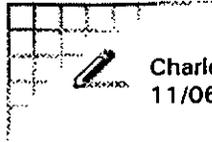


NLWJC - Kagan

DPC - Box 016 - Folder 007

Drugs - ONDCP Reauthorization

Prugs - ONDCP reauthorization
and
Crime-crack sentencing



Charles A. Blanchard
11/06/97 02:31:01 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: ONDCP Update

I was in Baltimore with the Director, and so was unable to attend the crime meeting. Here are highlights about ONDCP activity:

- 1. Reauthorization:** The Hatch/Biden ONDCP reauthorization bill (which closely tracks the Administration bill) passed the Senate Judiciary Committee today. We expect a full Senate vote as early as tonight (but more likely tomorrow). We do not expect a conference before recess as they will likely recess before the beginning of next week. Critically, the Senate bill includes no hard targets. Sen. Coverdale added some reporting obligations that we (and Justice, OMB, etc) do not like, but all in all the bill is a good one. OMB is working on the SAP that strongly supports the bill, but notes several desired amendments.
- 2. Nominations:** The Senate Judiciary Committee is holding hearings this afternoon on the nominations of Robert Warshaw for the State & Local Associate Director position, and Tom Umberg for the Supply Deputy position. All indications are that the nomination of Warshaw will be easy. We expect Grassley to focus on the fact that Tom Umberg received lots of Indian Tribe contributions when he ran for Attorney General of California. The contributions were legal. I will report at the end of the hearing.
- 3. Performance Measures:** John Carnevale is still sick at home with a kidney infection. I will call Leanne to set a briefing once John is back on his feet. I am told by John that we finally received comments from the Department of Justice, which will be incorporated in the next version of the performance measurement system. Again, John can give you the details once he returns.
- 4. Crack cocaine:** Liz Fine of DoJ will revise the Strategy document to conform with the suggestions made at our meeting at the OEOB. the revised document will then be presented to McCaffrey and the AG. We expect agreement by both principals. Nick Gees from DoJ Inter-governmental affairs and Dennis Greenhouse from our office have begun implementing the plan's contact with law enforcement groups. Dennis and I will be meeting with the National Association of Counties on Friday. Dennis raised the issue at the recent meetings of the International Association of chiefs of Police and National Organization of Blacks in Law Enforcement (NOBLE), and received surprisingly positive responses from both groups..



Jose Cerda III

10/23/97 02:00:56 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP, Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Michael Deich/OMB/EOP, Kenneth L. Schwartz/OMB/EOP
Subject: MCCAFFREY REJECTS HOUSE DRUG-FIGHT GOALS

So much for getting ONDCP to agree on holding off on the veto threat -- and so much for arguing w/something a bit more persuasive (i.e., violating balanced budget, not supporting the office, not including tobacco).

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 10/23/97 01:57 PM -----

Ronald E. Jones
10/23/97 11:52:40 AM

Record Type: Record

To: Peter G. Jacoby/WHO/EOP, Tracey E. Thornton/WHO/EOP, Jose Cerda III/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
cc: James J. Jukes/OMB/EOP
Subject: MCCAFFREY REJECTS HOUSE DRUG-FIGHT GOALS

----- Forwarded by Ronald E. Jones/OMB/EOP on 10/23/97 11:52 AM -----



MURR J@A1
10/23/97 09:09:00 AM

Record Type: Record

To: Ronald E. Jones@eop, James J. Jukes@eop, Kenneth L. Schwartz@EOP
cc:
Subject: MCCAFFREY REJECTS HOUSE DRUG-FIGHT GOALS

Date: 10/23/97 Time: 08:44
UMcCaffrey rejects House drug-fight goals

WASHINGTON (AP) The White House is considering a veto of a House-passed bill that would require the administration to cut drug use by more than half within four years, said President Clinton's top drug policy adviser.

The bill reauthorizing the Office of National Drug Control Policy would tie federal money to congressionally set goals,

including reducing drug use from the current 6.1 percent of the population to 3 percent by the end of 2001.

``As political rhetoric, that's OK," Barry McCaffrey, who heads the drug-control office, told reporters Wednesday. But cutting anti-drug money if the nation fails to reach an unreachable goal will hurt drug-fighting efforts, he said.

``There was a debate over whether I should send over a threat of veto" over the proposed bill, he said. ``We didn't do it, yet."

Rep. Dennis Hastert, R-Ill., chief sponsor of the bill, said the goal ``is a virtual drug-free America by the year 2001." The measure passed by voice vote Tuesday.

The Clinton administration will make ``a serious attempt to run drug abuse in America back where we think it ought to be, which is 3 percent or under by 2007," McCaffrey said, saying the goal took a year to determine.

House Speaker Newt Gingrich criticized McCaffrey's goals in an Oct. 7 letter released by McCaffrey.

``Winning the war on drugs does not mean that 10 years from now we should have more than 5 percent of our children as young as 12 years old on drugs," wrote Gingrich, saying the administration must ``begin to take seriously the threat drugs pose to our children and their future."

Calling Gingrich ``a brilliant man," McCaffrey said he hoped that ``some young polemicist wrote" the letter and that Gingrich hadn't read it.

McCaffrey said he was very confident the Senate ``will sort this out" with the help of Sen. Orrin Hatch, R-Utah, who chairs the Judiciary Committee.

McCaffrey, just back from a South American tour, said new leadership in Bolivia will lead to an end of that country's coca cultivation. Most of the coca leaf used in U.S.-consumed cocaine comes from Bolivia.

Bolivia's drug production has stayed level or risen slightly despite \$850 million in U.S. anti-drug support the past five years, but McCaffrey said that could soon change.

``The young guys (in top government positions), meaning the ones in their 40s, want to no longer be ashamed of their standing in the world, and they have publicly stated that they're going to eliminate coca production in five years," he said. ``I am convinced their thinking is sound and their commitment appears to be genuine."

