

STATEMENT OF LEE P. BROWN, Ph.D.

**DIRECTOR, OFFICE OF NATIONAL
DRUG CONTROL POLICY**

REAUTHORIZATION HEARING

OCTOBER 5, 1993

ONDCP was established by the Congress in the Anti-Drug Abuse Act of 1988 to bring a sense of order and direction to our nation's drug abuse control program. Through the promulgation of the annual National Drug Control Strategy, ONDCP's drug budget certification process, the High Intensity Drug Trafficking Area (HIDTA) program, the Special Forfeiture Fund, and the Counter-Drug Technology Assessment Center (C-TAC) ONDCP has attempted to bring a sense of unity and purpose to Federal anti-drug programs.

In many respects, ONDCP is a "creation" of the Congress. Although I was serving in local law enforcement at the time of ONDCP's creation, I closely followed its congressional evolution as a member of national law enforcement organizations. Because of the impact of the drug problem on key aspects of American life - criminal justice, health care, economic productivity, the delivery of social services - it became imperative for the Congress - and the nation - to have a central focal point in national drug policy making and policy implementation.

In my brief tenure as Director, I have had the chance to observe ONDCP's many operations and missions. I have been impressed with the ability of the office to develop and implement the national strategy and have a significant impact on the drug abuse policies and budget priorities of the various executive departments and agencies.

However, there are a number of areas where ONDCP's role can be improved and enhanced to more fully carry out the mission entrusted to it by the Congress. The GAO Report on the reauthorization of ONDCP outlines a number of areas where the authority of the office should be enhanced and clarified.

FIRST. GAO notes the continuing need for a central planning agency to provide leadership and coordination for the nation's drug control efforts. GAO recommends the reauthorization of ONDCP.

SECOND. GAO found that data sources used by ONDCP do not effectively measure hard core drug use, and that the general indicators of hard core use that do exist - the National Household Survey, the High School Senior Survey, and the Drug Abuse Warning Network - suggest that the problem is largely unchecked.

ONDCP has long recognized the shortcomings of these sources of data, particularly for measuring drug use by hard-core drug users. In addition, concern has been expressed about their currency for purposes of policy development, as they are available generally with at least a six month lag which is not effective in formulating policy twelve months in the future.

To address these shortcomings, ONDCP has undertaken two projects. One is a Heavy Users Pilot Study that will test the feasibility of measuring the size, characteristics, and location of the hard-core user population. It involves the development of mathematical models of drug use careers based on data unique to selected cities, and the use of these models to estimate the size of the hard-core user population within these cities. National estimates will be prepared from more readily available information.

The other is an effort to obtain information about current drug market trends at the local level. This project -- known as the Pulse Check -- provides qualitative information about current drug use and trafficking trends, based on direct contact with police, street ethnographers, and treatment providers. It is the only source of current information on drug use that we use to identify new and emerging drug trends.

Both of these projects will give ONDCP the means to obtain more meaningful and relevant data about the drug situation, especially as it applies to the hard-core drug user population.

I cannot underscore the importance of these two studies. The problem of hard-core drug use is the most difficult and intractable aspect of the drug problem. Yet, it is the one that we must aggressively pursue. I believe it is a truism that unless we get the problem of hard core drug use under control, we will not be able to truly reform our health care system, have a quality and safe educational system, and have access to a responsive social service system.

THIRD. GAO noted that one key challenge facing ONDCP is to improve measures for assessing the progress being made under national drug control strategies.

ONDCP also agrees with this conclusion of GAO. While the reduction in drug use is a key measure of success, we also need to look at what fuels drug use among hard core drug users. It is that truly insidious cohort of poverty, hopelessness, and a lack of opportunity for too many of our citizens that must be solved. Thus to measure success in our drug policy, we must also measure reductions in other social harms, such as illness, unemployment, and crime.

Through the use of the required States needs assessments plan, we will also look for concrete results from specific programs and establish performance standards for drug treatment providers. This will enable local communities to assess the effectiveness of their treatment providers and will facilitate more informed funding decisions. Additionally, we will work to execute performance agreements with the various drug control agencies as generally proposed in the Vice President's National Performance Review (NPR) to have better oversight of the implementation of the strategy.

These tools will be an effective alternative measures for assessing what is being accomplished by the national strategy, improve future drug budget decision making and for weighing policy options.

Fourth, GAO also found that ONDCP and the Federal drug control agencies need to work more cooperatively to develop, assess, and coordinate the national drug control policy.

This administration has already taken a number of steps to address this problem. As you know Mr. Chairman, the President has made the Director of ONDCP a member of the Cabinet and the Domestic Policy Council (DPC). These are the major policy coordinating councils of the Federal government. I believe it is important to note that neither of my predecessors were members of either the Cabinet or the DPC. To date meetings of both the Cabinet and the DPC have had a discussion of drug control issues on their agenda.

In addition, I serve as a member of the Cabinet-level Empowerment Board to ensure the smooth implementation of the Empowerment Zone and Enterprise Communities legislation passed by the Congress this year. This legislation is vitally important to those areas of the country hit the hardest by drug abuse and drug trafficking. ONDCP will strive with other agencies to see that programs to combat drug abuse are put in place in the designated zones and communities.

Within the National Security Council process, I will have a central role in the development of international drug control policies.

Furthermore, I plan to hold meetings with all drug-related executive departments and agencies to discuss cross-agency initiatives.

Mr. Chairman, I believe this approach will address the disagreements and conflicts that have strained working relationships between ONDCP and other executive departments in the past. A new attitude exists in the executive branch. ONDCP is viewed as a player in national policy formulation by the Cabinet.

FIFTH. GAO found that the three-tiered budget review and certification process envisioned in the 1988 act has proved to be impractical. ONDCP in the past selectively certified program budget levels and focused on major drug policy budget concerns. GAO recommends that Congress replace current statutory language with a simple mandate that ONDCP review drug control program budgets at such stages and times it considers appropriate.

ONDCP agrees with the general thrust of the GAO recommendation that additional flexibility is needed. But I caution that any change to the existing statutory language must keep ONDCP's basic budget certification authority intact. This is an important responsibility of the office and is necessary to assure implementation of the national strategy. Moreover, ONDCP needs to have input during drug control agency budget formulation early in the budget process. ONDCP will work with the agencies and the Executive Branch to ensure that agency budget requests conform to the priorities of the national strategy.

SIXTH. Lastly, GAO noted that because ONDCP does not receive a Defense Department (DoD) drug budget by August, it does not get the opportunity to make comparisons between DoD's drug budget and other preliminary Federal drug budget requests. GAO recommends that the Secretary of Defense direct that ONDCP be given a preliminary drug budget by August.

The agency comments to the GAO Report state that DoD drug policy officials concur with this recommendation. In the future, ONDCP will be given a preliminary estimate of DoD's planned drug programs and funding.

At this point I would like to turn my attention to other areas raised by GAO in their reports on drug control issues and how they relate to ONDCP's operations and programs.

Drug Treatment in the Criminal Justice System

We must use the carrot and stick of the criminal justice system to demand that drug dependent offenders become involved in treatment. Recognizing the chronic, recurring nature of drug addiction, our treatment efforts must include rehabilitation, habilitation, supporting services, and must be buttressed by strong case management and supervision.

State lawmakers have enacted stringent legislation in response to the drug problem, and the number of individuals under criminal justice supervision for drug-related offenses has grown markedly and presents both a significant opportunity and a considerable challenge. Our criminal justice system must deal with drug-dependent offenders in cost-efficient ways consistent with public safety and other policy goals. Prison space must be available for violent or hardened criminals.

Drug courts and programs such as Treatment Alternatives to Street Crime (TASC) and others may offer cost effective approaches to enhancing public safety.

Collaborative efforts between the criminal justice and drug treatment communities must be comprehensive and multidisciplinary. They must encompass user accountability programs, such as diversion to counseling or treatment, as well as community corrections programs, such as probation or supervised release conditioned on treatment involvement, as well as prison and jail treatment programs and aftercare.

Numerous research and demonstration efforts have been undertaken by the Departments of Justice and Health and Human Services to address the delivery of drug treatment to criminal justice populations. Notable among these are the report of the National Task Force on Correctional Substance Abuse Strategies, prepared by the National Academy of Corrections, NIDA's review of TASC and parole, and the numerous criminal justice treatment demonstrations of the Bureau of Justice Assistance and the Center for Substance Abuse Treatment.

ONDCP is drawing upon this body of literature and working with these departments, to establish and strengthen links between criminal justice and drug treatment and to work to improve coordination among the Federal agencies involved and of the grant programs they administer.

The President has asked me to work with Attorney General Reno and HHS Secretary Shalala to convene an interagency working group that will assess the current situation and recommend steps that the Federal Government can take to promote such treatment at the Federal, state and local levels. I am pleased to report that the first meeting of the working group comprised of ONDCP, HHS and Justice took place yesterday. We will be working together in order to develop efficient, cost effective program recommendations that will best target this population.

Military Surveillance and Drug Interdiction

The basic facts laid out by the GAO are accurate. DoD has significantly increased its operational costs but not based on an overarching interdiction plan or strategy. The increases have been driven primarily by the individual theater commanders (particularly the Atlantic Command and SOUTHCOM). ONDCP in the past did not exert a strong force to direct the deployment of resources consistent with the overall strategy.

GAO recommends that this program be cut back to its FY90 level. The ongoing Presidential review process for international policies is reviewing resource policies and coordination requirements for interdiction operations, along with host country counter-narcotics assistance policies and priorities.

ONDCP agrees with the GAO in their view that DoD has done what has been asked of it. In the detection and monitoring of air and maritime traffic, we recognized that interdiction was not a cure all or a silver bullet. In the late '80s, however, the Federal

government had to take significant action to address a major increase in the flow of cocaine to the United States. When DoD was instructed the Congress to get directly involved in the counter-drug arena, it did so with the energy and resources that it believed were necessary to meet its mission requirements. Over time we have developed a better understanding of where we can effectively apply our interdiction resources and where they make a relatively small contribution. Our decisions in the Presidential Review process and our subsequent actions will significantly improve both the operational and cost effectiveness of our interdiction programs.

Duplication in Drug Intelligence Production Efforts

Overall, the GAO report accurately portrays the situation within the drug intelligence program area. ONDCP has long recognized that there needs to be a much greater level of coordination and integration of our intelligence programs.

An important caveat must be placed on any discussion related to intelligence. The purpose of intelligence is to assist decision makers. Intelligence is just one of many factors used to make decisions. The structure and product of the intelligence system must be dictated by the needs of the decision maker - what does he/she need to know, in what time frame, and in what form. A major factor in the overlap, duplication, and conflict related to drug intelligence is that there has not always been a clear delineation of operational responsibilities and authorities. In the interdiction arena, we have numerous commanders and law enforcement elements with apparently overlapping responsibilities. Domestically, we have three major Federal agencies with drug and money laundering investigation responsibilities. As we better delineate operational roles, some (perhaps many) of the intelligence duplication and "sharing" problems will take care of themselves. Others will need to be fixed.

On the international side, we have looked to the Counternarcotics Center (CNC) to address shortfalls in the foreign intelligence arena. Though they do not have line authority over the components of the Foreign Intelligence Program, they have established the Counternarcotics Intelligence Issues Committee (CNII) whose stated purpose is to improve coordination of our foreign intelligence programs. We think that both the CNII and the Counternarcotics Center could be more aggressive in carrying out their coordination and leadership role.

