

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.

Executive Documents

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

(A) Director

(i) In general

There shall be at the head of the Office a Director who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5.

(ii) Appointment

The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

(B) Deputy Director

There shall be a Deputy Director who shall report directly to the Director, and who shall be appointed by the President, and shall serve at the pleasure of the President.

(C) Coordinators

The following coordinators shall be appointed by the Director:

(i) Performance Budget Coordinator, as described in subsection (c)(5).

(ii) Interdiction Coordinator, as described in section 1710 of this title.

(iii) Emerging and Continuing Threats Coordinator, as described in section 1708 of this title.

(iv) State, Local, and Tribal Affairs Coordinator, to carry out the activities described in subsection (j).

(v) Demand Reduction Coordinator, as described in subparagraph (D).

(D) Demand Reduction Coordinator

The Director shall designate or appoint a United States Demand Reduction Coordinator to be responsible for the activities described in section 1701(3) of this title. For purposes of carrying out the previous sentence, the Director shall designate or appoint an appointee in the Senior Executive Service or an appointee in a position at level 15 of the General Schedule (or equivalent).

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

The Deputy Director of National Drug Control Policy shall—

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

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

(3) Acting Director

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

(4) Prohibition

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

(5) Prohibition on political campaigning

Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such officer or employee is not prohibited by this paragraph from making contributions to individual candidates.

(6) Prohibition on the use of funds for ballot initiatives

No funds authorized under this chapter may be obligated for the purpose of expressly advo-

cating the passage or defeat of a State or local ballot initiative.

(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)¹ of this title in accordance with section 1705 of this title;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Repealed. Pub. L. 115-271, title VIII, § 8221(b)(1)(A), Oct. 24, 2018, 132 Stat. 4142.

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

(A) each of the evaluations received by the Director under section 1705(g)(2) of this title; 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)² of this title;

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

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

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

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

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

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

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

(17) Repealed. Pub. L. 115-271, title VIII, § 8221(b)(1)(A), Oct. 24, 2018, 132 Stat. 4142.

(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local

¹ See References in Text note below.

and regional drug trafficking and production threats;

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

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

(21) in order to formulate the national drug control policies, goals, objectives, and priorities—

- (A) shall consult with and assist—
 - (i) State and local governments;
 - (ii) National Drug Control Program agencies;
 - (iii) each committee, working group, council, or other entity established under this chapter, as appropriate;
 - (iv) the public;
 - (v) appropriate congressional committees; and
 - (vi) any other person in the discretion of the Director; and
- (B) may—
 - (i) establish advisory councils;
 - (ii) acquire data from agencies; and
 - (iii) request data from any other entity.

(c) National Drug Control Program budget

(1) Responsibilities of National Drug Control Program agencies

(A) In general

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

(B) Submission of drug control budget requests

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

(C) Content of drug control budget requests

A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand reduction, supply reduction, and State, local, and tribal af-

fairs, including any drug law enforcement activities. If an activity has both drug control and nondrug control purposes or applications, the department, agency, or program shall estimate by a documented calculation the total funds requested for that activity that would be used for drug control, and shall set forth in its request the basis and method for making the estimate.

(2) National Drug Control Program budget proposal

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

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

(i) the funding level for each National Drug Control Program agency; and

(ii) alternative funding structures that could improve progress on achieving the goals of the National Drug Control Strategy; and

(B) submit the consolidated budget proposal to the President and 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) Specific requests

The Director shall not confirm the adequacy of any budget request that requests a level of funding that will not enable achievement of the goals of the National Drug Control Strategy, including—

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

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

(iii) requests funding for substance use disorder prevention and treatment activities that do not provide adequate results and accountability measures; and

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

(D) Agency response

(i) In general

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

(ii) Impact statement

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

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

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

(iii) Congressional notification

The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives and the appropriate congressional

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

(E) Certification of budget submissions

(i) In general

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

(ii) Certification

The Director shall—

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

(II) based on the review under subclause (I), make a determination as to whether the budget submission of a National Drug Control Program agency includes the funding levels and initiatives described in subparagraph (B); and

(III) submit to the appropriate congressional committees—

(aa) a written statement that either—

(AA) certifies that the budget submission includes sufficient funding; or

(BB) decertifies the budget submission as not including sufficient funding;

(bb) a copy of the description made under subparagraph (B); and

(cc) the budget recommendations made under subsection (b)(8).