APNP-10-23-97 0847EDT



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Drugs - ONDCP reauthorization

October 21, 1997
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2610 - National Narcotics Leadership Act of 1997 (Hastert (R) Illinois and eight cosponsors)

The Administration strongly supports reauthorization legislation for the Office of National Drug Control Policy (ONDCP), and has proposed legislation (H.R. 2407) for this purpose. Although H.R. 2610 contains several features of the Administration's proposal, the Administration opposes the bill as reported because it:

- Establishes numerical statutory targets for reducing drug use by the year 2001 that are unrealistic and unattainable in such a short time period. The proposed goals do not take into consideration budget constraints, the two- to three-year lag between noticeable changes in attitudes toward drugs and noticeable changes in behavior, and the time needed to hire and train law enforcement, drug treatment, and drug prevention personnel. The Administration's bill, in contrast, would codify a process for establishing meaningful performance measures without enacting inflexible specific numerical targets into law. That bill, H.R. 2407, would require ONDCP to develop a Performance Measurement System that includes a comprehensive set of objectives, measures, and targets, and that works in conjunction with agency performance plans required by the Government Performance and Results Act of 1993. The specifics of this system will be submitted to the Congress by early 1998.
- Reauthorizes ONDCP for only two years. The Administration's proposal included a 12-year authorization, which is critical to implementation of the 10-year strategy, supported by five-year budgets, announced in the 1997 National Drug Control Strategy. Reauthorization must be of sufficient duration to allow ONDCP to compile data and evaluate the effectiveness of the drug control programs through the Performance Measurement System it is developing. A two-year reauthorization is also inconsistent with the four-year goals established in H.R. 2610.
- Raises Constitutional questions. The bill would authorize the Director of ONDCP to transfer funds among National Drug Control Program (NDCP) agencies with the advance approval of specified congressional committees. The committee approval mechanism is a violation of the Constitution's bicameral and presentment requirements under the Supreme Court's INS v. Chadha decision. Other provisions that raise Constitutional questions include: the requirement that NDCP agency budget requests be provided to the Congress prior to review by the Office of Management and Budget; the statutory designation of the Director of ONDCP as a member of the President's cabinet; and the designation of the Director of ONDCP as the "primary spokesperson of the President on drug issues."

The Administration will seek amendments to address the objections cited above and in the attachment.

AttachmentAdditional Objections to H.R. 2610

Other Administration objections to H.R. 2610 include the bill's:

- Excessively burdensome reporting requirements. For example, the bill would require each National Drug Control Program (NDCP) agency to submit semi-annual reports to ONDCP on the agency's progress with respect to the numerical goals established for reducing drug use. ONDCP would be required to submit a semi-annual summary of these reports to Congress. The requirement for semi-annual reporting will provide little additional useful information since most of the relevant data are available only annually or even less frequently. The reporting requirement would only divert attention and resources away from efforts to reduce drug use and its consequences.
- Prohibition of or creation of substantial obstacles to Federal funding for legitimate scientific research into potential uses of controlled substances. H.R. 2610 would require the Director of ONDCP to ensure that no Federal funds are used for research relating to the legalization of a Schedule I substance for any purpose, including medicinal use. This provision could impair legitimate scientific research. Previous research that H.R. 2610 might have prohibited includes work on marinol, a synthetic THC compound that has been found to stimulate the appetite of AIDS patients, and on ibogaine, which is currently being studied for use in treating cocaine- and heroin-dependent addictions.
- Conflicts between the proposed responsibilities of the Director of ONDCP and those of other agencies. H.R. 2610 creates a new Deputy Director for Intelligence but neither delineates the responsibilities of this new position nor distinguishes them from those of the Director of Central Intelligence, thus creating the potential for confusion and duplication of effort. The bill also authorizes the Director of ONDCP to consult with "appropriate representatives of foreign governments" without recognizing the role of the State Department, the agency principally responsible for the conduct of foreign policy, or other agencies with authority for conducting or coordinating activities overseas. Finally, the requirement that ONDCP establish performance measures for drug control programs could conflict with the performance measures already developed or under development by NDCCP agencies as required by the Government Performance Review Act (GPRA).
- Involvement of the Director of ONDCP in the internal management of other agencies. H.R. 2610 requires the heads of NDCCP agencies to provide the Director of ONDCP with unspecified "information" about any position (before an individual is nominated for such position) in National Drug Control Program offices or to any position at or above the level of Deputy Assistant Secretary. Although the bill does not specify a formal review or

approval responsibility, it suggests a role for the Director that undercuts the authority of other Presidential appointees to manage their agencies.

- Prohibition on the use of High Intensity Drug Trafficking Areas (HIDTA) funds from being used to expand treatment programs. Although the primary goal of HIDTA funding is to improve the coordination of law enforcement activities, it is critical to maintain and improve linkages between the criminal justice system and effective treatment programs.
- Failure to address the under-age use of tobacco and alcohol. The 1991 Drug Strategy issued by ONDCP during the Bush Administration, and every Strategy issued since that time, has included the reduction of under-age use of alcohol and tobacco because these substances are recognized as gateways to illicit drug use. It is critical to codify reducing the under-age use of these substances within the scope of national drug control activities.
- Duplication of Clearinghouse Activities. H.R. 2610 would require ONDCP to develop an interagency clearinghouse to distribute demand-related drug information, thereby duplicating the efforts of existing clearinghouses. This would be a poor use of limited drug control resources.

* * * * *

Druys - ONDCP reauth.



Jose Cerda III

10/20/97 03:18:24 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP

cc:

Subject: Tobacco and ONDCP

DPC Tobacco Team:

Did you folks know that the ONDCP reauthorizing legislation introduced in the House not only prevents ONDCP from getting into alcohol and tobacco (old news), but that it actually prevents them from getting into *underage* use of alcohol and tobacco. Since it's illegal for minors to smoke and drink, we've been able to get away w/incorporating this as part of ONDCP's mandate. I don't know if this fits w/your tobacco strategy or message -- but I wanted to make sure you guys were aware of this.

Jose'



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

Personal

January 3, 1997

The Honorable Bruce Reed
Assistant to the President
Domestic Policy Council
The White House
Washington, D.C. 20500

Dear Secretary Reed:

As discussed at the President's Drug Policy Council meeting on December 12, enclosed is a discussion draft of ONDCP's reauthorization proposal with a section by section analysis. ONDCP's current authorization expires September 30, 1997.