Over the past several months, the DCI and the Deputy Secretary of Defense have issued guidance to their respective components to maximize the integration of programs and minimize duplication. This guidance will result in significant improvements - some joint reviews have already been completed and the results reflected in the Secretary of Defense's bottom up review.

As a result of the Presidential Review process, the Defense and Foreign intelligence programs will be looked at again to ensure that there is maximum coordination/integration and minimal duplication.

On the Domestic side, we have worked with the Attorney General to address domestic drug intelligence problems.

As the Administration addresses the DEA-FBI coordination, ONDCP will work closely with the Attorney General and the other Cabinet Secretaries to improve our domestic intelligence structure. We will also work to ensure that there is close interaction between the foreign and domestic enforcement drug intelligence efforts and programs. We will also be working to develop a better integration of our Federal intelligence efforts and those of the state and local authorities.

Authorization Language

The Administration is preparing reauthorization legislation for submission to the Congress. We appreciate, Mr. Conyers, the assistance your staff has already extended to us in this effort. As soon as the Administration's clearance process is complete we look forward to working with you on ONDCP's exact reauthorization legislation.

I would be happy to answer any questions that you may have.



OFFICE OF NATIONAL DRUG CONTROL POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20500

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The Honorable Albert Gore, Jr.
The President of the Senate
United States Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed herewith is a draft bill, the "Office of National Drug Control Policy (ONDCP) Reauthorization Act." The Anti-Drug Abuse Act of 1988 established ONDCP and defined its structure, responsibilities, and authorities. This draft bill would reauthorize ONDCP for a period of five years, until September 30, 1998.

In addition, this bill would accomplish certain specific modifications to the original language that created ONDCP and would provide for some limited additional authorities. These modifications are necessitated by changes and evolution in both the National and international drug control situation since 1988. Some of the more important areas where changes are proposed are outlined below.

The draft bill would restructure of the Office somewhat, to more closely align the duties and responsibilities of the two Deputy Directors and the Associate Director with the Administration's drug policy focus. This would provide for Deputy Directors in each of three areas: Domestic Programs, International Programs, and Community Programs.

This bill would also require the Director of ONDCP to include specific initiatives that would correct any deficiencies identified during the budget review process that would lead, if uncorrected, to that budget not being certified as adequate to carry out the policies, objectives, and priorities established in the National Drug Control Strategy. These initiatives would give the Department or agency the information needed to determine what is necessary to ensure that its budget is adequate to accomplish the President's drug control objectives and support his priorities.

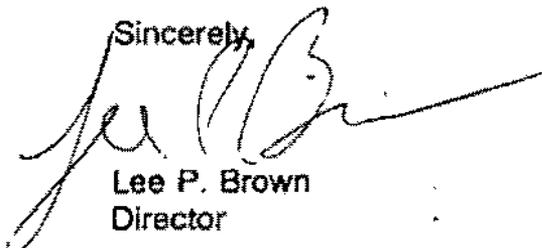
Further, this bill would establish a requirement that the National Drug Control Strategy include both short-term objectives and long-term goals in the specific area of the consequences of illicit drug use. The current law requires only long-range goals for the somewhat narrow area of "reducing drug abuse."

This bill also makes certain changes to the Department of Justice and Department of Treasury Forfeiture Funds to require the Attorney General and the Secretary of the Treasury, as custodian of these funds, to each make deposits to the Special Forfeiture Fund in an amount equal to one half of any excess, unobligated balance in the specific Forfeiture Funds they control, up to a cap of \$100 million. It also allows for specific uses of the monies in these funds in line with the priorities of the National Drug Control Strategy.

It would be appreciated if you would lay this draft bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee P. Brown', with a long horizontal flourish extending to the right.

Lee P. Brown
Director



OFFICE OF NATIONAL DRUG CONTROL POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20500

The Honorable Thomas S. Foley
Speaker
United States House of Representatives
Washington, D.C. 20515

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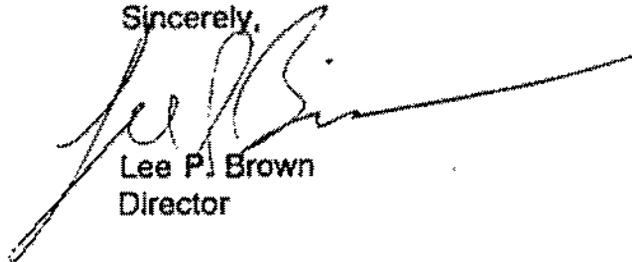
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It would be appreciated if you would lay this draft bill before the House of Representatives. An identical proposal has been transmitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

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Director



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

April 30, 1997

The Honorable Albert Gore Jr.
Vice President of the United States
The White House
1600 Pennsylvania Ave
Washington, D.C. 20500

Dear Mr. Vice President:

The purpose in writing to you today is to present to Congress a reauthorization bill entitled the "Office of National Drug Control Reauthorization Act of 1997" for ONDCP. Established by the 1988 Anti Drug Abuse Act, as amended (P.L. 100-690), ONDCP's authorization expires September 30, 1997. The enclosed bill ensures comprehensive oversight of ONDCP and establishes a framework for a 10-year National Drug Control Strategy. This proposal has the full support of the President's Drug Policy Council. A section-by-section analysis is attached for your convenience.

Background.

Over the past decade, aggressive, well-funded drug control policies and bipartisan Congressional support for ONDCP have led to a nearly 50 percent decrease in the number of casual drug users from the 1979 level of 25 million Americans to the current level of approximately 12.8 million. In 1995, 1.5 million Americans were current cocaine users, a 74 percent decline from 5.7 million a decade earlier. These decreases represents a extraordinary change in behavior of which we can all be proud. They also underscore that America can successfully tackle its toughest problems when partners in government work together cooperatively, guided by facts, logic, creativity, and resourcefulness. Congress is, and has been, a principal partner in the Administration's efforts to reduce the trafficking and abuse of illegal drugs.

Much, however, remains for us to do. The most alarming trend is the increasing use of illegal drugs, tobacco, and alcohol among our youth. Today, for example, nearly one in four high school seniors uses marijuana on a "past month" basis; and the mean age of first marijuana use has dropped from 17.8 years in 1987 to 16.3 years in 1994. Chronic drug use also remains at an unacceptably high level of approximately 3.6 million people.

Moreover, our nation's health care, social service, and criminal justice systems are overwhelmed by the effects of drug abuse. Drug-related illness, death, and crime cost America about \$66.9 billion. In addition, too many nations remain under the power and influence of drug trafficking cartels that threaten the integrity of our borders, U.S. interests abroad, and the stability of democracies and economies worldwide. Accordingly, we need a dynamic national drug control system that has the capability to respond to future drug control challenges. The attached reauthorization contains suggested amendments to ONDCP's current authorities (21 USC 1501 et seq.) as part of a continuing effort to improve our nation's efforts to develop, coordinate and implement the national drug control program.

Office of National Drug Control Reauthorization Act of 1997

The major ONDCP authorization modifications contained in the enclosed bill are:

1. **Ten-Year National Strategy.** This long range drug policy implements the President's objective of a comprehensive and dynamic ten-year drug control strategy, has been endorsed by the President's Council on Drug Policy, and has been the guiding principle in the formulation of the *1997 Strategy*. To support the long-term planning approach, the Director will provide budget recommendations to the National Drug Control Program agencies for five-year budget projections to support the priorities in the national ten-year strategy. The bill would also allow modification to the ten-year strategy as may be necessary to meet new and varying challenges, as well as to improve or eliminate programs in our supply and demand reduction efforts.
2. **Performance Measures.** As part of our effort to provide measures of the effectiveness of the strategy, and federal drug control programs which support that strategy, we have expanded the language of the 1994 reauthorization that required the Director to do an assessment of drug related data instruments. The new language reflects ONDCP's work to develop and implement meaningful assessments of federal programs to achieve the strategy goals and objectives.
3. **Goals and Initiatives.** The *1997 Strategy* provides a series of five goals and 32 objectives for reducing drug use and the consequences of drug use in the United States. The proposed reauthorization provides for an annual report to Congress measuring the effectiveness of efforts to implement the *1997 National Drug Control Strategy's* goals and objectives. The annual report would also include updates on drug abuse trends, patterns, and consequences that are currently part of the strategy reporting requirements.
4. **Underage Use of Alcohol and Tobacco.** The bill would clarify ONDCP's responsibility over underage alcohol and tobacco use under the auspices of the *National Drug Control Strategy*. This proposal codifies the practice begun five years ago by the Bush Administration of including underage tobacco and alcohol use in the National Drug Control Strategy. The *1992 Strategy* sharpened the focus on the treatment and prevention of underage alcohol abuse. Similarly, the *1992 Strategy* stated that underage tobacco use is a gateway to other harmful drugs and that reducing underage tobacco use should also be a focus of prevention and treatment efforts. Reducing the use of alcohol and tobacco by our youth has long been recognized as key to effective drug prevention and education. The Clinton Administration has carried forward efforts against underage alcohol and tobacco use, and the *1997 Strategy* reflects a continuation of those efforts.
5. **Deputy Director.** Congress appropriated funds for the new position of Deputy Director. The bill adds this position to those ONDCP officers appointed by the President and confirmed by the Senate. The bill also clarifies the chain of command and succession issues among the Deputy Directors. Additionally, the bill changes the titles of the Deputy Director for Supply Reduction and Demand Reduction and elevates the Associate Director position to that of a Deputy to reflect that position's enhanced responsibilities for intergovernmental relations.
6. **Creation of a new Office of Intergovernmental Relations.** The new office would supersede

6. **Creation of a new Office of Intergovernmental Relations.** The new office would supersede the current Bureau of State and Local Affairs and would clarify that the role of the new office would include coordination of Federal, State and local drug enforcement policies. This change reflects not only BSLA's role in coordinating ONDCP's liaison with State and local governments, but also its current role in the coordination of Federal, State and local domestic drug law enforcement activities on behalf of ONDCP.

7. **High Intensity Drug Trafficking Areas (HIDTA) Program.** The bill would establish HIDTA as a separate program within ONDCP and give ONDCP the authority to issue regulations for the program. For Federal, State and local drug control agencies participating in the HIDTA program, the issuance of regulations would clarify the administrative, record keeping, funds management, and other requirements for efficient HIDTA operation.

8. **Center for Counter Drug Technology (CTAC).** The draft bill would clarify the research conducted by CTAC to enhance demand reduction activities.

9. **Twelve-Year Extension of ONDCP.** The bill would extend ONDCP's authorization for 12 years. This recommendation is consistent with the implementation of a ten-year *National Drug Control Strategy*. After the implementation of the strategy, the Federal government will then have two years to evaluate the effectiveness of ONDCP and to recommend the best method to continue oversight of the drug issue.

10. **Miscellaneous.** The proposed bill includes minor changes to the current statute that reflect changes to various internal ONDCP procedures, and it would eliminate obsolete and redundant sections of the current statute.

The Office of Management and Budget has advised ONDCP that the enactment of this proposal would be in accord with the program of the President.

Look forward to continuing our work together on these issues of national importance to the American people. Your leadership on our common effort to reduce drug use and its consequences in America, and to reauthorize ONDCP, are sincerely appreciated.

