

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), 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); 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.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable to all civil actions covered under this chapter commenced on or after Aug. 13, 1998, including any in which the harm or harmful conduct occurred before such date, see section 8 of Pub. L. 105-230, set out as a note under section 1601 of this title.

### CHAPTER 22—NATIONAL DRUG CONTROL POLICY

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1701. Definitions.

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#### § 1701. Definitions

In this chapter:

##### (1) Agency

The term “agency” has the meaning given the term “executive agency” in section 102 of title 31.

##### (2) Appropriate congressional committees

###### (A) In general

The term “appropriate congressional committees” means—

(i) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

###### (B) Submission to Congress

Any submission to Congress shall mean submission to the appropriate congressional committees.

##### (3) 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 or prevent the use of drugs or support, expand, or provide treatment and recovery efforts, including—

(A) education about the dangers of illicit drug use;

(B) services, programs, or strategies to prevent substance use disorder, including evidence-based education campaigns, community-based prevention programs, collec-

tion and disposal of unused prescription drugs, and services to at-risk populations to prevent or delay initial use of an illicit drug;

(C) substance use disorder treatment;

(D) support for long-term recovery from substance use disorders;

(E) drug-free workplace programs;

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

(G) interventions for illicit drug use and dependence;

(H) expanding availability of access to health care services for the treatment of substance use disorders;

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

(J) pre- and post-arrest criminal justice interventions such as diversion programs, drug courts, and the provision of evidence-based treatment to individuals with substance use disorders who are arrested or under some form of criminal justice supervision, including medication assisted treatment;

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

(L) international illicit drug use education, prevention, treatment, recovery, research, rehabilitation activities, and interventions for illicit drug use and dependence; and

(M) research related to illicit drug use and any of the activities described in this paragraph.

#### **(4) Director**

The term “Director” means the Director of National Drug Control Policy.

#### **(5) Drug**

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

#### **(6) Drug control**

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

#### **(7) Emerging drug threat**

The term “emerging drug threat” means the occurrence of a new and growing trend in the use of an illicit drug or class of drugs, including rapid expansion in the supply of or demand for such drug.

#### **(8) Illicit drug use; illicit drugs; illegal drugs**

The terms “illicit drug use”, “illicit drugs”, and “illegal drugs” include the illegal or illicit use of prescription drugs.

#### **(9) Law enforcement**

The term “law enforcement” or “drug law enforcement” means all efforts by a Federal, State, local, or Tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest,

prosecution, and incarceration or other punishments or penalties.

#### **(10) National Drug Control Program**

The term “National Drug Control Program” means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy, including any activities involving supply reduction, demand reduction, or State, local, and tribal<sup>1</sup> affairs.

#### **(11) National Drug Control Program agency**

The term “National Drug Control Program agency” means any agency (or bureau, office, independent agency, board, division, commission, subdivision, unit, or other component thereof) that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program or the Joint Military Intelligence Program.

#### **(12) National Drug Control Strategy**

The term “National Drug Control Strategy” or “Strategy” means the strategy developed and submitted to Congress under section 1705 of this title, including any report, plan, or strategy required to be incorporated into or issued concurrently with such strategy.

#### **(13) Nonprofit organization**

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

#### **(14) Office**

The term “Office” means the Office of National Drug Control Policy established under section 1702(a) of this title.

#### **(15) State, local, and Tribal affairs**

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

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

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

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

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

<sup>1</sup> So in original. Probably should be “Tribal”.

**(16) Substance use disorder treatment**

The term “substance use disorder treatment” means an evidence-based, professionally directed, deliberate, and planned regimen including evaluation, observation, medical monitoring, and rehabilitative services and interventions such as pharmacotherapy, behavioral therapy, and individual and group counseling, on an inpatient or outpatient basis, to help patients with substance use disorder reach recovery.

**(17) Supply reduction**

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

(A) law enforcement outside the United States;

(B) domestic law enforcement;

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

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

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

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

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

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

(G) activities to prevent the diversion of drugs for their illicit use; and

(H) research related to any of the activities described in this paragraph.