(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 or 10 percent of a specific program or account that is included in the National Drug Control Program budget unless the request has been approved by the Director. If the Director has not responded to a request for reprogramming subject to this subparagraph within 30 days after receiving notice of the request having been made, the request shall be deemed approved by the Director under this subparagraph and forwarded to Congress.

(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.

(5) Performance-Budget Coordinator

(A) Designation

The Director shall designate or appoint a United States Performance-Budget Coordinator to—

(i) ensure the Director has sufficient information necessary to analyze the performance of each National Drug Control

Program agency, the impact Federal funding has had on the goals in the Strategy, and the likely contributions to the goals of the Strategy based on funding levels of each National Drug Control Program agency, to make an independent assessment of the budget request of each agency under this subsection;

(ii) advise the Director on agency budgets, performance measures and targets, and additional data and research needed to make informed policy decisions under this section and section 1705 of this title; and

(iii) other duties as may be determined by the Director with respect to measuring or assessing performance or agency budgets.

(B) Determination of position

For purposes of carrying out subparagraph (A), the Director shall designate or appoint an appointee in the Senior Executive Service or an appointee in a position at level 15 of the General Schedule (or equivalent).

(6) Budget estimate or request submission to Congress

Whenever the Director submits any budget estimate or request to the President or the Office of Management and Budget, the Director shall concurrently transmit to the appropriate congressional committees a detailed statement of the budgetary needs of the Office to execute its mission based on the good-faith assessment of the Director.

(d) Powers of the Director

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) the Director shall—

(i) submit to the appropriate congressional committees and any other applicable committees of jurisdiction, a re-programming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency; and

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

(F) funds may only be used for—

(i) expansion of demand reduction activities;

(ii) interdiction of illicit drugs on the high seas, in United States territorial waters, and at United States ports of entry by officers and employees of National Drug Control Program agencies and domestic and foreign law enforcement officers;

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

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

(v) research related to any of these activities;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program Strategy and notify the appropriate congress-

sional committees of any fund control notice issued in accordance with subsection (f)(5); and (10) participate in the drug certification process pursuant to section 2291j of title 22 and section 2291j-1 of title 22.

(e) Personnel detailed to Office

(1) Evaluations

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

(2) Compensation

(A) Bonus payments

Subject to the availability of appropriations, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) Restrictions

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

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

(C) Aggregate amount

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

(3) Maximum number of detailees

The maximum number of personnel who may be detailed to another department or agency (including the Office) under subsection (d)(2) during any fiscal year is—

- (A) for the Department of Defense, 50; and
- (B) for any other department or agency, 10.

(f) Fund control notices

(1) In general

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

- (A) months, fiscal year quarters, or other time periods; and
- (B) activities, functions, projects, or object classes.

(2) Unauthorized obligation or expenditure prohibited

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

(3) Disciplinary action for violation

In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control Program agency, the head of the agency,

upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

(4) Congressional notice

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

(5) Restrictions

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

(g) Inapplicability to certain programs

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

- (1) by the President; or
- (2) jointly by—
 - (A) in the case of the National Intelligence Program, the Director and the Director of National Intelligence; or
 - (B) in the case of the Joint Military Intelligence Program and Tactical and Related Activities, the Director, the Director of National Intelligence, and the Secretary of Defense.

(h) Construction

Nothing in this chapter shall be construed as derogating the authorities and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency contained in the National Security Act of 1947 [50 U.S.C. 3001 et seq.], the Central Intelligence Agency Act of 1949 [50 U.S.C. 3501 et seq.], or any other law.