Respectfully,



Barry R. McCaffrey
Director

Enclosure



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

April 30, 1997

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

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8. Center for Counter Drug Technology (CTAC). The draft bill would clarify the research conducted by CTAC to enhance demand reduction activities.

9. Twelve-Year Extension of ONDCP. The bill would extend ONDCP's authorization for 12 years. This recommendation is consistent with the implementation of a ten-year *National Drug Control Strategy*. After the implementation of the strategy, the Federal government will then have two years to evaluate the effectiveness of ONDCP and to recommend the best method to continue oversight of the drug issue.

10. Miscellaneous. The proposed bill includes minor changes to the current statute that reflect changes to various internal ONDCP procedures, and it would eliminate obsolete and redundant sections of the current statute.

The Office of Management and Budget has advised ONDCP that the enactment of this proposal would be in accord with the program of the President.

Look forward to continuing our work together on these issues of national importance to the American people. Your leadership on our common effort to reduce drug use and its consequences in America, and to reauthorize ONDCP, are sincerely appreciated.

Respectfully,



Barry R. McCaffrey
Director

Enclosure



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

FOR IMMEDIATE RELEASE:
Wednesday, December 2, 1998

Contact: Bob Weiner
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**NATIONAL DRUG POLICY DIRECTOR MCCAFFREY TO DISCUSS EXPANDED
POWERS GRANTED BY CONGRESS TO ADDRESS DRUG PROBLEM:
C-SPAN HOUR-LONG LIVE INTERVIEW SET FOR 8 AM THURS., DEC. 3**

(Washington, DC) -- National Drug Policy Director Barry McCaffrey will discuss expanded powers granted to his office by Congress to address the drug problem when he is the guest of C-Span's "Washington Journal" from 8:00 to 9:00 A.M. on Thursday, December 3. McCaffrey will be interviewed by C-Span Chief Capitol Hill Correspondent, Lew Ketcham.

Among the items included in the ONDCP Reauthorization, enacted by Congress with bipartisan support under the Omnibus FY '99 Appropriations Act signed by President Clinton, is a five-year continuation of ONDCP, ONDCP's development of a comprehensive long-term national drug control strategy, and the agency's development of five-year federal anti-drug budget. The bill also endorses specific five-year performance measures of effectiveness developed by Director McCaffrey for drug programs; permanent authorization of the High Intensity Drug Trafficking Area program; increased activities including demand reduction for ONDCP's Counter-Drug Technology Assessment Center, as the central U.S. anti-drug research arm; designation by law of the Director as Executive Director of the President's Council on Counter-Narcotics, the fourteen cabinet members assisting the President in the effort against drugs. The bill provides for the Director to serve as spokesman for the Administration and certify agencies' anti-drug budgets. The bill also creates a Deputy Director under McCaffrey subject to Senate confirmation.

Director McCaffrey stated, "The bipartisan support of the Congress in passing ONDCP's strong reauthorization bill is an important statement that we can, must, and do transcend partisanship in our efforts to have Federal leadership in preventing drug abuse and saving the nation's youth."

In the interview, Director McCaffrey is also expected to discuss ONDCP's initiatives on linking drug treatment in prisons to reducing crime, reducing source country drug supplies through cooperation with Mexico and the Andean Ridge countries, enhancing anti-drug cooperation along the Southwest Border, and working with the United States and International Olympic Committees in reducing drugs in sports.

Director McCaffrey will also provide an update on the progress and status of ONDCP's five-year public-private \$2 billion National Youth Anti-Drug Media Campaign, with paid ads and matching programming now airing across the country on television, radio, newspapers, magazines, and the Internet. He will also discuss ONDCP's new Drug Free Communities program designed to expand community anti-drug coalitions from 4,000 to 10,000 over five years. Finally, he is prepared to discuss a strategy to reduce growing abuse of heroin through expanding methadone treatment programs and other federal-state-local actions in partnership.



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

December 8, 1998

FACT SHEET

OFFICE OF NATIONAL DRUG CONTROL POLICY
REAUTHORIZATION ACT OF 1998

PURPOSE. To summarize the Office of National Drug Control Policy (ONDCP) Reauthorization Act of 1998.

- **Congress reauthorized ONDCP for five years and significantly altered ONDCP's authorities by:**
 1. **Instructing ONDCP to develop a long-term national drug control strategy.** Beginning with the strategy submitted by the President in February 1999, the National Drug Control Strategy must set forth a comprehensive plan for the next five years and beyond for reducing drug abuse and the consequences of drug abuse in the United States. The strategy shall include comprehensive, research-based, long-range, quantifiable goals and contain five-year projections for program and budget priorities.
 2. **Endorsing ONDCP's Performance Measures of Effectiveness (PME) system.** The Act requires ONDCP to assess federal effectiveness in achieving the *Strategy's* goals and objectives, the key to which is the performance measurement system. The Congress explicitly linked the PME system to agency drug control programs and budgets.
 3. **Requiring a five-year national drug control program budget.** The Act requires all agencies to prepare five-year budget projections. It also broadens the existing authority of the ONDCP Director to direct budget priorities and to certify the adequacy of agency budget requests.
 4. **Underscoring the potential of the High Intensity Drug Trafficking Area (HIDTA) Program.** The Act endorses ONDCP's HIDTA management and oversight systems. It also authorizes the ONDCP Director to obligate sums appropriated for HIDTA.
 5. **Expanding the responsibilities of ONDCP's Counter-Drug Technology Assessment Center (CTAC).** The Act reaffirms CTAC's role as the nation's central counter-drug technology research and development organization. CTAC is directed to continue its traditional support of short, medium, and long-term scientific and technological needs of drug law enforcement. CTAC is also directed to identify basic and applied research needs and initiatives in the area of demand reduction, including; improving treatment through neuro-scientific advances; and improving the transfer of biomedical research to clinical settings.

December 8, 1998

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998

6. **Establishing the President's Council on Counter-Narcotics.** This council will advise and assist the President in providing direction and oversight for the National Drug Control Strategy. The ONDCP Director is the Council's Executive Director and may use established or ad hoc committees, task forces, or interagency groups, chaired by the Director or his representative, in carrying out the functions of the Council.
 7. **Increasing ONDCP congressional reporting requirements.** The Act requires annual reports on:
 - ✓ Progress in achieving the goals and objectives of the PME system.
 - ✓ Resources required for an effective drug interdiction capability.
 - ✓ Accounting of all funds expended by agencies for drug control activities:
 - ✓ Domestic drug cultivation.
 8. **Reorganizing ONDCP to its national leadership role.** The Act empowers the Director to serve as the Administration's spokesperson on drug issues and to monitor progress by drug control agencies in meeting drug control goals and objectives. It creates the position of Deputy Director, ONDCP. It tasks the Deputy Director for State and Local Affairs to oversee domestic activities to reduce drug availability and use, including coordination of federal, state, and local drug law enforcement activities, and promotion of coordination and cooperation among state and local-level drug supply and demand reduction agencies. It assigns the Deputy Director for Demand Reduction responsibility for activities related to drug abuse education, prevention, treatment, research, rehabilitation, drug-free workplace, and drug testing.
 9. **Improving coordination among foreign and domestic drug intelligence agencies.** The Act tasks the Director of Central Intelligence, the Attorney General and the ONDCP Director to ensure that domestic law enforcement agencies are appropriately supported by all federal drug intelligence agencies.
 10. **Establishing a Parents Advisory Council on Drug Abuse.** The act establishes a sixteen-member Advisory Council on Youth Drug Abuse with four members appointed by the President and twelve appointed by Congress. Members shall include representatives of nonprofit organizations focused on involving parents in anti-drug education and prevention. The Council will advise the ONDCP Director on drug prevention, education, and treatment. No monies were appropriated for the council.
- **The Office of National Drug Control Policy Authorization Act can be viewed in its entirety on the ONDCP Web site – www.whitehousedrugpolicy.gov.**

OFFICE OF NATIONAL DRUG CONTROL POLICY
REAUTHORIZATION BILL

This packet is designed to facilitate reviewing the changes to existing law, 21 USC 1501 et seq. It has two parts: Part I, the Section by Section Analysis, summarizes the principal modifications and the reasoning behind them. Part II is the existing law as codified, which notes new language in **bold** and deleted language in ~~strikeout~~. The regular type reflects the law Congress passed in 1994, the last reauthorization.

PART I: SECTION BY SECTION ANALYSIS

a. 21 USC 1500 - Definitions

The definitions have been moved to the beginning of the authorization statute and some definitions have been reordered to assist in comprehension of the statute.

(3) The term "drug control" is clarified to include activities to reduce the underage use of tobacco or alcoholic beverages. This proposal restates the current inclusion in the National Drug Control Strategy of underage tobacco and alcohol use. This has long been recognized as key to effective drug prevention and education programming.

The 1992 National Drug Control Strategy sharpened the focus of the strategy on the treatment and prevention of alcohol abuse. The 1992 Strategy acknowledged that drug prevention programs are more likely to succeed if they also address the problem of underage drinking. Thus, beginning in FY 1993, the National Drug Control Budget included estimates of resources devoted to treating those under 21 who use alcohol. Similarly, the 1992 Strategy stated that underage tobacco use is a gateway to other more harmful drugs and that tobacco use by underage youth should also be a focus of drug prevention and treatment efforts.

The Clinton Administration carried forward the Bush Administration's efforts against underage alcohol and tobacco use as part of the National Drug Control Strategy. In August, 1996, the Administration announced a series of initiatives by the Food and Drug Administration to stop the sales of cigarettes and smokeless tobacco to minors and to prevent tobacco companies from appealing to children in their advertisements. In addition, the Substance Abuse and Mental Health Administration has promulgated regulations to implement the Public Health Service Act requirement that as a condition of receiving Federal block grant funds, each State enact and enforce laws banning the sale and distribution of tobacco products to people under 18.

(4) The definition of supply reduction eliminates the use of the word "supply" in the definition; recognizes that for purposes of this statute "supply reduction" activities include more than enforcement activities; and recognizes that ONDCP's focus is on strategic drug intelligence rather than individual, case specific intelligence. The responsibilities of the CIA Director for the conduct of intelligence activities to implement drug control policies relating to supply reduction are

unaffected by the provisions of this statute, including the definition of "supply reduction."

(5) The definition of demand reduction eliminates the use of the word "demand reduction" in the definition which is expanded to include drug-free workplace and drug testing programs.

(6) This new paragraph defines the term "Intergovernmental Relations." The additional language is for ONDCP internal purposes and reflects the organizational plan for the agency that Director McCaffrey has instituted. Enforcement operations of the National Drug Control Program agencies, how the agencies interact with ONDCP components, and budget scoring are not affected by this new language.

(10) A technical change is made to reflect that the strategy is a ten year document.

b. 21 USC 1501 - Establishment of Office of National Drug Control Policy

(a) This subsection is modified with new language that adds ONDCP's purpose.

(b) This subsection is modified by the addition of the new position of "Deputy Director of National Drug Control Policy" that Director McCaffrey established, with Congressional approval, last year. The subsequent sections are renumbered accordingly.

(b)(3) The supply and demand reduction positions have been renamed Deputy Director for International Drug Policy and Deputy Director for Demand Reduction Policy respectively, with responsibilities keyed to the statutory definitions in 1500(4)(A-C) and (E) and 1500(5).