The Domestic Policy Council is a principal partner in the Administration's efforts to reduce the trafficking and abuse of illegal drugs. Thus, it is important to have you and your team involved in the authorization process from the beginning.

The proposal contains suggested amendments to ONDCP's current authorities as part of our continuing effort to improve the Administration's efforts to develop, coordinate and implement the national drug control program.

The major ONDCP authorization modifications contained in this discussion draft are:

- Clarifies ONDCP's responsibility over underage alcohol and tobacco use;
- Creates a new Bureau of Intergovernmental Affairs (BIA) to supersede the current Bureau of State and Local Affairs (BSLA) and expands the current role of BSLA to coordination over Federal, state and local law enforcement efforts;
- Implements the President's objectives of a ten year drug strategy and a five year comprehensive drug budget;
- Provides for an annual report to Congress measuring the effectiveness of efforts to implement the ten year national drug control strategy;
- Establishes the High Intensity Drug Trafficking Area (HIDTA) initiative as a separate program within ONDCP and authority to issue regulations for the program;

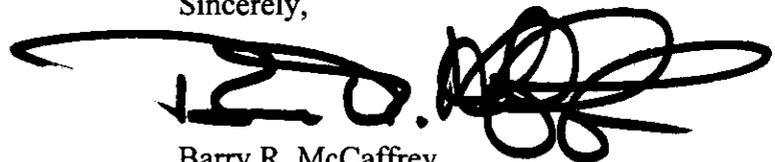
- Expands the research conducted by the Center for Counter-Drug Technology to enhance demand reduction activities;

- Clarifies the current statute and eliminates obsolete and redundant sections.

Would appreciate it if your staff would supply comments on this draft to Patricia A. Seitz, Director of the Office of Legal Counsel, ONDCP by January 14, 1997. The comments can be faxed to 202-395-5543. If your staff has any question please contact Ms. Seitz at 395-6621 or Edward H. Jurith, General Counsel, at 395-6709.

Look forward to continuing to work with you on the implementation of the National Drug Control Strategy.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. R. McCaffrey', with a large, stylized flourish to the right.

Barry R. McCaffrey
Director

SECTION BY SECTION ANALYSIS OF CHANGES

21 USCS § 1500

Chapter 20 - National Drug Control Program

§1500. Definitions

- (1) *This suggested change clarifies ONDCP's jurisdiction over underage alcohol and tobacco use.*
- (3) *The additions and deletions provide clear differentiation between supply reduction and intergovernmental affairs.*
- (5) *The new Office of Intergovernmental Affairs is given definitive authority, particularly over domestic law enforcement efforts. Supply reduction would be stripped of this authority and would be left with the lead for international controls and interdiction efforts.*
- (8) *A technical change is made to this subsection to indicate that the strategy is ten year document.*

Other sections are renumbered accordingly.

§1501. Establishment of Office of National Drug Control Policy

- (2) *This provision puts into the statute the a new position of "Deputy Director of National Drug Control Policy" that Director McCaffrey has established. The subsequent sections are renumbered accordingly.*
- (4) *Changing the current title of BSLA reflects its role in coordinating ONDCP's liaison with State and local government, but also BSLA's increasing role in coordination of Federal, state and local drug law enforcement activities on behalf of ONDCP. Current BLSA management of the HIDTA program is indicative of this latter responsibility. The position is raised to the Deputy level. A corresponding change is proposed to Title 5 to make the pay level for this position the same as the for the three other deputies.*

The provisions in current 21 USC 1501(c) establishing the Bureau of State and Local Affairs are eliminated.

(New c) This section clarifies that access of the Congress to the ONDCP staff or documents in the possession of the agency does not concede a waiver of Executive Privilege or the work product of agency staff. In addition, this section clarifies that the existing rules governing the access by Committees of the Congress to materials properly classified by ONDCP or in ONDCP

possession are controlling.

(New d) This new section establishes the ONDCP gift fund as a permanent, indefinite appropriations for use at the Director's discretion.

1502. Appointment and duties of Director and Deputy Directors.

Title amended to reflect change in title of the Associate Director.

((a)(1)) This section adds the Deputy Director to those ONDCP officers appointed by the President and confirmed by the Senate.

((a)(2)) The proposed changes also clarifies succession in the agency in the absence of the Director or when a vacancy exists in the Office of the Director.

(New (a)(5)) The political campaigning paragraph is the existing 21 USC 1502(g) which has been moved and renumbered for reasons of consistency.

(b) These changes relate to the ONDCP plan to develop a 10 year strategy and 5 year budget to obtain the consistency necessary to achieve effective drug reduction. The strategy goals are added to the Director's responsibility in terms of developing and overseeing the strategy. In addition, the authority to make changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement is expanded to include all drug control programs agencies.

The responsibility to consult and assist with State and local governments with respect to their relations with drug control program agencies is expanded to include the formulation and implementation of the National Drug Control Strategy.

The current responsibility to provide by July 12 of each year budget recommendations to the heads of drug control department and agencies for the second following fiscal year is expanded to include the four subsequent fiscal years.

The word "annual" is dropped from the description of the Strategy to reflect the change to a ten year strategy; the term "priorities" is dropped from the text because it is redundant of the term "goals."

((c)(1)) This language is intended to create the Administration's five year drug budget. By tying it to the out years, flexibility is given to the Director to change priorities during the five year cycle. The process is expanded to include agency heads and department heads to make the five year budget proposal consistent with ONDCP's drug budget certification process.

The consolidated budget would be submitted to the President for review and approval.

This is consistent with current practice and practical reality. The way the statute is currently worded, the budget goes directly from the Director to the President and to Congress. The proposal would require the President's affirmative approval of the five-year budget plan.

((c)(2)) The new language in (c)(2)(A) is added to achieve consistency with the five-year drug budget. The new (c)(2)(B) is the existing (c)(5) which is moved for reasons of consistency.

((c)(3)) The changes in language in (3) are intended to achieve consistency with the five year national drug control budget. Old (4) is renumbered as (D) for consistency. Old (5) has been renumbered as (2)(B) for consistency.

