-277, div. C, title VII, §714, Oct. 21, 1998, 112 Stat. 2681-693.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2003, see section 1712 of this title.

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. 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, 2003, this chapter and the amendments made by 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.)

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, known as Office of National Drug Control Policy Reauthorization Act of 1998, 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.

§ 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.

CHAPTER 23—NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Sec.	
1801.	Requirement to conduct national media campaign
	(a) In general.
	(b) Local target requirement.
1802.	Use of funds.
	(a) Authorized uses.
	(b) Prohibitions.
	(c) Matching requirement.
1803.	Reports to Congress.
1804.	Authorization of appropriations.

§ 1801. Requirement to conduct national media campaign

(a) In general

The Director of the Office of National Drug Control Policy (in this chapter referred to as the "Director") shall conduct a national media campaign in accordance with this chapter for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) Local target requirement

The Director shall, to the maximum extent feasible, use amounts made available to carry out this chapter under section 1804 of this title for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

(Pub. L. 105-277, div. D, title I, § 102, Oct. 21, 1998, 112 Stat. 2681-752.)

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, provided that: "This subtitle [subtitle A (§§ 101-105) of title I of div. D of Pub. L. 105-277, enacting

this chapter] may be cited as the 'Drug-Free Media Campaign Act of 1998'."

§ 1802. Use of funds

(a) Authorized uses

(1) In general

Amounts made available to carry out this chapter for the support of the national media campaign may only be used for—

- (A) the purchase of media time and space;
- (B) talent reuse payments;
- (C) out-of-pocket advertising production costs;

- (D) testing and evaluation of advertising;
- (E) evaluation of the effectiveness of the media campaign;

- (F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

- (G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

- (H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programming, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(2) Advertising

In carrying out this chapter, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(b) Prohibitions

None of the amounts made available under section 1804 of this title may be obligated or expended—

- (1) to supplant current antidrug community based coalitions;

- (2) to supplant current pro bono public service time donated by national and local broadcasting networks;

- (3) for partisan political purposes; or

- (4) to fund media campaigns that feature 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, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

(c) Matching requirement

Amounts made available under section 1804 of this title should be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

(Pub. L. 105-277, div. D, title I, § 103, Oct. 21, 1998, 112 Stat. 2681-752.)

CHANGE OF NAME

Committee on Government Reform and Oversight of House of Representatives changed to Committee on