(c) The provisions in existing 1501(c) establishing the Bureau of State and Local Affairs are deleted. The existing Associate Director of the Bureau of State and Local Affairs (BSLA) has been replaced in (b)(3) by the new Deputy Director for Intergovernmental Relations, with responsibilities keyed to the activities covered in the definitions in 1500(4)(D) and 1500(6). This change reflects not only BSLA's role in coordinating ONDCP's liaison with State and local governments, but also its current role in the coordination of Federal, State and local domestic drug law enforcement activities on behalf of ONDCP. BSLA management of the HIDTA program is indicative of this latter responsibility.

(d) This new section clarifies ONDCP's existing gift receipt authority. The proposed solicitation authority gives ONDCP the flexibility to sponsor conferences with public and private co-sponsors. ONDCP currently has the authority to accept gifts. Explicit solicitation authority avoids any question about the propriety of accepting gifts for these occasions. If enacted by the Congress, this provision requires ONDCP to develop regulations governing gift solicitation and acceptance practices. These regulations will include measures of accountability; solicitation practices and purposes; agency approval processes before solicitations are made; and covered prohibited sources.

c. 21 USC 1502 - Appointment and duties of Director and Deputy Directors

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

(a)(1) Subsection is modified by the addition of the Deputy Director to those ONDCP officers appointed by the President and confirmed by the Senate.

(a)(2)&(3) The proposed changes clarify succession in the agency in the absence of the Director or when a vacancy exists in the Office of the Director.

(a)(5) The existing political campaigning paragraph found at 21 USC 1502(f)(sic) has been moved and renumbered for consistency.

(b) The changes to this subsection regarding the Director's responsibilities include the addition of the word "goals" and the responsibility to consult and assist with State and local governments with respect to their relations with drug control program agencies and in the formulation and implementation of the National Drug Control Policy.

(b)(2) Striking the word "annual" and replacing it with "annual Strategy Report" reflects the change to a ten-year strategy.

(b)(8) The current responsibility to provide by July 1 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 to promote long-range planning.

d. 21 USC 1502(c) - National Drug Control Program Budget

(c)(1) The consolidated budget proposal would be submitted to the President. This is consistent with current practice and practical reality.

(c)(2)(B) This is existing 21 USC 1502(c)(5) which is moved for reasons of consistency.

(c)(2)(C) This is existing 21 USC 1502(c)(8).

Current section (4) is renumbered as (D) for consistency.

(c)(4) A new heading is added to this subsection to clarify reprogramming responsibilities.

(c)(4)(C) This is existing 21 USC 1502(c)(7) modified and redesignated to change ONDCP's reporting requirement to Congress on drug related reprogramming. 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 as it involves surveying all program agencies for details on

reprogramming for all amounts of appropriated funds. There are more effective, cost efficient ways to monitor the use of funds. The reporting requirement to Congress should be governed by the \$5 million approval threshold. This new provision accomplishes this objective on an annual basis. This provision does not supplant the reprogramming reporting requirements of the various national drug control program agencies to their congressional appropriators.

e. 21 USC 1502(d) - Powers of the Director

(d)(1) The existing language assigning a fixed number of ONDCP personnel has been deleted.

(d)(5) This subsection is modified by giving ONDCP 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 concurrence of the national drug control program agencies. This proposal is not intended to interfere with the peer review process of the national drug control program agencies in awarding grants or contracts for studies and reports, nor to require agencies to expend funds that are not available.

(d)(8) The new language clarifies that the existing authority to transfer 2% runs to programs, activities, and functions as defined in the consolidated National Drug Control Budget with the concurrence of the head of the affected agency.

(d)(9) This change reorders the clauses to begin with a verb consistent with other subparagraphs. This restates the Director's existing authority to issue a funds control notice as Congress authorized in 1994.

(d)(10) This new subsection clarifies the participation of the Director, ONDCP, in the 22 USC 2291j certification process.

f. 21 USC 1502(e) - Personnel detailed to the Office

(e)(1) This modification inserts the subheading "evaluation" to identify the subject matter of subsection (1).

(e)(2) This modification inserts the subheading "compensation" to identify the subject matter of subsections (A)-(D).

g. 21 USC 1502(f) - Funds control notices

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

h. 21 USC 1503 - Coordination with executive branch departments and agencies in international drug policy, demand reduction policy, and intergovernmental relations

This title is amended to reflect ONDCP's responsibility for the coordination of a comprehensive drug control policy.

(a)(1) The addition "cooperate with" moves the "cooperation" requirement into the proper section, in a concise manner. Former section 21 USC 1504(b)(6) is no longer necessary.

i. 21 USC 1504 - Development, submission, implementation and assessment of National Drug Control Strategy

The Title is amended to reflect responsibility to monitor implementation and assessment of the Strategy.

(a) New language is added to the title to reflect better the scope of the section.

(a)(1),(2),(3) The changes to these subsections require the President to submit a 10-year comprehensive national drug control strategy by February 1, 1997. This report would include 5-year budget projections for program and budget priorities, long and short term measurable objectives, and assessment of state and private sector drug control activities. The range of individuals and organizations with whom the Director shall consult is expanded to include organizations.

(a)(4)(D)(iv) This existing subsection has been merged into the performance measurement section, new section 1504 (b)(1). The subject of treatment effectiveness is more properly included in the new section addressing performance measurements for all drug control programs.

(a)(6) This existing subsection is dropped from the statute in its current form. It is redundant of the language contained in 21 USC 1503 (a) governing the Director's access to information of other government agencies.

(a)(7) This existing subsection is deleted from the statute because it has been included in the new section addressing performance measures.

j. Section 1005(b) (21 USC 1504(b)) - Annual Strategy Report

(b) This new subsection is old 1504(a)(4)), and adds the requirement of an annual report from the President on the implementation and progress of the 10-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.

(b)(1) The new language in this subsection provides for measurement of the achievement of Strategy goals and objectives using the performance measurement system.

(b)(2) This new subsection provides for modification of the ten-year strategy in the event of changed circumstances.

(b)(4) This new subsection expands the language of the 1994 reauthorization that required the Director to do an assessment of data instruments. It now includes reporting on measures of effectiveness for the entire Federal drug control effort. The data measurements responsibilities are made part of the performance measurement responsibility.

(b) Existing subsection (b) is deleted. It duplicates the new language describing what will be in the National Drug Control Strategy, and other changes made in this reauthorization proposal. See new 1504(a)(2)(C).

(c) This new section sets out the performance measurement system.

k. 21 USC 1504(c) - High Intensity Drug Trafficking Areas Program

This new section is old 1504(c), added to describe more clearly the HIDTA program. It will be codified as 21 USC 1505.

(b) The changes to this subsection clarify 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 clarify for the National Drug Control programs agencies and State and local agencies participating in the HIDTA program the administrative, record keeping, funds management, and other requirements for the efficient operation of the HIDTA program. It also emphasizes the roles the Department of Treasury and HHS in the HIDTA program.

(c)(3) This new subsection empowers the Director to examine state and local demand reduction activities in considering a HIDTA designation.

(c)(3) This existing subsection is deleted as obsolete. New reporting requirements are in the new subsection dealing with performance measures.

l. 21 USC 1504(d) - Lead Agencies

(d) Existing subsection is deleted. 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 is, in essence, the 'lead' agency for national policy in this area. Coordination of particular drug-related activities is also achieved through the various committees 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 reflected 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 Groups.

m. 21 USC 1506 - Counter-Drug Technology Assessment Center

(b) In this subsection, 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) This subsection clarifies C-TAC's current authority to conduct demand reduction technology research in consultation with affected National Drug Control Program agencies with funds appropriated to ONDCP.

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

(d) Existing subsection is dropped as it is redundant of the Director's overall budget authority in 21 USC 1502(c).

(e) Existing subsection is dropped to reflect ONDCP's present organizational chart.

(f) Existing subsection (f) is modified as new (d) to recognize that CTAC should obtain the assistance and support of both DOD and HHS in the development of counterdrug technology.

n. 21 USC 1507 - Termination of Office of National Drug Control Policy

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

o. 21 USC 1508 - Authorization of appropriations

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

21 USC § 1500

Chapter 20 - National Drug Control Program

§1500. Definitions

As used in this subtitle --

(1) the term "Office" means the Office of National Drug Control Policy;

~~(1)~~(2) 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));

~~(2)~~ (3) the term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction, **including activities to reduce the underage use of tobacco or alcoholic beverages;**

~~(3)~~ (4) 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~~ **availability** or use of drugs in the United States and abroad, including --

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

~~(4)~~ (5) 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 use of drugs, including drug abuse--~~

- (A) ~~drug abuse~~ education;
- (B) prevention;
- (C) treatment;
- (D) research; and
- (E) rehabilitation;
- (F) drug free workplace programs; and**

(G) drug testing;

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

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

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

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

(5) (7) 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) (8) 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) (9) the term "Director" means the Director of the Office of National Drug Control Policy; and

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

21 USC §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" that --

(1) develops national drug control policy;

(2) coordinates and oversees its implementation;

(3) assesses and certifies the adequacy of national drug control programs and budgets; and

(4) evaluates their effectiveness.

(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, who shall assist the Director in carrying out the responsibilities of the Director under this Act.

(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:

(A) Deputy Director for International Drug Policy, who shall be responsible for the activities described in section 1001a(4)(A-C) [21 USC 1500 (4)(A-C)];

(B) Deputy Director for Demand Reduction Policy, who shall be responsible for the activities described in section 1001a(5) [21 USC 1500(5)]; and

(C) Deputy Director for Intergovernmental Relations, who shall be responsible for the activities described in section 1001a(4)(D) and (6) [21 USC 1500(4)(D) and (6)].

(4) ~~The Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction 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. 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 --

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

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

(d) Office of National Drug Control Policy Gift Fund. There is established in the Treasury a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under Section 1003(c). The Office is authorized to accept, hold, administer and, solely to encourage funding for conferences, solicit contributions to the fund. Amounts deposited in the fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director. The Director is required to establish written rules setting forth the criteria to be used in determining whether the solicitation and acceptance of real and personal gifts (pursuant to Section 1002(d) of the National Narcotics Leadership Act of 1988 (21 USC 1501(d)) would reflect unfavorably upon the ability of the Office of National Drug Control Policy or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of its programs or of any official involved in those programs. [Expansion of Director's existing authority §1502(d)(5).]

21 USC §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 Policy, the Deputy Director for ~~Supply Reduction International Drug Policy~~, and the ~~Associate Deputy Director for Intergovernmental Relations~~ 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) serve as the Director in the absence of the Director or during any period in which the office of Director is vacant.

(3) In the absence of the Deputy Director, or if the office of Deputy Director is vacant, the Director shall designate such other officer of the Office to serve as the Director if the Director is absent or unable to serve.

~~(2)~~ (4) The Director, ~~the Deputy Director~~, the Deputy Director for Demand Reduction Policy, the Deputy Director for ~~Supply Reduction International Drug Policy~~, and the ~~Associate Deputy Director for Intergovernmental Relations~~ 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 contributions to individual candidates. [Old section 1502(f)(sic)]

(b) Responsibilities. The Director shall --

(1) establish policies, **goals**, objectives, and priorities for the National Drug Control Program;

(2) ~~annually~~ promulgate the National Drug Control Strategy and **annual Strategy Report** in accordance with section 1005 [21 USC §1504];

(3) coordinate and oversee the implementation by 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;

(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, **goals**, 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 National Drug Control Policy** 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~~ **next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and each of the 4 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, with the advice of the program managers 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, and shall ~~transmit~~ **submit** such budget proposal to the President and **prior to submission** to the Congress.