((c)(4)) A new heading is added to clarify reprogramming responsibilities. Also current Section 21 USC 1502(c)(7) should be deleted from the statute. Under current law ONDCP is required to approve drug control reprogrammings greater than \$5 million. However, the law also requires ONDCP to report quarterly to Congress on all drug-related reprogrammings. This quarterly input is very time-consuming and involves surveying the agencies for details on reprogramming for all amounts of appropriated funds. There are better more cost efficient and effective ways to monitor the use of funds. The reporting requirement to Congress should be governed by the \$5 million approval threshold. The new subsection 5(C) accomplishes this objective on an annual basis.

(New (c)(5)) This section is former 21 USC 1502(c)(8).

((d)(1)) ONDCP's staffing level would be statutorily set at no less than 124 as is currently authorized.

((d)(2)/(d)(3)) These changes clarify that services, equipment, and both administrative and non-administrative details directed by the Director to implement the National Drug Control Strategy are on a non-reimbursable basis.

((d)(5)) ONDCP is given permanent gift solicitation authority, and authority to solicit from the private sector.

((d)(7)(C)) The new language gives the Director the power to commission special studies and reports with the assistance of the national drug control program agencies.

((d)(8)) This new language clarifies that the authority to transfer 2% runs to programs, activities, and functions defined in the consolidated National Drug Control Budget.

((d)(9)) This new section clarifies the Director's power to issue a funds control notice as Congress authorized in 1994.

((d)(10)) This new section clarifies the role of the Director, ONDCP, in the 22 USC 2291j

certification process.

(f) *This language attempts to clarify what Congress intended when the funds control notice authority was granted the Director, ONDCP in the 1994 reauthorization law. Because these are very few "National Drug Control Agency account(s)" in the Federal budget (e.g., NIDA, DEA, and ONDCP are the few that are readily apparent), the new language suggested tie the funds control notice authority to drug programs, activities and functions within the scope of the Director's drug budget certification authority and five-year budget planning.*

The former section (f) dealing with the prohibition on political campaigning has been moved to 1501(d).

§1503. Coordination with executive branch departments and agencies in supply reduction, demand reduction, and intergovernmental affairs

This title is amended to reflect the Director's responsibility to coordinate all drug control policy.

(a)(1) *Language clarification.*

(b) *This addition to the current statutory language governing the certification of policy changes by the Director is to clarify that agency-described "procedural" changes, when affecting the National Drug Control Strategy, fall within the scope of the policy certification provision. This change will clarify the Director's authority over agency actions that impact the implementation of the National Drug Control Strategy even if described as "procedural". The proposed language also clarifies that if the Director declines to certify a change it does not go into effect.*

(Current (b)(2)) *Propose to drop this section as unnecessary.*

§1504. Development, submission, and implementation of National Drug Control Strategy

Title amended to reflect responsibility to monitor implementation of the Strategy

(a) *New language added to reflect scope of section.*

(a)(1),(2),(3) *The statutory language changes proposed to these sections have the President submit a 10 year comprehensive national drug control strategy on February 1, 1997. This report would include the five year budget plan, long and short term measurable objectives, and assessment of state and private sector drug control activities. The range of individuals and organizations the Director shall consult with is expanded.*

(a)(4) *An annual report would be required from the President on the implementation and progress of the ten year plan. This report would also clarify that ONDCP's technology mandate includes demand reduction activities and adds a discussion of C-TAC's R&D agenda in both supply reduction and demand reduction.*

(a)(4)(D)(iv) *The discussion of restrictions to treatment is moved from 21 USC 1504(a)(5)(i), ONDCP's data assessment responsibilities. It did not really fit there as originally drafted, it is more properly part of the annual report.*

(current (a)(4)(D)(iv)) *This section is dropped. The subject of treatment effectiveness should not be singled out and is more properly included in the new section addressing all measurements of effectiveness for drug control programs.*

(New E) *This new section expands the language of the 1994 reauthorization that required the Director to do an assessment of data instruments to include reporting on measures of effectiveness for the entire Federal drug control effort. The data measurements responsibilities are made part of this MoE responsibility. The language dealing with restrictions on the availability of treatment is moved to the new annual report.*

(current (a)(6)) *This language should be dropped from the statute in its current form. It is redundant of the language contained in 21 USC 1503 (a) governing the access by the Director for information from other government agencies.*

(current (a)(7)) *This section should be deleted from the statute because it has been included in the new section addressing MoE's.*

(current 21 USC 1504(b)) *This entire section should be deleted. It is duplicative of the new language describing what needs to be included in the National Drug Control Strategy, or other changes made in this reauthorization proposal. Subsection (6) is moved to the discussion of measures of effectiveness.*

§ 1505 High Intensity Drug Trafficking Areas Program

A new section is added to describe more clearly the HIDTA program.

(b) *This section clarifies the authority of the Director to obligate HIDTA appropriations, detail personnel to the HIDTA's, and promulgate regulations for the operation of the HIDTA program. The issuance of regulations will create tighter controls over the HIDTA program by the Director.*

((c)(5)) *This new section empowers the Director to examine state and local demand reduction activities in considering a HIDTA designation.*

(current section 21 USC 1504(c)(3)) *This section should be deleted as it is obsolete. New reporting requirements are put in the new subsection dealing with measures of effectiveness.*

(current section 21 USC 1504(d)) *This section should be deleted from the law. The 1990 National Drug Control Strategy complied with this statutory requirement (Appendix C, page 112). That document stated ONDCP "coordinates all national drug control policy and thereby,*

in essence, the 'lead' agency for national policy in this area. Coordination of particular drug-related activities is also achieved through the various committee of both Supply and Demand Reduction Working Groups, under the auspices of the Director of ONDCP."

ONDCP has followed the precedent set by the 1990 Strategy. The national drug control program agencies have areas of lead responsibility in their agency mission statements and appropriations. The Director has the flexibility to resolve any disputes among the Agencies through the Cabinet Council on Drug Policy, IWG on International Counternarcotics Policy, and the Supply Reduction and Demand Reduction Working Group mechanisms.

§1506. Counter-Drug Technology Assessment Center

(b) The title of Chief Scientist is changed to the Director of Technology to reflect ONDCP's current organizational plan. Medicine is added to the scientific disciplines from which the Director of Technology may be selected.