(Pub. L. 105-277, div. C, title VII, §§ 702, 715, Oct. 21, 1998, 112 Stat. 2681-670, 2681-693; Pub. L. 109-469, title I, § 101, title VI, § 602, Dec. 29, 2006, 120 Stat. 3503, 3533; Pub. L. 115-271, title VIII, §§ 8202(a), (b)(2), 8216, Oct. 24, 2018, 132 Stat. 4110, 4117; Pub. L. 116-74, § 2(a)(1), (3), Nov. 27, 2019, 133 Stat. 1155.)

**Editorial Notes****REFERENCES IN TEXT**

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

**AMENDMENTS**

2019—Pars. (3), (11). Pub. L. 116-74, § 2(a)(1), substituted “National Drug Control Program agency” for “National Drug Control Program Agency”.

Par. (15). Pub. L. 116-74, § 2(a)(3), substituted “Tribal” for “tribal” wherever appearing.

2018—Pub. L. 115-271, § 8202(b)(2), repealed Pub. L. 105-277, § 715. See 1998 Amendment note below.

Pub. L. 115-271, § 8202(a), revived and restored this section as in effect on Sept. 29, 2003, and as amended by Pub. L. 109-469 and Pub. L. 112-166. See Reauthorization of the Office of National Drug Control Policy note set out below.

Pars. (1), (2). Pub. L. 115-271, § 8216(6), added pars. (1) and (2). Former pars. (1) and (2) redesignated (3) and (4), respectively.

Par. (3). Pub. L. 115-271, § 8216(5), (7), redesignated par. (1) as (3) and amended it generally. Prior to amendment, par. defined demand reduction.

Par. (4). Pub. L. 115-271, § 8216(5), redesignated par. (2) as (4). Former par. (4) redesignated (6).

Par. (5). Pub. L. 115-271, § 8216(1), (5), redesignated par. (3) as (5) and struck out former par. (5) which defined the term “Fund” as the fund established under section 1702(d) of this title.

Par. (6). Pub. L. 115-271, § 8216(5), redesignated par. (4) as (6). Former par. (6) redesignated (10).

Pars. (7) to (9). Pub. L. 115-271, § 8216(8), added pars. (7) to (9). Former pars. (7), (8), and (9) redesignated (11), (12), and (14), respectively.

Par. (10). Pub. L. 115-271, § 8216(4), redesignated par. (6) as (10). Former par. (10) redesignated (15).

Par. (11). Pub. L. 115-271, § 8216(4), (9), redesignated par. (7) as (11) and amended it generally. Prior to amendment, text read as follows: “The term ‘National Drug Control Program agency’ means any agency that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program, the Joint Military Intelligence Program or Tactical Intelligence and Related Activities, or (for purposes of section 1703(d) of this title) an agency that is described in section 530C(a) of title 28, unless such agency has been designated—

“(A) by the President; or

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

Par. (12). Pub. L. 115-271, § 8216(10), inserted “or ‘Strategy’” before “means” and “, including any report, plan, or strategy required to be incorporated into or issued concurrently with such strategy” before period at end.

Pub. L. 115-271, § 8216(1), (4), redesignated par. (8) as (12) and struck out former par. (12). Prior to amendment, text of par. (12) read as follows: “Except where otherwise provided, the term ‘appropriate congressional committees’ means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.”

Par. (13). Pub. L. 115-271, § 8216(1), (11), added par. (13) and struck out former par. (13). Prior to amendment, text read as follows: “The term ‘law enforcement’ or ‘drug law enforcement’ means all efforts by a Federal, State, local, or tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.”

Par. (14). Pub. L. 115-271, § 8216(3), (12), redesignated par. (9) as (14) and substituted “The” for “Unless the context clearly indicates otherwise, the”.

Par. (15). Pub. L. 115-271, § 8216(3), redesignated par. (10) as (15).

Par. (16). Pub. L. 115-271, § 8216(13), added par. (16).

Par. (17). Pub. L. 115-271, § 8216(2), redesignated par. (11) as (17).

Par. (17)(B) to (H). Pub. L. 115-271, § 8216(14), added subpar. (B), redesignated former subpars. (B) to (E) as (C) to (F), respectively, and added subpars. (G) and (H).

2006—Pub. L. 109-469, §602, amended Pub. L. 105-277, §715, which provided for the repeal of this section. See 1998 Amendment note below.

Par. (1)(G). Pub. L. 109-469, §101(a)(2), substituted “, including the testing of employees;” for period at end.

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

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

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

Par. (9). Pub. L. 109-469, §101(d), substituted “indicates” for “implicates.”