(2) Responsibilities of national drug control program 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 of the program, agency, or department to the Director at the same time as such 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 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. **[Former section 1502(c)(5)]**

(C) 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. **[Former section 1502(c)(8)]**

(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 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 adequate; and

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

~~(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 (7), and the head of the department or agency shall comply with such a request. [Section moved to 1502(c)(2)(B)]~~

~~(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.

~~(7)~~ **(C)** The Director shall ~~report annually submit to the Congress on a quarterly basis regarding the need for a report describing the approval of any reprogramming or transfer of appropriated funds pursuant to this section for National Drug Control Program activities.~~

~~(8)~~ 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. **[Moved to section 1501(c)(2)(C)]**

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

(1) select, appoint, employ, and fix compensation of ~~up to 75~~ 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 on temporary detail 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 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) accept, use, **and solicit** donations of property **and gifts** from Federal, State, and local government agencies, **and the private sector, as authorized in section 1002(d) [21 USC 1501(d)]**;

(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; and

(C) commission special studies and reports by a National Drug Control Program Agency, with the concurrence of the head of the affected agency;

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

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act (22 USC 2291j).

(e) Personnel detailed to the Office.

(1) **Evaluations.** Notwithstanding any provision of chapter 43 of title 5, United States Code [5 USC §§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 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.

~~(f)(sic) 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. [Moved to section 1502(a)(5)]~~

21 USC §1503 (1996)

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

(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 for drug control **and the annual report to Congress. [Combines former §1504(6)]**

(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.

(1) The head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of 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.

(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 USC §1504 (1996)

§1504. Development, **and submission, implementation and assessment** 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. February 1, 1997, the President shall submit to the Congress a National Drug Control Strategy, which shall set forth a comprehensive 10-year~~

plan for reducing drug abuse and its consequences in the United States by limiting the availability of and reducing the demand for illegal drugs. Any part of such strategy that involves information properly classified under criteria established by an Executive Order shall be presented to the Congress separately from the rest of the strategy.

(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) ~~describe the balance between resources devoted to supply reduction and demand reduction;~~ **5-year projections for program and budget priorities;** and

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

(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) 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;

(B) ~~At the time the President submits the~~ **The National Drug Control Strategy and each annual Strategy Report to the Congress,** the Director shall transmit a report to the Congress ~~indicating~~ **indicate** the persons consulted under this paragraph.

~~(b)(4) Annual Strategy 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 on February 1 of each year thereafter, the President shall submit to Congress an annual report on the progress in implementing the Strategy under subsection (a), which shall include:

(1) an assessment of the Federal effectiveness in achieving the Strategy goals and objectives using the performance measurement system described in subsection (c);

(2) any modifications of the Strategy;

(3) an ~~complete~~ assessment of how the budget proposal submitted under section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy; ~~[Old 1504 (b)(4)]~~

(4) an assessment of current drug use and availability, impact of drug use, and treatment availability. This assessment will 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 chronic drug use;

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

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

(B) an 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;

(ii) the amount of marijuana, cocaine, and heroin entering the United States;

(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 and methamphetamine 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 **in interdiction, and** at United States ports of entry;

(C) **an 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 departments in the United States, such as the quantity of drug-related services provided;**

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

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

(iv) **the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States, and**

(D) **a determination of the status of drug treatment in the United States, by assessing --**

(i) **public and private treatment capacity within each State, including information on the number of treatment slots capacity available in relation to the number capacity actually used; including data on intravenous drug users and pregnant women;**

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

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

(iv) **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; [moved from 1504(a)(5)(D)]**

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

(5) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control. [moved from 1504(b)(2)]

~~(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. [covered by 1504 (b)(1)].~~

~~(c) Performance Measurement System. (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 Strategy Report a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that --~~

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

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

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

(4) evaluates implementation of major program activities supporting the National Drug Control Strategy developed under section 1005 (21 USC 1504(a));

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

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

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

(ii) (B) 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

(iii) (C) an assessment of the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) (b)(4)(A) and (B); and

(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. [Moved to 1504(b)(4)(E)]

~~(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.~~
[Moved to 1503(a)(1)]

~~(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.~~ [now covered by 1504(b)(1)]

~~(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;~~ [Moved to 1504(a)(2)(A) & (B)]

~~(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control;~~ [moved to 1504(b)(5)]

~~(3) 2-year budget projections for program and budget priorities and achievable projections for reductions of drug use and availability;~~ [now a 5-year projection under 1502(e)]

~~(4) a complete assessment of how the budget proposal submitted under section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy;~~ [moved to 1504(b)(3)]

~~(5) designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c), and~~ [see new 1505]

~~(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;~~ [now addressed in new 1504(c)(6)]

21 USC § 1505

§ 1505 High Intensity Drug Trafficking Areas Program [Old 21 USC 1504(c)]

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

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

~~(A)~~(2) 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;

~~(B)~~(3) take any other action authorized under section 1003 [21 USC § 1502] to provide increased Federal assistance to such areas; and

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

(5) in consultation with affected National Drug Control Program agencies, promulgate such regulations for the effective implementation of the High Intensity Drug Trafficking Areas 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, the extent to which --

~~(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;

(3) 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;

~~(C)~~(4) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and

~~(D)~~(5) the extent to which a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

~~(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: [measurement of the HIDTA program effectiveness covered at 1504(b)(1)]~~

~~(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 USC §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 technology research and development organization of the United States Government.

(b) Chief Scientist. **Director of Technology.** 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 supply reduction agencies, including --

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

(ii) electronic support measures;

(iii) communications;

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

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

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

(i) treatment through neuroscientific advances;

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

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

(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 Program;

(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

(F) under the general authority of the Director of National Drug Control Policy, pursuant to the authority of the Director under section 1003(21 USC 1502), submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug enforcement technology 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.~~

~~(c) 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.~~

~~(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 counter-drug technology assessment.~~

21 USC § 1506-1507(1996)

§1507. Termination of Office of National Drug Control Policy

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

21 USC §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 to carry out this subtitle, such sums as may be necessary for each of the 8 succeeding fiscal years, to remain available until expended, such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009.~~

21 USC §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.

(b) Deposits. There shall be deposited into the Fund the amounts specified by section 524(c)(9) (e)(8) of title 28, United States Code, and section 9307 9703(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) 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) 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) 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) 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.

A BILL

To reauthorize the Office of National Drug Control Policy,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Office of National
5 Drug Control Policy Reauthorization Act of 1997".

6 **SEC. 2. REAUTHORIZATION OF OFFICE OF NATIONAL** 7 **DRUG CONTROL POLICY.**

8 (a) **DEFINITIONS-** -Section 1010 of the
9 National Narcotics Leadership Act of 1988 (21 U.S.C. 1507) is amended by
10 redesignation as Section 1001a (21 USC 1500):

11 (1) by adding the section designation and the section

1 heading and inserting the following Section 1001(a):

2 **"SEC. 1001a. DEFINITIONS";**

3 (1) by redesignating paragraphs (5) through
4 (8) as paragraphs (7) through (10), respectively;

5 (2) by redesignating paragraphs (2) through
6 (4) as paragraphs (3) through (5), respectively;

7 (3) by striking paragraph (1) and inserting the
8 following:

9 "(1) the term 'Office' means the Office of National
10 Drug Control Policy;"

11 "(2) the term 'drug' has the same meaning as the term
12 "controlled substance" has in section 102(6) of the Controlled
13 Substances Act (21 USC 802(6));

14 (4) in paragraph (3), as redesignated, by inserting "including
15 activities to reduce the underage use of tobacco or alcoholic beverages;"
16 after "demand reduction,";

17 (5) in paragraph (4), as redesignated

18 (A) by striking "enforcement" after "any";

19 (B) by striking "supply" and inserting "availability"
20 after "reduce the";

21 (C) in subparagraph (B) striking "enforcement" after
22 "drug";

23 (6) in paragraph (5), as redesignated

24 (A) by striking "demand for" and inserting "use
25 of" before "drugs";

1 (B) by inserting "drug abuse" after

2 "including";

3 (C) in subparagraph (A), by striking

4 "drug abuse";

5 (D) in subparagraph (D), by striking

6 "and" at the end;

7 (E) by adding at the end the following:

8 "(F) drug-free workplace programs; and"

9 (F) by adding at the end the following:

10 "(G) drug testing;"

11 (7) by inserting after paragraph (5), as redesign-

12 nated, the following:

13 "(6) the term 'intergovernmental relations' means

14 domestic activities conducted by a National Drug Control Program

15 agency that are intended to reduce the availability and use of drugs,

16 including --

17 "(A) coordination and facilitation of Federal, state, and

18 local law enforcement drug control efforts;

19 "(B) promotion of coordination and cooperation among

20 the drug supply reduction and demand reduction agencies of the

21 various states, territories, and units of local government; and

22 "(C) such other cooperative governmental activities

23 which promote a comprehensive approach to drug

24 control at the national, state, territory, and local levels.

25 (8) in paragraph (10), as redesignated, by

1 (i) inserting "and 'Strategy'" after "National Drug
2 Control Strategy";

3 (ii) striking "a" and inserting "the" after "means";

4 (b) ESTABLISHMENT OF OFFICE OF NATIONAL DRUG
5 CONTROL POLICY.— Section 1002 of the National

6 Narcotics Leadership Act of 1988 (21 U.S.C. 1501) is
7 amended --

8 (1) by striking subsection (a) and inserting the
9 following:

10 "(a) Establishment of Office. There is established in the Executive
11 Office of the President the "Office of National Drug Control Policy" that --

12 "(1) develops national drug control policy;

13 "(2) coordinates and oversees its implementation;

14 "(3) assesses and certifies the adequacy of national drug
15 control programs and budgets; and

16 "(4) evaluates their effectiveness.

17 (2) by striking subsection (b) and inserting the
18 following:

19 "(b) Director and Deputy Directors.—

20 "(1) There shall be at the head of the Office of National Drug
21 Control Policy a Director of National Drug Control Policy.”;

22 "(2) There shall be in the Office of National Drug Control Policy
23 a Deputy Director of National Drug Control Policy, who shall assist the
24 Director in carrying out the responsibilities of the Director under this
25 Act.”;

1 “(3) There shall be in the Office of National Drug Control Policy

2 a —

3 (A) Deputy Director for International Drug Policy, who
4 shall be responsible for the activities described in Section
5 1001a(4)(A-C);

6 (B) Deputy Director for Demand Reduction Policy, who
7 shall be responsible for the activities described in Section
8 1001a(5); and

9 (C) Deputy Director for Intergovernmental Relations,
10 who shall be responsible for the activities described in Section
11 1001a(4)(D) and (6).”;

12 (3) by striking subsection (c) and redesignating
13 subsection (d) as subsection (c);

14 (4) by adding at the end the following:

15 “(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT

16 FUND. There is established in the Treasury a fund for the receipt of gifts, both
17 real and personal, for the purpose of aiding or facilitating the work of the Office
18 under Section 1003(c). The Office is authorized to accept, hold, administer,
19 and, solely to encourage funding for conferences, solicit contributions to the fund.
20 Amounts deposited in the fund are authorized to be appropriated, to remain
21 available until expended for authorized purposes at the discretion of the Director.
22 The Director is required to establish written rules setting forth the criteria to be
23 used in determining whether the solicitation and acceptance of real and personal
24 gifts (pursuant to Section 1002(d) of the National Narcotics Leadership Act of
25 1988 (21 USC 1501(d)) would reflect unfavorably upon the ability of the Office

1 of National Drug Control Policy or any employee to carry out its responsibilities
2 or official duties in a fair and objective manner, or would compromise the
3 integrity, or the appearance of the integrity, of its programs or of any official
4 involved in those programs.