((c)(1)(B)) Increased authority is given over demand reduction technology.

(New section (c)(1)(E)) This new section is added to provide CTAC support for measures of effectiveness.

(current section 1505(d)) This section is dropped as it is redundant of the Director's overall budget authority in 21 USC 1502(c).

(current section 1505(e)) This section is dropped to reflect ONDCP's organizational chart.

(New (d)) This section recognizes that CTAC should obtain support from both DOD and HHS in the development of counterdrug technology.

§1507. Termination of Office of National Drug Control Policy

This amendment extends ONDCP's authorization for a twelve year period. This is consistent with the implementation of a ten year National Drug Control Strategy. This will permit two years after the implementation of the strategy for the Federal government to evaluate ONDCP and determine how it chooses to continue oversight of the drug issue. The title is renumbered to reflect the designation of HIDTA as a separate title.

§1508. Authorization of appropriations

Provides authorization for such sums appropriate for ONDCP in FY 1998 and the subsequent 11 fiscal years.

§1509. Special Forfeiture Fund

Amendments are proposed to titles 28 and 31 of the US Code to deposit in ONDCP's Special Forfeiture Fund a total of \$60 million on 1 July of each fiscal year. This will ensure a fixed sum to be deposited in the Special Forfeiture Fund each year. Deposits to the fund are appropriated to the Director for his use without fiscal year limitation. The super surplus provision is deleted as unnecessary. The remaining sections are renumbered for consistency.

(New language is **bold**, deleted language is ~~stricken~~.)

21 USCS § 1500

Chapter 20 - National Drug Control Program

§1500. Definitions

As used in this subtitle --

(1) the term "drug" ~~has the same meaning as the term "controlled substance" has in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));~~ **means a controlled substance included in schedule I, II, III, IV, or V of part B of the Controlled Substances Act or the use of an intoxicating substance by persons under the age of 21 or the use of a tobacco product by persons under the age of 18.**

(2) the term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction;

(3) the term "supply reduction" means any ~~enforcement~~ activity of a program conducted by a National Drug Control Program agency that is intended to reduce the supply ~~or use of drugs in the United States and abroad,~~ **of drugs entering the United States or to reduce the supply and use of drugs abroad, including --**

(A) international drug control;

(B) foreign and domestic drug enforcement intelligence; **and**

(C) interdiction; and

~~(D) domestic drug law enforcement, including law enforcement directed at drug users;~~ **coordinating the implementation of the international, interdiction, and intelligence aspects of the National Drug Control Strategy among National Drug Control Program agencies.**

(4) 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 demand for drugs, including **drug abuse--**

(A) ~~drug abuse~~ education;

(B) prevention;

(C) treatment;

(D) research; ~~and~~

(E) rehabilitation; **and**

(F) workplace;

(5) the term "intergovernmental affairs" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the supply and use of drugs, including --

(A) domestic law enforcement, including Federal, state and local efforts directed against the importation, manufacture, cultivation, and distribution of drugs within the United States;

(B) cooperative intergovernmental efforts against the importation, manufacture, cultivation and distribution of drugs within the United States, including the High Intensity Drug Trafficking Area Program; and

(C) promoting effective relationships between the Office of National Drug Control Policy and the drug supply and demand agencies of the various states, territories, and units of local government;

(5) (6) 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;

(6)(7) the term "National Drug Control Program agency" means any department or agency and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated --

(A) jointly by the Director and the head of the department or agency;

or

(B) by the President;

(7)(8) the term "Director" means the Director of National Drug Control Policy; and

(8)(9) the term "National Drug Control Strategy" means a the strategy developed and submitted to the Congress under section 1005 [21 USCS §1504].

21 USCS §1501 (1996)

§1501. Establishment of Office of National Drug Control Policy

(a) Establishment of Office. There is established in the Executive Office of the

President the "Office of National Drug Control Policy".

(b) Director and Deputy Directors.

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

(2) There shall be in the Office of National Drug Control Policy a Deputy Director of National Drug Control Policy.

(3) There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction, ~~and~~ a Deputy Director for Supply Reduction, **and a Deputy Director for Intergovernmental Affairs.**

(4) The Deputy Director for Demand Reduction, ~~and~~ the Deputy Director for Supply Reduction, **and the Deputy Director for Intergovernmental Affairs** shall assist the Director in carrying out the responsibilities of the Director under this Act.

~~(c) Bureau of State and Local Affairs~~

~~(1) There is established in the Office of National Drug Control Policy a Bureau of State and Local Affairs.~~

~~(2) There shall be at the head of such bureau an Associate Director for National Drug Control Policy.~~

~~(c)~~(d) Access by Congress.

(1) The location of the Office of National Drug Control Policy in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to --

(A) information, documents, and studies in the possession of, or conducted by or at the direction of the Director; or

(B) personnel of the Office of National Drug Control Policy.

(2) Nothing in this section shall be construed to be a waiver of privilege, or of the rules governing the dissemination of properly classified documents or inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than in litigation with the agency.

(d) Office of National Drug Control Policy Gift Fund. There is established a gift fund in the Office of National Drug Control Policy for the receipt of gifts that the Office is authorized to solicit, accept, hold, administer, and utilize, both real and personal, for the purpose of aiding or facilitating the work of the office received pursuant to 21 USC 1502(d)(5). Such sums in the gift fund are appropriated for use at the discretion of the Director and remain available until expended.

21 USCS §1502 (1996)

1502. Appointment and duties of Director; ~~and Deputy Directors; and Associate Director~~

(a) Appointment.

(1) The Director, ~~the Deputy Director~~, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the ~~Associate Deputy~~ Director for **Intergovernmental Affairs** shall each be appointed by the President, by and with the advice and consent of the Senate.

(2) The Deputy Director shall --

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

(b) act as the Director when the Director is absent or unable to serve or when the office of Director is vacant.

(3) In the absence of the Deputy Director, or when the office of Deputy Director is vacant, the Director shall designate such other officer of the Office of National Drug Control Policy to act in the absence of the Director

~~(2)~~ **(4) The Director, the Deputy Director**, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the ~~Associate Deputy~~ Director for **Intergovernmental Affairs** shall each serve at the pleasure of the President. No person shall serve as Director ~~or a Deputy Director, or Associate Director~~ while serving in any other position in the Federal Government.