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

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

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

1998—Pub. L. 105-277, §715, as amended by Pub. L. 109-469, §602, which provided for the repeal of this section effective Sept. 30, 2010, was repealed by Pub. L. 115-271, §8202(b)(2). See former section 1712 of this title.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

##### SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-74, §1, Nov. 27, 2019, 133 Stat. 1155, provided that: “This Act [see Tables for classification] may be cited as the ‘ONDCP Technical Corrections Act of 2019.’”

##### SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-271, title VIII, §8201, Oct. 24, 2018, 132 Stat. 4110, provided that: “This subtitle [subtitle K (§§8201-8222) of title VIII of Pub. L. 115-271, see Tables for classification] may be cited as the ‘Substance Abuse Prevention Act of 2018.’”

##### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-356, §1, Jan. 4, 2011, 124 Stat. 3976, provided that: “This Act [amending provisions set out as a note under section 1705 of this title] may be cited as the ‘Northern Border Counternarcotics Strategy Act of 2010.’”

##### SHORT TITLE OF 2006 AMENDMENT

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

section 1801 of this title] may be cited as the ‘Office of National Drug Control Policy Reauthorization Act of 2006.’”

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

##### SHORT TITLE

Pub. L. 105-277, div. C, title VII, §§701, 715, Oct. 21, 1998, 112 Stat. 2681-670, 2681-693, as amended by Pub. L. 109-469, title VI, §602, Dec. 29, 2006, 120 Stat. 3533; Pub. L. 115-271, title VIII, §8202(a), (b)(2), Oct. 24, 2018, 132 Stat. 4110, provided that: “This title [enacting this chapter and 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.’”

##### REAUTHORIZATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY AND REVIVAL OF OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998

Pub. L. 115-271, title VIII, §8202(a), Oct. 24, 2018, 132 Stat. 4110, provided that:

“(1) IN GENERAL.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) [title VII of div. C of Pub. L. 105-277, see Short Title note set out above], as in effect on September 29, 2003, and as amended by the laws described in paragraph (2), is revived and restored.

“(2) LAWS DESCRIBED.—The laws described in this paragraph are:

“(A) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502) [see Short Title of 2006 Amendment note set out above].

“(B) The Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112-166; 126 Stat. 1283) [see Short Title of 2012 Amendment note set out under section 101 of Title 5, Government Organization and Employees].”

##### MODEL ACTS

Pub. L. 109-469, title XI, §1105, Dec. 29, 2006, 120 Stat. 3541, which directed the Director of the Office of National Drug Control Policy to enter into an agreement with a non-profit corporation to advise States on establishing laws and policies to address alcohol and other drug issues based on the model State drug laws developed by the President’s Commission on Model State Drug Laws in 1993, was repealed by Pub. L. 115-271, title VIII, §8217(h), Oct. 24, 2018, 132 Stat. 4125. See section 1703(i) of this title.

##### Executive Documents

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 [now President's Council on Fitness, Sports, and Nutrition], 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) lead the national drug control effort, including coordinating with the National Drug Control Program agencies;
- (2) coordinate and oversee the implementation of the national drug control policy, including the National Drug Control Strategy;

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

(4) evaluate the effectiveness of national drug control policy efforts, including the National Drug Control Program Agencies'<sup>1</sup> programs, by developing and applying specific goals and performance measurements and monitoring the agencies' program-level spending;

(5) identify and respond to emerging drug threats related to illicit drug use;

(6) administer the Drug-Free Communities Program, the High Intensity Drug Trafficking Areas Program, and other grant programs directly authorized to be administered by the Office in furtherance of the National Drug Control Strategy; and

(7) facilitate broad-scale information sharing and data standardization among Federal, State, and local entities to support the national drug control efforts.

**(b) Repealed. Pub. L. 115-271, title VIII, § 8222(1), Oct. 24, 2018, 132 Stat. 4142**

### (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.

#### (4) Ethics guidelines

The Director shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this subsection because the acceptance of the gift or donation would—

- (A) reflect unfavorably upon the ability of the Director or the Office, or any employee of the Office, to carry out responsibilities or official duties under this chapter in a fair and objective manner; or
- (B) compromise the integrity or the appearance of integrity of programs or services provided under this chapter or of any official involved in those programs or services.

<sup>1</sup> So in original. Probably should be "agencies".