5 (c) APPOINTMENT AND DUTIES OF DIRECTOR AND
6 DEPUTY DIRECTORS.--Section 1003 of the National Narcotics Leadership
7 Act of 1988 (21 U.S.C. 1502) is amended--

8 (1) by striking the section designation and the
9 section heading and inserting the following:

10 "SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR AND
11 **DEPUTY DIRECTORS.**";

12 (2) in subsection (a)--

13 (A) in paragraph (1)--

14 (i) by inserting "the Deputy Director,"

15 after "The Director"; and

16 (ii) by inserting "Policy" after "Demand
17 Reduction";

18 (iii) by striking "Deputy Director for Supply
19 Reduction" and inserting "Deputy Director for
20 International Drug Policy";

21 (iv) by striking "Associate Deputy Director for
22 National Drug Control Policy" and inserting "Deputy
23 Director for Intergovernmental Relations";

24 (B) by redesignating paragraphs (3) and (4) as paragraphs
25 (5) and (6) and redesignating paragraph (2) as paragraph (4);

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(C) by inserting after paragraph (1) the following:

"(2) The Deputy Director 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) In the absence of the Deputy Director, or if the office of the Deputy Director is vacant, the Director shall designate such other officer of the Office to serve as the Director if the Director is absent or unable to serve.";

(D) in paragraph (4), as redesignated--

(i) by inserting "the Deputy Director," after "The Director";

(ii) by inserting "Policy" after "Demand Reduction";

(iii) by striking "Deputy Director for Supply Reduction" and inserting "Deputy Director for International Drug Policy";

(iv) by striking "Associate Deputy Director for National Drug Control Policy" and inserting "Deputy Director for Intergovernmental Relations";

(v) by striking "Director, a Deputy"

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and inserting "Director or a Deputy Director"; and

(iv) by striking ", or Associate Director"; and

(E) in paragraph (6) as redesignated:

(i) section 5313 of title 5, United States Code, is amended by adding at the end "Deputy Director of National Drug Control Policy";

(ii) section 5314 of title 5, United States Code, is amended --

(a) by adding "Policy" after "Deputy Director for Demand Reduction";

(b) by striking "Supply Reduction" and inserting "International Drug Policy" after "Deputy Director for"; and

(c) by adding "Deputy Director for Intergovernmental Relations, Office of National Drug Control Policy", after Administrator, Office of Information and Regulatory Affairs";

(iii) section 5315 of title 5, United States Code, is amended by deleting the following: "Associate Director for National Drug Control Policy"; and

(F) by adding at the end the following:

"(7) PROHIBITION ON POLITICAL CAMPAIGN-

ING.--

"A Federal officer in the Office of National Drug Control

1 Policy who is appointed by the President, by and with the advice
2 and consent of the Senate, may not participate in Federal election
3 campaign activities, except that such official is not prohibited by
4 this subsection from making contributions to individual
5 candidates.”

6 (3) in subsection (b)--

7 (A) in paragraph (1), by inserting “goals” in front
8 of objectives”;

9 (B) by striking paragraph (2) and inserting the following:

10 “(2) promulgate the National Drug Control Strategy and annual
11 Strategy Report in accordance with Section 1005;”

12 (C) in paragraph (3) by adding “goals,” after “policies,”;

13 (D) in paragraph (4)(B) by inserting “goals” after “the
14 policies”;

15 (E) in paragraph (5), by inserting “the formulation
16 and implementation of National Drug Control Policy
17 and”; after “respect to”; and

18 (F) in paragraph (8)--

19 (i) by striking “second following fiscal
20 year” and inserting “next budget year scheduled for
21 formulation under the Budget and Accounting Act
22 of 1921, as amended, and each of the 4 subsequent
23 fiscal years,”; and

24 (ii) by striking “annual”; and
25

1 (4) in subsection (c)--

2 (A) in paragraph (1) --

3 (i) by striking "transmit" and inserting "submit"
4 after "shall";

5 (ii) by striking "and" and inserting "prior to
6 submission" after "President";

7 (B) by striking paragraph (2) and inserting the following:

8 "(2) RESPONSIBILITIES OF NATIONAL
9 DRUG CONTROL PROGRAM AGENCIES.--

10 "(A) Each Federal Government program manager,
11 agency head, and department head with responsibilities under the
12 National Drug Control Strategy shall transmit the drug control
13 budget request of the agency or department to the Director at the
14 same time as such request is submitted to their superiors (and
15 before submission to the Office of Management and Budget) in
16 the preparation of the budget of the President submitted to
17 Congress under section 1105(a) of title 31, United States Code.";
18 and

19 (C) by adding at the end the follow-
20 ing:

21 "(B) The Director shall request the head of
22 a department or agency to include in the department's or
23 agency's budget submission to the Office of Management
24 and Budget funding requests for specific initiatives that
25 are consistent with the President's priorities for the National

1 Drug Control Strategy and certifications made pursuant to
2 paragraph (3), and the head of the department or agency shall
3 comply with such a request.”; and

4 (D) by adding at the end the following:

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

12 (E) in paragraph (3)–

13 (i) by striking “(3) The Director” and
14 inserting the following:

15 “(3) CERTIFICATION.–The Director shall–”;

16 (ii) in subparagraph (B), by striking “and”
17 after “adequate”;

18 (iii) in subparagraph (C), by inserting “; and”
19 following “(B)”;

20 (F) in paragraph (4), by striking “(4)” and redesignating
21 it as “(D)” and striking “the Director shall”;

22 (G) by striking paragraphs (5), (7), and (8), and
23 redesignating paragraph (6) as paragraph (4); and

24 (H) in paragraph (4), as redesignated –

25 (i) by inserting “Reprogramming and Transfer”

1 National Drug Control Program agency, with the
2 concurrence of the head of the affected agency”;

3 (D) by striking paragraph (8) and replacing it
4 with:

5 “(8) except to the extent that the Director’s authority
6 under this paragraph is limited in an annual appropriations Act,
7 and with the concurrence of the head of the affected agency and
8 upon advance notice to the Committees of Appropriations of each
9 House of Congress, transfer funds appropriated to a National
10 Drug Control Program agency program, activity, or function
11 designated by the Director pursuant to subsection (c) to a
12 different National Drug Control Program agency program,
13 activity, or function designated by the Director pursuant to
14 subsection (c) in an amount that does not exceed 2 percent of the
15 amount appropriated to either program, activity, or function;”

16 (E) by striking paragraph (9) and insert-
17 ing the following:

18 “(9) issue to the head of a National Drug Control
19 Program agency a funds control notice described in subsection (f)
20 to ensure compliance with the National Drug Control Program;
21 and”

22 “(10) participate in the drug certification process
23 pursuant to section 490 of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2291j).”;
25 (6) in subsection (e) -

1 (A) in paragraph (1) --
2 (i) by inserting "Evaluations" after "(1)";
3 (ii) by inserting "Compensation" after "(2)";
4 (iii) by indenting subparagraphs (A), (B), (C),
5 and (D) below and to the right; and
6 (7) by striking the second subsection designated
7 as subsection (f).

8 (d) COORDINATION WITH EXECUTIVE BRANCH DE-
9 PARTMENTS AND AGENCIES

10 --Section 1004 of the National Narcotics Leadership Act of 1988

11 (21 U.S.C. 1503) is amended--

12 (1) by striking the section designation and the
13 section heading and inserting the following:

14 **"SEC. 1004 COORDINATION WITH EXECUTIVE BRANCH DE-**
15 **PARTMENTS AND AGENCIES IN SUPPLY RE-**
16 **DUCTION, DEMAND REDUCTION, AND INTER-**
17 **GOVERNMENTAL RELATIONS";**

18 (2) in subsection (a)(1) --

19 (A) by inserting "cooperate with and" be-
20 fore "provide"; and

21 (B) by inserting "and the annual report to Congress."
22 after "control.";

23 (e) DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG
24 CONTROL STRATEGY.--

25 Section 1005 of the National Narcotics Leadership Act of 1988 "

1 (21 U.S.C. 1504) is amended to read as follows:

2 **"SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
3 **AND ASSESSMENT OF NATIONAL DRUG CONTROL**
4 **STRATEGY.**

5 **"(a) TIMING, CONTENT, AND PROCESS FOR DEVEL-**
6 **OPMENT AND SUBMISSION OF THE NATIONAL DRUG CON-**
7 **TROL STRATEGY.--**

8 **"(1) Not later than February 1, 1997, the President shall submit**
9 **to the Congress a National Drug Control Strategy, which shall**
10 **set forth a comprehensive 10-year plan for reducing drug abuse and its**
11 **consequences in the United States by limiting the availability of and**
12 **reducing the demand for illegal drugs. Any part of such strategy that**
13 **involves information properly classified under criteria established by an**
14 **Executive order shall be presented to Congress separately from the rest of**
15 **the strategy.";**

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

18 **"(A) comprehensive, research-based, long-**
19 **range goals for reducing drug abuse and the**
20 **consequences of drug abuse in the United**
21 **States;**

22 **"(B) measurable objectives to accomplish**
23 **long-term goals;**

24 **"(C) 5-year projections for program and**
25 **budget priorities; and**

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

5 “(3) CONSULTATIONS.--

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

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

10 “(ii) Congress;

11 “(iii) State and local officials;

12 “(iv) private citizens and organizations with
13 experience and expertise in demand reduction; and

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

16 “(B) The National Drug Control Strategy and each
17 annual Strategy Report shall indicate the persons consulted under
18 this paragraph.