(i) Model acts program

(1) In general

The Director shall provide for or shall enter into an agreement with a nonprofit organization to—

- (A) advise States on establishing laws and policies to address illicit drug use issues; and
- (B) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in illicit drug use issues in the State involved.

(2) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$1,250,000 for each of fiscal years 2018 through 2023.

(j) State, Local, and Tribal Affairs Coordinator

The Director shall designate or appoint a United States State, Local, and Tribal Affairs Coordinator to perform the duties of the Office outlined in this section and section 1705 of this title and such other duties as may be deter-

mined by the Director with respect to coordination of drug control efforts between agencies and State, local, and Tribal governments. For purposes of carrying out the previous sentence, the Director shall designate or appoint an appointee in the Senior Executive Service or an appointee in a position at level 15 of the General Schedule (or equivalent).

(k) Harm reduction programs

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

(Pub. L. 105-277, div. C, title VII, §§ 704, 715, Oct. 21, 1998, 112 Stat. 2681-672, 2681-693; Pub. L. 109-469, title I, §§ 103(a)-(e), (f)(3), 105, title VI, § 602, Dec. 29, 2006, 120 Stat. 3506, 3507, 3510, 3511, 3533; Pub. L. 112-166, § 2(t), Aug. 10, 2012, 126 Stat. 1288; Pub. L. 115-271, title VIII, §§ 8202(a), (b)(2), 8217(c)-(f), 8221(b)(1), 8222(2), Oct. 24, 2018, 132 Stat. 4110, 4120-4122, 4142; Pub. L. 116-74, § 2(a)(1), (2), (5), Nov. 27, 2019, 133 Stat. 1155.)

Editorial Notes

REFERENCES IN TEXT

Section 1705 of this title, referred to in subsec. (b)(2), (14)(B), was amended by Pub. L. 115-271, title VIII, § 8221(a), Oct. 24, 2018, 132 Stat. 4134. Subsec. (b) of section 1705 no longer relates to reports for National Drug Control Program Agencies, but similar provisions can be found elsewhere in that section. Subsec. (c) of section 1705 was redesignated (h).

This chapter, referred to in subsec. (b)(21)(A)(iii), was in the original a reference to “this title”, meaning title VII of Pub. L. 105-277, div. C, Oct. 21, 1998, 112 Stat. 2681-670, which is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

The General Schedule, referred to in subsecs. (c)(5)(B) and (j), is set out under section 5332 of Title 5, Government Organization and Employees.

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

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

The National Security Act of 1947, referred to in subsec. (h), is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§ 401 et seq.) of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified principally to chapter 44 (§ 3001 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Central Intelligence Agency Act of 1949, referred to in subsec. (h), is act June 20, 1949, ch. 227, 63 Stat.

208, which was formerly classified generally to section 403a et seq. of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 46 (§ 3501 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

CODIFICATION

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

AMENDMENTS

2019—Pub. L. 116-74, § 2(a)(2), substituted “National Drug Control Program agencies” for “National Drug Control Program Agencies” wherever appearing.

Subsec. (a)(1)(C)(i). Pub. L. 116-74, § 2(a)(5)(A)(i)(I), substituted “subsection (c)(5)” for “subsection (c)(4)”.

Subsec. (a)(1)(C)(iv). Pub. L. 116-74, § 2(a)(5)(A)(i)(II), made technical amendment to reference in original act which appears in text as reference to subsection (j).

Subsec. (a)(1)(D). Pub. L. 116-74, § 2(a)(5)(A)(ii), substituted “For purposes of carrying out the previous sentence, the Director shall designate or appoint an” for “The Director shall determine whether the coordinator position is a noncareer” and “or an appointee” for “or a career appointee”.

Subsec. (b)(21)(A)(iii). Pub. L. 116-74, § 2(a)(5)(B), made technical amendment to reference in original act which appears in text as reference to this chapter.

Subsec. (c)(2)(A)(ii). Pub. L. 116-74, § 2(a)(5)(C)(i), substituted “of” for “fo”.