(5) Prohibition on political campaigning. A Federal officer in the Office of National Drug Control Policy who is appointed 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 subsection from making contribution to individual candidates.

(b) Responsibilities. The Director shall --

(1) establish policies, **goals, and objectives**; ~~and priorities~~ for the National

Drug Control Program;

(2) ~~annually~~ promulgate the National Drug Control Strategy in accordance with 21 USCS §1504;

(3) coordinate and oversee the implementation by National Drug Control Program agencies of the policies, **goals and objectives**, ~~and priorities~~ established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as ~~the Director~~ determines are appropriate regarding

(A) changes in the organization, management, and budgets of Federal drug control program agencies; and

(B) the allocation of personnel to and within such departments and agencies to implement the policies, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

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

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

(8) provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall apply to the ~~second following fiscal year~~ **the next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and the four subsequent fiscal years** and address funding priorities developed in the ~~annual~~ National Drug Control Strategy.

(c) National Drug Control Program budget.

(1) The Director shall develop ~~for each fiscal year~~, **a consolidated National Drug Control Program budget for the next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and the subsequent four fiscal years. The Director shall develop this budget** with the advice of the program

managers, **heads** of departments and agencies with responsibilities under the National Drug Control Program, ~~a consolidated National Drug Control Program budget proposal~~ to implement the National Drug Control Strategy. **The Director shall submit this budget for review and approval by the President, and submission** ~~submit such budget proposal to the President and to the Congress.~~

(2) Responsibilities of national drug control agencies.

(A) Each Federal Government program manager, agency head, and department head with responsibilities under the National Drug Control Strategy shall transmit the drug control budget request **for the next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and the four subsequent fiscal years thereafter of the program**, agency, or department to the Director at the same time as such request is submitted to their superiors **but no later than September 30** (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to the Congress under section 1105(a) of title 31, United States Code.

(B) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request.

(3) Certification. The Director shall --

(A) review each drug control budget request transmitted to the Director under paragraph (2);

(B) certify in writing as to the adequacy of such request in whole or in part to implement the objectives of the National Drug Control Strategy **for the next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and for the four subsequent fiscal years thereafter** and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request, **or subsequent fiscal year request**, adequate; and

(C) notify the program manager, agency head, or department head, as applicable, regarding the Director's certification under subparagraph (B).

~~(4)(D) The Director shall~~ maintain records regarding certifications under paragraph (3)(B).

~~(5) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and~~

~~Budget funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request.~~

~~(6)~~ **(4) Reprogramming and Transfer.**

(A) No National Drug Control Program agency shall submit to the Congress a reprogramming or transfer request with respect to any amount of appropriated funds greater than \$5,000,000 which is included in the National Drug Control Program budget unless such request has been approved by the Director.

(B) 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.

(C) The Director shall report annually to the Congress the approval of any reprogramming or transfer of appropriated funds pursuant to this section.

~~(7) The Director shall report to the Congress on a quarterly basis regarding the need for any reprogramming or transfer of appropriated funds for National Drug Control Program activities.~~

~~(8)~~ **(5)** The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of drug control budget requests transmitted pursuant to subsection (c)(2), in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(d) Powers of Director. In carrying out the responsibilities established under subsection (b), the Director may --

(1) select, appoint, employ, and fix compensation of **no less than up to 124** and such additional officers and employees as may be necessary to carry out the functions of the Office of National Drug Control Policy under this title;

(2) request the head of a department or agency or program to place department, agency, or program personnel who are engaged in drug control activities or **administrative personnel** on temporary detail **on a non-reimbursable basis to the Office of National Drug Control Policy** or to another department or agency 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 **non-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, United States Code, 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 for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(5) **solicit**, accept and use donations of property **and gifts** from Federal, State, and local government agencies, **and the private sector**;

(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;

(C) direct the commissioning of special studies and reports with the assistance of the national drug control program agencies, as necessary.

(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, transfer funds appropriated to a National Drug Control Program agency ~~account~~ **program, activity, or function designated by the Director pursuant to 21 USC 1502(c)** to a different National Drug Control Program agency ~~account~~ **program, activity, or function designated by the Director pursuant to 21 USC 1502(c)** in an amount that does not exceed 2 percent of the amount appropriated to **the larger either** ~~account~~ **program, activity, or function**, upon advance approval of the Committees on Appropriations of each House of Congress; and

~~(9) in order to ensure compliance with the National Drug Control Program, issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f).~~

(9) issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f) to ensure compliance with the National Drug Control Program.

(10) advise the President on the drug certification recommendations by the Secretary of State pursuant to 22 U.S.C. 2291j.

(e) Personnel detailed to the Office.

(1) Notwithstanding any provision of chapter 43 of title 5, United States Code [5 USCS §§4301 et seq.], the Director shall perform the evaluation of the performance of any employee detailed to the Office of National Drug Control Policy 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) Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office of National Drug Control Policy.

(B) An amount paid under this paragraph to an employee for any period shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period.

(C) Any payment under this paragraph to an employee shall be in addition to the basic pay of such employee.

(D) The aggregate amount paid during any fiscal year to an employee detailed to the Office of National Drug Control Policy 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.

(f) Funds control notices.

(1) A funds control notice may direct that all or part of an amount appropriated to a National Drug Control Program agency ~~account for a drug control~~ **program, activity, or function designated pursuant to 21 USC 1502(c)** be obligated by

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

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

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

(3) 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) Prohibition on political campaigning. A Federal officer in the Office of National~~

~~Drug Control Policy who is appointed by the President, by and with the advise and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this subsection from making contribution to individual candidates:~~

21 USCS §1503 (1996)

§1503. Coordination with executive branch departments and agencies **in supply reduction, demand reduction, and intergovernmental affairs**

(a) Access to information.

~~(1) Upon request of the Director, and~~ Subject to laws governing disclosure of information, the head of each National Drug Control Program agency shall **cooperate with and** provide to the Director such information as may be ~~required~~ **requested** for drug control.