19 “(b) ANNUAL STRATEGY REPORT.-- Not later than February 1,
20 1998, and on February 1 of each year thereafter, the President shall submit to
21 Congress an annual report on the progress in implementing the Strategy under
22 subsection (a), which shall include--

23 “(1) an assessment of the Federal effectiveness in achieving the
24 Strategy goals and objectives using the performance measurement system
25 described in subsection (c);

1 “(2) any modifications of the Strategy;

2 “(3) an assessment of how the budget proposal submitted under
3 section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy
4 and whether the funding levels contained in such proposal are sufficient
5 to implement such strategy;

6 “(4) an assessment of current drug use and availability, impact of
7 drug use, and treatment availability. This assessment will include --

8 “(A) estimates of drug prevalence and frequency of use
9 as measured by national, State, and local surveys of illicit drug
10 use and by other special studies of--

11 “(i) casual and chronic drug use;

12 “(ii) high-risk populations, including school
13 dropouts, the homeless and transient, arrestees, parolees,
14 probationers, and juvenile delinquents; and

15 “(iii) drug use in the workplace and the
16 productivity lost by such use;

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

19 “(i) the quantities of cocaine, heroin,
20 marijuana, methamphetamine, and other drugs
21 available for consumption in the United States;

22 “(ii) the amount of marijuana, cocaine,
23 and heroin entering the United States;

24 “(iii) the number of hectares of mari-
25 juana, poppy, and coca cultivated and destroyed;

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

“(v) the number of cocaine and methamphetamine processing laboratories 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 in interdiction, and at United States ports of entry;

“(C) an 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 departments in the United States, such as the quantity of drug-related services provided;

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

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“(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;

“(D) a determination of the status of drug
treatment in the United States, by assessing--

“(i) public and private treatment ca-
pacity within each State, including information on
the treatment capacity available in relation to the
capacity actually used;

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

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

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

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

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

1 “(c) Performance Measurement System. The Director shall include with
2 the annual Strategy Report a description of the national drug control performance
3 measurement system, designed in consultation with affected National Drug
4 Control Program agencies, that--

5 “(1) develops performance objectives, measures, and targets for
6 each National Drug Control Strategy goal and objective;

7 “(2) revises performance objectives, targets, and measures to
8 conform with National Drug Control Program Agency budgets;

9 “(3) identifies major programs and activities of the National Drug
10 Control Program Agencies that support the goals and objectives of the
11 National Drug Control Strategy;

12 “(4) evaluates implementation of major program activities
13 supporting the National Drug Control Strategy developed under section
14 1005 (21 USC 1504(a));

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

19 “(6) coordinates the development and implementation of national
20 drug control data collection and reporting systems to support policy
21 formulation and performance measurement, including--

22 “(A) an assessment of the quality
23 of current drug use measurement instruments
24 and techniques to measure supply reduction
25 and demand reduction activities;

1 “(B) an assessment of the adequacy of the
2 coverage of existing national drug use measurement
3 instruments and techniques to measure the casual
4 drug user population and groups that are at risk for drug
5 use; and

6 “(C) an assessment of the actions the Director
7 shall take to correct any deficiencies and limitations
8 identified pursuant to subparagraphs (b)(4)(A) and (B);

9 (f) **HIGH INTENSITY DRUG TRAFFICKING AREAS**

10 PROGRAM---The National Narcotics Leadership Act of
11 1988 is amended by inserting after section 1005 the following:

12 **“SEC 1005A HIGH INTENSITY DRUG TRAFFICKING AREAS**
13 **PROGRAM.**

14 “(a) There is established in the Office a program to be known as the
15 High Intensity Drug Trafficking Areas Program.

16 “(b) The Director, upon consultation with the Attorney
17 General, the Secretary of the Treasury, the Secretary of Health
18 and Human Services, heads of the National Drug Control
19 Program agencies, and the Governors of each State, may
20 designate any specified area of the United States as a high intensity
21 drug trafficking area. After making such a designation and in order
22 to provide Federal assistance to the area so designated, the Director may --

23 “(1) obligate such sums as appropriated for the High
24 Intensity Drug Trafficking Area Program;

25 “(2) direct the temporary reassignment of Federal

1 personnel to such area, subject to the approval of the Secretary
2 of the department or head of the agency that employs such
3 personnel;

4 "(3) take any other action authorized under
5 section 1003 to provide increased Federal assistance to
6 such areas;

7 "(4) coordinate actions under this para-
8 graph with State and local officials; and

9 "(5) in consultation with affected National Drug Control
10 Policy agencies, promulgate such regulations for the effective
11 implementation of the High Intensity Drug Trafficking Areas
12 Program.

13 "(c) When considering the designation of an area under
14 this section as a high intensity drug trafficking area, the Director shall
15 consider, in addition to such other criteria as the Director considers to be
16 appropriate, the extent to which--

17 "(1) the area is a center of illegal drug produc-
18 tion, manufacturing, importation, or distribution;

19 "(2) State and local law enforcement agencies
20 have committed resources to respond to the drug
21 trafficking problem in the area, thereby indicating a
22 determination to respond aggressively to the prob-
23 lem;

24 "(3) State and local demand reduction agencies
25 have committed resources to respond to drug abuse

1 in the area, thereby indicating a determination to re-
2 spond to the problem;

3 "(4) drug-related activities in the area are hav-
4 ing a harmful impact in other areas of the country; and

5 "(5) a significant increase in allocation of Fed-
6 eral resources is necessary to respond adequately to
7 drug-related activities in the area;"

8 (g) COUNTER-DRUG TECHNOLOGY ASSESSMENT

9 CENTER--Section 1008 of the National Narcotics Lead-
10 ership Act of 1988 (21 U.S.C. 1505) is amended to read
11 as follows:

12 "SEC. 1008 COUNTER-DRUG TECHNOLOGY ASSESSMENT
13 CENTER.

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

20 "(b) DIRECTOR OF TECHNOLOGY.--There shall be
21 at the head of the Center the Director of Technology, who shall be
22 appointed by the Director of National Drug Control Policy from among
23 individuals qualified and distinguished in the area of science, medicine,
24 engineering, or technology.

25 "(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-

1 TOR OF NATIONAL DRUG CONTROL POLICY.--

2 "(I) The Director, acting through the
3 Director of Technology shall--

4 "(A) identify and define the short-, me-
5 dium-, and long-term scientific and techno-
6 logical needs of Federal, State, and local drug supply
7 reduction agencies, including-

8 "(i) advanced surveillance, tracking,
9 and radar imaging;

10 "(ii) electronic support measures;

11 "(iii) communications;

12 "(iv) data fusion, advanced computer
13 systems, and artificial intelligence; and

14 "(v) chemical, biological, radiological
15 (including neutron, electron, and graviton),
16 and other means of detection;

17 "(B) identify demand reduction basic and
18 applied research needs and initiatives, in consultation with
19 affected National Drug Control Program agencies, includ-
20 ing--

21 "(i) improving treatment through
22 neuroscientific advances;

23 "(ii) improving the transfer of bio-
24 medical research to the clinical setting, and

25 "(iii) developing new advances in drug

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abuse prevention programming;

“(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 Program;

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

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

“(F) pursuant to the authority of the Director of National Drug Control Policy under section 1003 (21 USC 1502), submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

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

4 “(d) ASSISTANCE AND SUPPORT TO OFFICE OF NA-
5 TIONAL DRUG CONTROL POLICY.--The Department of
6 Defense and the Department of Health and Human Services shall, to the
7 fullest extent possible, render assistance and support to the Office
8 and its Director, in the conduct of counter-drug technology assessment.”

9 (h) TERMINATION OF OFFICE OF NATIONAL DRUG
10 CONTROL POLICY.--Section 1009 of the National Narcot-
11 ics Leadership Act of 1988 (42 U.S.C. 1506) is amended
12 to read as follows:

13 “SEC 1009 TERMINATION OF OFFICE OF NATIONAL DRUG
14 CONTROL POLICY.

15 “Effective on September 30, 2009, this subtitle and
16 the amendments made by this subtitle are repealed.”

17 (i) AUTHORIZATION OF APPROPRIATIONS. Section
18 1011 of the National Narcotics Leadership Act of 1988
19 (21 U.S.C. 1508) is amended to read as follows:

20 “SEC. 1011 AUTHORIZATION OF APPROPRIATIONS

21 “There are authorized to be appropriated to carry out
22 this subtitle, to remain available until expended, such
23 sums as may be necessary for each of the fiscal years
24 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
25 2007, 2008, and 2009.”

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(j) ESTABLISHMENT OF SPECIAL FORFEITURE

FUND. Section 6073 of the Asset Forfeiture Amend-
ments Act of 1988 (42 U.S.C. 1509) is amended--

(1) in subsection (b),

(A) by striking "section 524(c)(9)"

and inserting "section 524(c)(8)";

(B) by striking "section 9307(g)"

and inserting "section 9703(g)";

(2) in subsection (e), by striking "strategy" and inserting

"Strategy".

November 10, 1993

A BILL

To restructure and enhance the authority of the Office of National Drug Control Policy to better enable it to carry out its missions and responsibilities, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled,

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the "Office of National Drug
5 Control Policy (ONDCP) Reauthorization Act."

6 **SEC. 2. STRUCTURE OF THE OFFICE.**

7 (a) Section 1002(b) of the National Narcotics Leadership Act
8 of 1988 (21 U.S.C. 1501) is amended --

9 (1) by amending paragraph (2) to read as
10 follows:

11 "(2) There shall be in the Office of National Drug
12 Control Policy a Deputy Director for Domestic Programs, a
13 Deputy Director for International Programs, and a Deputy
14 Director for Community Programs.";

15 (2) by amending paragraph (3) to read as follows:

16 "(3) The Deputy Director for Domestic Programs, the
17 Deputy Director for International Programs, and the Deputy
18 Director for Community Programs shall assist the Director in

1 carrying out the responsibilities of the Director under this
2 Act.";

3 (3) by striking subsection (c);

4 and

5 (4) by redesignating subsection (d) as subsection
6 (c).

7 (b) Section 1003 of the National Narcotics Leadership
8 Act of 1988 (21 U.S.C. 1502) is amended --

9 (1) by amending the section heading to read as
10 follows:

11 "Appointment and duties of Director and Deputy
12 Directors";

13 (2) by amending subsection (a)(1) to read as
14 follows:

15 "(2) The Director and the Deputy Directors shall each
16 be appointed by the President, by and with the advice and
17 consent of the Senate.";

18 and

19 (3) by amending subsection (a)(2) to read as
20 follows:

21 "(2) The Director and the Deputy Directors shall
22 each serve at the pleasure of the President. No person
23 shall serve as Director or Deputy Director while serving in
24 any other position in the Federal Government."

25 (c) Section 1010 of the National Narcotics Leadership
26 Act of 1988 (21 U.S.C. 1507) is amended --

1 (1) by redesignating subparagraphs (5), (6), (7),
2 and (8), as paragraphs (8), (9), (10), and (11),
3 respectively, and by inserting the following new
4 paragraphs after paragraph (4):

5 "(5) the term "Domestic Programs" means the
6 programs, policies, and activities undertaken by a National
7 Drug Control Program agency, for purposes of reducing drug
8 use and availability within the United States, including --

9 (A) drug abuse education;

10 (B) prevention;

11 (C) treatment;

12 (D) domestic drug enforcement intelligence;

13 (E) domestic drug law enforcement, including law
14 enforcement directed at drug users;

15 (F) research; and

16 (G) rehabilitation;

17 "(6) the term "International Programs" means
18 the programs, policies, and activities undertaken by a
19 National Drug Control Program agency, for purposes of
20 reducing the supply of drugs abroad or en route to the
21 United States, including --

22 (A) international drug control;

23 (B) foreign intelligence; and

24 (C) interdiction, including interdiction at and
25 along the borders of the United States;

1 "(7) the term "Community Programs" means
2 programs, policies, and activities undertaken at the State
3 and local level, including programs related to community
4 empowerment and other efforts to coordinate drug programs,
5 pursuant to the policies, objectives, and priorities of the
6 National Drug Control Strategy;"

7 and

8 (d) Section 5314 of title 5, United States Code, is amended
9 by --

10 (1) striking "Deputy Director for Demand
11 Reduction, Office of National Drug Control Policy" and
12 replacing it with "Deputy Director for Domestic Programs,
13 Office of National Drug Control Policy";

14 (2) striking "Deputy Director for Supply
15 Reduction, Office of National Drug Control Policy" and
16 replacing it with "Deputy Director for International
17 Programs, Office of National Drug Control Policy";
18 and

19 (3) inserting "Deputy Director for Community
20 Programs, Office of National Drug Control Policy" after the
21 new "Deputy Director for International Programs, Office of
22 National Drug Control Policy".