Subsec. (c)(3)(E)(ii)(I). Pub. L. 116-74, § 2(a)(5)(C)(ii)(I), substituted “clause (i)” for “subparagraph (A)”.

Subsec. (c)(3)(E)(ii)(II). Pub. L. 116-74, § 2(a)(5)(C)(ii)(II), substituted “subclause (I)” for “clause (i)”.

Subsec. (c)(5)(A)(i). Pub. L. 116-74, § 2(a)(1), substituted “National Drug Control Program agency” for “National Drug Control Program Agency” in two places.

Subsec. (c)(5)(B). Pub. L. 116-74, § 2(a)(5)(C)(iii), substituted “For purposes of carrying out subparagraph (A), the Director shall designate or appoint an” for “The Director shall determine whether the coordinator position is a noncareer”.

Subsec. (d)(8)(F). Pub. L. 116-74, § 2(a)(5)(D)(i), redesignated subpar. (E)(iii) as subpar. (F), redesignated subcls. (I) to (V) of former subpar. (E)(iii) as cls. (i) to (v) of subpar. (F), respectively, realigned margins, and substituted “activities;” for “activities.” in cl. (v).

Subsec. (d)(9). Pub. L. 116-74, § 2(a)(5)(D)(ii), made technical amendment to reference in original act which appears in text as reference to subsection (f)(5), and inserted “and” at end.

Subsec. (j). Pub. L. 116-74, § 2(a)(5)(E), substituted “For purposes of carrying out the previous sentence, the Director shall designate or appoint an” for “The Director shall determine whether the coordinator position is a noncareer” and “or an appointee” for “or a career appointee”, and inserted “section” before “1705”.

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 under section 1701 of this title.

Subsec. (a)(1). Pub. L. 115-271, § 8217(c)(1), added subpars. (A) to (D) and struck out former subpars. (A) to (C) which related to appointment of Director, Deputy Directors, and Deputy Director for Demand Reduction, respectively.

Subsec. (a)(5). Pub. L. 115-271, § 8217(c)(2), substituted “such officer or employee” for “such official”.

Subsec. (a)(6). Pub. L. 115-271, § 8217(c)(3), added par. (6).

Subsec. (b)(13). Pub. L. 115-271, §8221(b)(1)(A), struck out par. (13) which required each National Drug Control Program agency to submit annual progress reports.

Subsec. (b)(14)(A). Pub. L. 115-271, §8221(b)(1)(B), substituted “section 1705(g)(2) of this title” for “paragraph (13)”.

Subsec. (b)(17). Pub. L. 115-271, §8221(b)(1)(A), struck out par. (17) which read as follows: “shall seek the support and commitment of State, local, and tribal officials in the formulation and implementation of the National Drug Control Strategy;”.

Subsec. (b)(21). Pub. L. 115-271, §8217(d), added par. (21).

Subsec. (c)(2)(A). Pub. L. 115-271, §8217(e)(1)(A), substituted “paragraph (1)(C) and include—” for “paragraph (1)(C);” and added cl. (i) and (ii).

Subsec. (c)(2)(B). Pub. L. 115-271, §8217(e)(1)(B), substituted “the President and Congress.” for “the President; and”.

Subsec. (c)(2)(C). Pub. L. 115-271, §8217(e)(1)(C), struck out subparagraph. (C) which read as follows: “after submission under subparagraph (B), submit the consolidated budget proposal to Congress.”

Subsec. (c)(3)(C). Pub. L. 115-271, §8222(2)(A)(i)(I), inserted “requests a level of funding that will not enable achievement of the goals of the National Drug Control Strategy, including” after “request that” in introductory provisions.

Subsec. (c)(3)(C)(iii). Pub. L. 115-271, §8222(2)(A)(i)(II), substituted “substance use disorder prevention and treatment” for “drug treatment” and “; and” for semicolon at end.