(2) (A) The authorities conferred on the Office of National Drug Control Policy and its Director by this Act shall be exercised in a manner consistent with provisions of the National Security Act of 1947. The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this Act regarding intelligence sources and methods.

(B) The Director of Central Intelligence shall, to the fullest extent possible in accordance with subparagraph (A), render full assistance and support to the Office of National Drug Control Policy and its Director.

(b) Certification of policy changes by Director. 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 **or procedures that affect policies** relating to the activities of such department or 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 department or agency head in writing whether such change is consistent with the National Drug Control Strategy. **If the Director does not certify the proposed change, the existing policy and procedures shall remain in effect.**

~~(2) If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Director as soon as practicable. The Director shall review such change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Program.~~

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

21 USCS §1504 (1996)

§1504. Development, ~~and~~ submission, **and implementation** of National Drug Control Strategy

(a) **Timing, content, and process** for development and submission of the National Drug Control Strategy

~~(1) Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy. Not later than February 1, 1997, the President shall submit a National Drug Control Strategy to the Congress. This strategy shall set forth a comprehensive ten year plan to reduce the trafficking, availability, and consumption of illegal drugs in the United States, and the production of illegal drugs worldwide. Any part of such strategy that involves information properly classified under criteria established by an Executive Order shall be presented to the Congress separately.~~

(2) The National Drug Control Strategy submitted under paragraph (1) shall **include** --

(A) ~~include~~ comprehensive, research-based, long-range goals for reducing drug abuse and the consequences of drug abuse in the United States;

~~(B) include short-term~~ measurable objectives to accomplish long-term goals ~~the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the strategy;~~

(C) **five-year projections for program and budget priorities to implement the strategy based on the National Drug Control Program Budget developed in accordance with 21 USC 1502(c); and**

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

(3) **Consultations:**

(A) In developing **and effectively implementing** the National Drug Control Strategy, the Director shall consult with --

- (i) the heads of the National Drug Control Program agencies;
- (ii) the Congress;
- (iii) State and local officials;
- (iv) private citizens **and organizations** with experience and expertise in demand reduction; ~~and~~
- (v) private citizens **and organizations** with experience and expertise in supply reduction; **and**
- (vi) foreign drug control officials and any other individuals or organizations the Director believes would provide beneficial input.**

(B) At the time the President submits the National Drug Control Strategy to the Congress, the Director shall transmit a report to the Congress indicating the persons consulted under this paragraph.

(4) Annual status report. ~~The Director shall include with each National Drug Control Strategy an evaluation of the effectiveness of Federal drug control during the preceding year. The evaluation shall include an assessment of Federal drug control efforts.~~ **Not later than February 1, 1998, and for each year thereafter, the President shall submit to the Congress an annual report on the progress in implementing the ten year strategy promulgated pursuant to paragraph (a). This annual report shall include:**

(A) assessment of the reduction of drug use, including 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 hardcore drug use**
- ~~(i)~~**(ii)** high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, and probationers, and juvenile delinquents; and
- ~~(ii)~~**(iii)** drug use in the workplace and the productivity lost by such use;

(B) assessment of the reduction of drug availability **against an ascertained baseline**, as measured by --

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

the United States;

- (ii) the amount of **marijuana**, cocaine, and heroin entering

- (iii) the number of hectares of **marijuana**, poppy, and coca cultivated and destroyed;

- (iv) the number of metric tons of **marijuana**, heroin, and cocaine seized;

- (v) the number of cocaine processing labs destroyed;

- (vi) changes in the price and purity of heroin and cocaine;

- (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 at United States ports of entry;

- (ix) the effectiveness of Federal drug demand reduction technology programs;**

- (x) the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs;**

(C) assessment of the reduction of the consequences of drug use and availability, which shall include estimation of --

- (i) burdens drug users placed on hospital emergency rooms 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 communicable 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; and

(D) 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 number of treatment slots available in relation to the number actually used; ~~including data on intravenous drug users and pregnant women;~~

(ii) the extent, within each State, to which treatment is available; ~~on demand, including to intravenous drug users and pregnant women;~~

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

(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

~~(iv) the success of drug treatment programs, including an assessment of the effectiveness of the mechanisms in place federally, and within each State, to determine the relative quality of substance abuse treatment programs, the qualifications of treatment personnel, and the mechanism by which patients are admitted to the most appropriate and cost effective treatment setting.~~

~~(E)(5) The Director shall include with the National Drug Control Strategy required to be submitted not later than February 1, 1995, and with every second such strategy submitted thereafter include with the annual status report a description of the national level performance measurement system that --~~

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

(ii) measures implementation of major program activities supporting the National Drug Control Strategy developed pursuant to 21 USC 1504(a);

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

(iv) revises performance measurement criteria to conform with 5 year National Drug Control Agency budgets developed pursuant to 21 USC 1502(c);

(v) monitors consistency of National Drug Control Programs Agencies drug-related goals and objectives with the Government Performance and Result Act, 31 USC 1101;

(vi) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement; including --

(a)(i) an assessment of the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(b)(ii) an assessment of the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups at-risk for drug use; **and**

(c) (iii) an assessment of the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (a) and (b); **and**

(vii) measures the effectiveness of law enforcement, interdiction, treatment, prevention, and international programs under the National Drug Control Strategy in reducing drug use and availability;

(viii) measures the effectiveness of the High Intensity Drug Trafficking Area program, and the activities pursuant to 21 USC 1505, including any independent evaluation of these efforts as the Director deems necessary; and

(ix) measures the effectiveness of automated information and communications systems to provide Federal agencies with timely and accurate information.