23 **SEC. 3. NATIONAL DRUG CONTROL PROGRAM BUDGET.**

24 Section 1003(c)(3) of the National Narcotics Leadership
25 Act of 1988 (21 U.S.C. 1502) is amended as follows:

26 (1) by striking "and" in subparagraph (B);

1 (2) by replacing the period in subparagraph (C)
2 with a semicolon and adding "and";

3 and

4 (3) by inserting after paragraph (C) the following
5 new paragraph:

6 "(D) For those budget requests not certified under
7 subparagraph (B) as adequate to implement the
8 objectives of the National Drug Control Strategy, the
9 Director shall, in such certifications, include
10 initiatives that would make such requests adequate;".

11 **SEC. 4. REPORT ON REPROGRAMMINGS**

12 Section 1003(c)(6) of the National Narcotics Leadership
13 Act of 1988 (21 U.S.C. 1502) is amended as follows:

14 "(6) The Director shall report to the
15 Congress on a quarterly basis regarding the need for
16 any reprogramming or transfer of appropriated funds
17 pursuant to subsection (c)(5)(A) for National Drug
18 Control Program activities."

19 **SEC. 5. NATIONAL DRUG CONTROL STRATEGY OUTCOME MEASURES.**

20 Section 1005(a) of the National Narcotics Leadership
21 Act of 1988 (21 U.S.C. 1504 (a)) is amended --

22 (1) by inserting in paragraph (2)(A) "and the
23 consequences of drug abuse" after "drug abuse".

24 **SEC. 6. SPECIAL FORFEITURE FUND AMENDMENTS.**

25 (a) Section 6073 of the Asset Forfeiture Amendments Act
26 of 1988 (21 U.S.C. 1509) is amended--

1 (1) in subsection (a) by deleting "may be
2 specified in appropriations acts" and inserting "are
3 available" in lieu thereof;

4 (2) by amending subsection (b) to read as follows:
5 "(b) DEPOSITS --There shall be deposited into the Fund
6 the amounts specified by 28 U.S.C. 524(c)(9) and 31
7 U.S.C. 9307(g), and any earnings on the investments
8 authorized by subsection (c) below."

9 (b) Paragraph 524 (c)(9) of title 28, United States
10 Code, is amended:

11 (1) by amending subparagraph (B) to read as follows:

12 "(B) Subject to subparagraphs (C) and (D), at the end
13 of each of fiscal years 1994 through 1997, the Attorney
14 General shall transfer from the Fund not more than
15 \$100,000,000 to the Special Forfeiture Fund established by
16 section 6073 of the Anti-Drug Abuse Act of 1988."; and

17 (2) in subparagraph (c) by deleting the second sentence
18 and inserting the following in lieu thereof:

19 "Further, transfers under subsection (B) may not
20 exceed one half of the excess unobligated balance for
21 any year. In addition, transfers under subsection (B)
22 may be made only to the extent that the sum of the
23 transfers in a fiscal year and one half of the
24 unobligated balance at the beginning of that fiscal
25 year for the Special Forfeiture Fund does not exceed
26 \$100,000,000."

1 (c) Subsection 9703 (g) of title 31, United States
2 Code, is amended:

3 (1) in paragraph (3) by:

4 (a) amending subparagraph (A) to read as follows:

5 "Subject to subparagraphs (B) and (C), at the end
6 of each of fiscal year 1994 through 1997, the Secretary
7 shall transfer from the Fund not more than \$100,000,000
8 to the Special Forfeiture Fund established by section
9 6073 of the Anti-Drug Abuse Act of 1988."; and

10 (b) amending subparagraph (B) by adding the
11 following at the end thereof:

12 "Further, transfers under subparagraph (A) may not
13 exceed one half of the excess unobligated balance for a
14 year. In addition, transfers under subparagraph (A)
15 may be made only to the extent that the sum of the
16 transfers in a fiscal year and one half of the
17 unobligated balance at the beginning of that fiscal
18 year for the Special Forfeiture Fund does not exceed
19 \$100,000,000."; and

20 (2) in subparagraph (4) (A) by:

21 (a) amending subparagraph (4) (A) (i) by deleting
22 "(i)"; and

23 (b) deleting subparagraph (4) (A) (ii).

24 **SEC. 7. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER**

25 (a) DRUG ABUSE ADDICTION AND REHABILITATION RESEARCH.

26 Section 1502a of the National Narcotics Leadership

1 Act of 1988 (21 U.S.C. 1502(a)) is amended by redesignating
2 paragraphs (B), (C), and (D) in section (c) as paragraphs
3 (C), (D), and (E), respectively, and inserting after
4 paragraph (A) the --following new paragraph:

5 "(B) in consultation with the National Institute
6 on Drug Abuse, examine addiction and rehabilitation
7 research and stress the interdisciplinary approach in
8 examining clinical, pharmacological, and behavioral
9 approaches to the counternarcotics problem;"

10 (b) ASSISTANCE FROM THE ADVANCED RESEARCH PROJECT
11 AGENCY. Section 1502a of the National Narcotics
12 Leadership Act of 1988 is amended by inserting after
13 section (e) the following new section:

14 "(f) The Director of the Advanced Research
15 Project Agency shall provide technical and analytical
16 assistance to the Office of National Drug Control
17 Policy and its Director to support the Counter-Drug
18 Technology Assessment Center.";

19 and

20 (c) REDESIGNATION OF LANGUAGE. The National
21 Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et
22 seq.) is amended by repealing section 1505 and
23 redesignating section 1502a (as amended by this Act) as
24 section 1505.

25 **SEC. 8. PAYING CERTAIN NECESSARY EXPENSES FOR STRATEGY**
26 **CONSULTATION.**

27 Section 1005(a) of the National Narcotics Leadership

1 Act of 1988 (21 U.S.C. 1504(a)) is amended --

2 (1) by inserting the following new paragraph (C) after
3 paragraph (3) (B):

4 "(C) Nothing contained in this section shall be
5 construed to prohibit the Director from paying for the
6 necessary expenses for assemblages of individuals
7 providing consultation to the Director in developing
8 the National Drug Control Strategy."

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 1011 of the National Narcotics Leadership Act
11 of 1988 (21 U.S.C. 1508) is amended by striking "4" and
12 inserting "9".

13 **SEC. 10. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL**
14 **POLICY.**

15 Section 1009 of the National Narcotics Leadership Act
16 of 1988 (21 U.S.C. 1506) is amended by striking "the date
17 which is 5 years after the date of the enactment of this
18 subtitle" and inserting "September 30, 1998".

ONDCP REAUTHORIZATION BILL

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This gives the Act the short title, the "Office of National Drug Control Policy (ONDCP) Reauthorization Act."

Section 2. Structure of the Office

This section renames the Deputy Directors to reflect a shift in their program responsibilities and elevates the Associate Director of the Bureau of State and Local Affairs to a Deputy Director level. These changes are necessary to realign the duties and responsibilities of the Deputy Directors and the Associate Director to reflect the Administration's drug policy focus.

The Deputy Director for Supply Reduction would become the Deputy Director of International Programs and would have responsibility for all source-country, transit, and border interdiction programs, including foreign intelligence programs. Responsibility for foreign intelligence programs does not include authority to task or otherwise direct foreign intelligence assets or activities. This responsibility shall be exercised consistent with the authorities and responsibilities of the Director of Central Intelligence under the National Security Act of 1947.

The Deputy Director for Domestic Programs would be responsible for domestic matters, including drug abuse education, prevention, treatment, research, rehabilitation, domestic intelligence, and domestic law enforcement programs.

The Associate Director of the Bureau of State and Local Affairs would be elevated to the Deputy Director for Community Programs. This would give the Associate Director the same stature and responsibilities afforded to the other Deputy Directors. The Deputy Director for Community Programs would coordinate State and local drug-related matters that are linked to Federal drug programs, pursuant to the policies, objectives, and priorities of the National Drug Control Strategy.

Finally, this section provides a conforming amendment to ensure the new Deputy Director of Community Programs receives the same salary as the other Deputy Directors.

Section 3. National Drug Control Program Budget

This section would require the Director of ONDCP to include in a certification in which the Director determines the agency or department budget is not adequate to implement the objectives of the National Drug Control Strategy initiatives that would make the request adequate. This would give the agency or department

the information it needs to determine what is necessary to make its budget adequate.

Section 4. Report on Reprogrammings

Under current law, ONDCP must approve reprogrammings of drug-related resources that exceed \$5 million. Further, ONDCP must report each quarter to Congress on all drug-related reprogrammings, regardless of their amount. This mismatch in the approval and reporting requirement has created an administrative burden for ONDCP and Federal drug agencies, as each is required to track drug-related reprogrammings under \$5 million.

This section would change the reporting requirement so that ONDCP would only have to report those drug-related reprogrammings that exceed \$5 million.

Section 5. National Drug Control Strategy Outcome Measures

This section adds the requirement that the Strategy include short- and long-term goals on the consequences of illicit drug use. Current law only requires goals on reducing drug use and availability.

Section 6. Special Forfeiture Fund Amendments

The Anti-Drug Abuse Act of 1988 created within ONDCP the Special Forfeiture Fund, which was intended to give the Director of ONDCP supplemental program resources for special demand reduction and supply reduction program efforts. By creating the Special Forfeiture Fund, Congress expressed its view that the proceeds of asset forfeitures should not be used exclusively by law enforcement agencies. These proceeds should also be available to mitigate the deleterious consequences of the drug trade for demand reduction purposes.

Since the 1988 Act was enacted, sections of the U.S. Code related to assets forfeitures were amended to create the Super Surplus within the Department of Justice and the new forfeiture fund within the Department of Treasury. These amendments had the effect of weakening the Special Forfeiture Fund by giving the Attorney General discretion in making deposits to the Special Forfeiture Fund. This section would require the Attorney General to make deposits to the Special Forfeiture Fund in an amount equal to one half of any excess unobligated balance in the Justice Asset Forfeiture Fund, up to a cap of \$100,000,000.

Language effecting these changes for Treasury's Forfeiture Fund is also incorporated.

Section 7. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

This section makes three changes. The first change would extend CTAC's mission to include drug abuse addiction and rehabilitation research. CTAC would be required to consult with the National Institute on Drug Abuse about such research. By way of background, Congress allowed CTAC to use part of its FY 1992 appropriations for such research, but CTAC's statutory mission has never been changed to allow such research permanently. This change would make this area of research a permanent part of CTAC's mission.

The second change would require the Director of DoD's Advanced Research Project Agency (ARPA) to render technical and analytical assistance to support the Office of National Drug Control Policy and its Director. This change would permit the Director of ARPA to support CTAC's statutory mission.

The third change would delete obsolete language requiring ONDCP to conduct an Executive Reorganization Study by January 15, 1990 and replace it with the 1990 statutory language that created CTAC.

Section 8. Paying Certain Necessary Expenses for Strategy Consultation

The Director of ONDCP is required to consult with State and local officials, private citizens with experience and expertise in demand and supply reduction, and others in developing the National Drug Control Strategy. This section would give the Director authority to pay certain expenses for assemblages of individuals providing such consultation.

Section 9. Authorization of Appropriations

This section authorizes appropriations for the Office of National Drug Control Policy through the end of Fiscal Year 1998.

Section 10. Termination of the Office of National Drug Control Policy

This section extends the Office of National Drug Control Policy for five years, until September 30, 1998.