Subsec. (c)(3)(C)(iv), (v). Pub. L. 115-271, §8222(2)(A)(i)(III)-(V), redesignated cl. (v) as (iv), substituted period for semicolon at end, and struck out former cl. (iv) which read as follows: “requests funding for any activities of the Safe and Drug-Free Schools Program that do not include a clear anti-drug message or purpose intended to reduce drug use;”.

Subsec. (c)(3)(C)(vi), (vii). Pub. L. 115-271, §8222(2)(A)(i)(III), struck out cl. (vi) and (vii) which read as follows:

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

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

Subsec. (c)(3)(E)(ii). Pub. L. 115-271, §8217(e)(2), added cl. (ii) and struck out former cl. (ii) which related to certification by Director of National Drug Control Program agency budget submissions.

Subsec. (c)(4)(A). Pub. L. 115-271, §8222(2)(A)(ii), substituted “\$5,000,000 or 10 percent of a specific program or account” for “\$1,000,000”.

Subsec. (c)(5), (6). Pub. L. 115-271, §8217(e)(3), added pars. (5) and (6).

Subsec. (d)(8)(D). Pub. L. 115-271, §8217(f)(1)(A), struck out “and” at end.

Subsec. (d)(8)(E)(i). Pub. L. 115-271, §8217(f)(1)(B)(i), substituted “the appropriate congressional committees” for “Congress, including to the Committees on Appropriations of the Senate and the House of Representatives, the authorizing committees for the Office,” and struck out “or agencies” after “affected agency”.

Subsec. (d)(8)(E)(ii). Pub. L. 115-271, §8217(f)(1)(B)(ii), substituted “the appropriate congressional committees” for “Congress” and inserted “and” at end.

Subsec. (d)(8)(E)(iii). Pub. L. 115-271, §8217(f)(1)(B)(iii), added cl. (iii).

Subsec. (e)(2)(A). Pub. L. 115-271, §8217(f)(2), substituted “Subject to the availability of appropriations” for “Notwithstanding any other provision of law”.

Subsec. (f)(4). Pub. L. 115-271, §8217(2)(B)(ii), which directed the amendment of subsec. (f) by striking “the second paragraph (4)”, was executed by striking the par. (4) added by Pub. L. 109-469, §105(f), to reflect the probable intent of Congress. Text read as follows: “A copy of each fund control notice shall be transmitted to the appropriate congressional committees.”

Subsec. (f)(5). Pub. L. 115-271, §8217(2)(B)(i), which directed the amendment of subsec. (f) by striking “the first paragraph (5)”, was executed by striking the par. (5) added by Pub. L. 109-469, §103(e), to reflect the probable intent of Congress. Text read as follows: “The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner—

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

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

Subsecs. (i) to (k). Pub. L. 115-271, §8217(f)(3), added subsecs. (i) to (k).

2012—Subsec. (a)(1). Pub. L. 112-166 amended par. (1) generally. Prior to amendment, text read as follows: “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.”

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

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.

Executive Documents

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)) [now 50 U.S.C. 3021(f)], shall provide drug policy guidance and direction in the development of related national security programs.

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

(c) An Interagency Working Group (IWG) on international counternarcotics policy, chaired by the Office of National Drug Control Policy, shall develop and en-

sure coordinated implementation of an international counternarcotics policy. The IWG shall report its activities and differences of views among agencies to the Director for review, mediation, and resolution with concerned Cabinet members, and if necessary, by the President.

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

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

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

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

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

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

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

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

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

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

WILLIAM J. CLINTON.

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

(a) Access to information

(1) In general

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

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

(2) Protection of intelligence information

(A) In general

The authorities conferred on the Office and the Director by this chapter shall be exercised in a manner consistent with provisions of the National Security Act of 1947 [50 U.S.C. 3001 et seq.]. The Director of National Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this chapter regarding intelligence sources and methods.

(B) Duties of Director

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

(3) Required reports

(A) Secretaries of the Interior and Agriculture

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

(B) Secretary of Homeland Security

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

- (i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and
- (ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Homeland Security.

(C) Secretary of Defense

The Secretary of Defense shall, by July 1 of each year, submit to the Director and the