~~(D) identification of 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.~~

~~(6) Federal agencies responsible for the collection or estimation of drug-related information required by the Director shall cooperate with the Director, to the fullest extent possible, to enable the Director to satisfy the requirements of sections [paragraphs] 4 and 5.~~

~~(7) With each National Drug Control Strategy, the Director shall report to the President and the Congress on the Director's assessment of drug use and availability in the United States, including an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect in the preceding year in reducing drug use and availability.~~

~~(b) Goals, objectives, and priorities. Each National Drug Control Strategy shall include--~~

~~(1) a complete list of goals, objectives, and priorities for supply reduction and demand reduction;~~

~~(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control;~~

~~(3) 3 year budget projections for program and budget priorities and achievable projections for reductions of drug use and availability;~~

~~(4) a complete assessment of how the budget proposal submitted under section 1003(e) (21 USC 1502 (e)) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy;~~

~~(5) designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (e); and~~

~~(6) a plan for improving the compatibility of automated information and communications systems to provide Federal agencies with timely and accurate information for purposes of this subtitle.~~

21 USC § 1505

§ 1505 High Intensity Drug Trafficking Areas Program (Old 1504(c))

(a) There is established in the Office of National Drug Control Policy the High Intensity Drug Trafficking Areas Program.

~~(b)~~ **(b)** The Director upon consultation with the Attorney General, **the Secretary of Health and Human Services**, heads of National Drug Control Program agencies, and the Governors of the several States, 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) shall obligate such sums as appropriated for the High Intensity Drug Trafficking Area Program;

~~(A)~~ **(2) may** direct the temporary reassignment of Federal personnel to such area, subject to the approval of the Secretary of the department or head of the agency which employs such personnel **and the head of the department or agency shall comply with such a request;**

~~(B)~~ **(3) may** take any other action authorized under 21 USCS § 1502 to provide increased Federal assistance to such areas; ~~and~~

~~(C)~~(4) may coordinate actions under this paragraph with State and local officials, and;

(5) shall promulgate such regulations as the Director deems necessary for the effective implementation of the High Intensity Drug Trafficking Area Program.

~~(2)~~(c) When considering the designation of an area under this subsection as a high intensity drug trafficking area, the Director shall consider, along with other criteria the Director may deem appropriate --

~~(A)~~(1) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;

~~(B)~~(2) the extent to which 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;

~~(C)~~(3) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and

~~(D)~~(4) the extent to which a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area; and ;

(5) the extent to which state and local demand reduction agencies have committed resources to respond to drug abuse in the area thereby indicating a determination to respond to the problem.

~~(3) Before March 1, 1991, the Director shall submit a report to the House of Representatives and to the Senate concerning the effectiveness of and need for the designation of areas under this subsection as high intensity drug trafficking areas, along with any comments or recommendations for legislation.~~

~~(d) Lead agencies.~~

~~(1) The President shall designate lead agencies with areas of principal responsibility for carrying out the National Drug Control Strategy~~

~~(2) The Director shall require that any National Drug Control Program agency that conducts a major supply reduction activity which is in the area of principal responsibility of a lead agency designated under paragraph (1) shall --~~

~~(A) notify such lead agency in writing of the activity; and~~

~~(B) provide such notification prior to conducting such activity;~~

unless exigent circumstances require otherwise:

~~(3) If a lead agency objects to the conduct of an activity described under paragraph (2), the lead agency and the agency planning to conduct such activity shall notify the Director in writing regarding such objection.~~

21 USCS §1505-1506(1996)

§1506. Counter-Drug Technology Assessment Center

(a) Establishment. There is established within the Office of National Drug Control Policy, the Counter-Drug Technology Assessment Center (hereinafter in this section referred to 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 enforcement research and development organization of the United States Government.

~~(b) Chief Scientist . Director.~~ There shall be at the head of the Center the ~~Chief Scientist of Counter-Drug Technology~~ **Director of Technology** (hereinafter in this section referred to as the "Chief Scientist"). ~~The Chief Scientist~~ **Director of Technology** 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) The Director, acting through the ~~Chief Scientist~~ **Director of Technology** shall --

(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug ~~enforcement control~~ 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, including --

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of bio-medical research to the clinical setting; and

(iii) identifying and developing new advances in drug abuse prevention programming.

~~(B)~~(iv) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examine 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 Strategy;

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

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

~~(E)~~(F) ~~under the general authority of the Director of National Drug Control Policy;~~ pursuant to the authority of the Director of National Drug Control Policy under section 21 USC 1502 submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug enforcement research and development.

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

~~(d) Counter-drug budget submission. Beginning with the budget submitted to Congress for fiscal year 1992 pursuant to section 1105 of title 31, United States Code, the President shall submit a separate and detailed request relating to those Federal departments and agencies having responsibility for counter-drug enforcement research and development programs.~~

~~(e) Personnel. Subject to subsections (d) and (e) of section 1003-21 USCS §1502 (d) and (e) the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering, and technical affairs.~~

~~(f)~~(d) Assistance and support to Office of National Drug Control Policy. The

Department of Defense and the Department of Health and Human Services Director of the Advanced Research Project Agency shall, to the fullest extent possible, render assistance and support to the Office of National Drug Control Policy and its Director, in the conduct of counterdrug technology assessment.

21 USCS § ~~1506-1507~~(1996)

§1507. Termination of Office of National Drug Control Policy

This subtitle and the amendments made by this subtitle, ~~other than section 1007,~~ are repealed on September 30, ~~1997~~ 2009.

21 USCS §1508 (1996)

§1508. Authorization of appropriations

For the purposes of carrying out this subtitle, there are authorized to be appropriated ~~\$3,500,000 for fiscal year 1989~~ and such sums as may be necessary **for Fiscal Year 1998** and for each of the ~~8-11~~ succeeding fiscal years, to remain available until expended.

21 USCS §1509 (1996)

§1509. Establishment of special forfeiture fund

(a) In general. There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the "Fund") which shall be available to the Director of the National Drug Control Policy without fiscal year limitation ~~in such amounts as may be specified in appropriations acts and are appropriated for use at the discretion of the Director and remain available until expended.~~

(b) Deposits. There shall be deposited into the Fund the amounts specified by section 524~~(e)(9)~~ (c)(8) of title 28, United States Code, and section 9307(g) of title 31, United States Code, and any earnings on the investments authorized by subsection (d).

~~(c) Super surplus:~~

~~(1) Any unobligated balance up to \$20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.~~

~~(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.~~

~~(d)~~(c) Investment of fund. Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

~~(e)~~(d) President's budget. The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, United States Code, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control strategy.

~~(f)~~(e) Funds provided supplemental. Funds disbursed under this subsection shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

~~(g)~~(f) Annual report. No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.