

108TH CONGRESS
1ST SESSION

H. R. 2086

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2003

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To reauthorize the Office of National Drug Control Policy.

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

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
 2 **TENTS.**

3 (a) SHORT TITLE.—This Act may be cited as the
 4 “Office of National Drug Control Policy Reauthorization
 5 Act of 2003”.

6 (b) AMENDMENT OF OFFICE OF NATIONAL DRUG
 7 CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Ex-
 8 cept as otherwise expressly provided, whenever in this Act
 9 an amendment or repeal is expressed in terms of an
 10 amendment to, or repeal of, a section or other provision,
 11 the reference shall be considered to be made to a section
 12 or other provision of the Office of National Drug Control
 13 Policy Reauthorization Act of 1998 (Public Law 105–277;
 14 21 U.S.C. 1701 et seq.).

15 (c) TABLE OF CONTENTS.—The table of contents of
 16 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Amendments to definitions.
- Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
- Sec. 4. Amendments relating to coordination with other agencies.
- Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
- Sec. 6. High intensity drug trafficking areas program.
- Sec. 7. Funding for certain high intensity drug trafficking areas.
- Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
- Sec. 9. Repeals.
- Sec. 10. National Youth Antidrug Media Campaign.
- Sec. 11. Authorization of appropriations.
- Sec. 12. Extension of termination date.

17 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

18 (a) AMENDMENTS TO DEFINITIONS.—Section 702
 19 (21 U.S.C. 1701) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “and” at the end of sub-
3 paragraph (F);

4 (B) by striking the period at the end of
5 subparagraph (G) and inserting a semicolon;
6 and

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

8 “(H) interventions for drug abuse and de-
9 pendence; and

10 “(I) international drug control coordina-
11 tion and cooperation with respect to activities
12 described in this paragraph.”.

13 (2) in paragraph (9), by striking “implicates”
14 and inserting “indicates”;

15 (3) in paragraph (10)—

16 (A) by striking “and” at the end of sub-
17 paragraph (B);

18 (B) by striking the period at the end of
19 subparagraph (C) and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(D) domestic drug law enforcement, in-
22 cluding law enforcement directed at drug
23 users.”; and

24 (4) in paragraph (11)—

1 (A) by inserting before the semicolon in
 2 subparagraph (A) the following: “(including
 3 source country programs, and law enforcement
 4 outside the United States)”;

5 (B) by inserting “and” after the semicolon
 6 in subparagraph (B);

7 (C) by striking “; and” at the end of sub-
 8 paragraph (C) and inserting a period; and

9 (D) by striking subparagraph (D).

10 (b) CONFORMING AMENDMENTS.—Section 703(b)(3)
 11 (21 U.S.C. 1702(b)(3)) is amended—

12 (1) in subparagraph (A), by striking “(G)” and
 13 inserting “(H)”;

14 (2) in subparagraph (C)—

15 (A) by striking “(C)” and inserting “(D)”;
 16 and

17 (B) by striking “and subparagraph (D) of
 18 section 702(11)”.

19 **SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND**
 20 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**
 21 **TORS.**

22 (a) DESIGNATION OF OTHER OFFICERS.—Section
 23 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

24 (1) by striking “permanent employee” and in-
 25 serting “officer or employee”;

1 (2) by striking “serve as the Director” and in-
2 serting “serve as the acting Director”.

3 (b) RESPONSIBILITIES OF DIRECTOR.—Section
4 704(b) (21 U.S.C. 1703(b)) is amended—

5 (1) in paragraph (4), by striking “Federal de-
6 partments and agencies engaged in drug enforce-
7 ment,” and inserting “National Drug Control Pro-
8 gram agencies,”;

9 (2) by inserting “and” at the end of paragraph
10 (12);

11 (3) by striking paragraphs (13) and (14); and

12 (4) by redesignating paragraph (15) as para-
13 graph (13).

14 (c) REVIEW AND CERTIFICATION OF NATIONAL
15 DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3)
16 (21 U.S.C. 1703(c)(3)) is amended—

17 (1) by redesignating subparagraphs (C) and
18 (D) as subparagraphs (D) and (E), respectively;

19 (2) by inserting after subparagraph (B) the fol-
20 lowing new subparagraph:

21 “(C) SPECIFIC REQUESTS.—The Director
22 shall not confirm the adequacy of any budget
23 request that—

24 “(i) requests funding for Federal law
25 enforcement activities that do not ade-

1 quately compensate for transfers of drug
2 enforcement resources and personnel to
3 law enforcement and investigation activi-
4 ties not related to drug enforcement as de-
5 termined by the Director;

6 “(ii) requests funding for law enforce-
7 ment activities on the borders of the
8 United States that do not adequately di-
9 rect resources to drug interdiction and en-
10 forcement as determined by the Director;

11 “(iii) requests funding for drug treat-
12 ment activities that do not provide ade-
13 quate result and accountability measures
14 as determined by the Director;

15 “(iv) requests funding for any activi-
16 ties of the Safe and Drug Free Schools
17 Program that do not include a clear anti-
18 drug message or purpose intended to re-
19 duce drug use;

20 “(v) requests funding to enforce sec-
21 tion 484(r)(1) of the Higher Education
22 Act of 1965 (20 U.S.C. 1091(r)(1)) with
23 respect to convictions for drug-related of-
24 fenses not occurring during a period of en-
25 rollment for which the student was receiv-

1 ing any Federal grant, loan, or work as-
2 sistance;

3 “(vi) requests funding for drug treat-
4 ment activities that do not adequately sup-
5 port and enhance Federal drug treatment
6 programs and capacity, as determined by
7 the Director; or

8 “(vii) requests funding for fiscal year
9 2005 for activities of the Department of
10 Education, unless it is accompanied by a
11 report setting forth a plan for providing
12 expedited consideration of student loan ap-
13 plications for all individuals who submitted
14 an application for any Federal grant, loan,
15 or work assistance that was rejected or de-
16 nied pursuant to 484(r)(1) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1091(r)(1)) by reason of a conviction for a
19 drug-related offense not occurring during a
20 period of enrollment for which the indi-
21 vidual was receiving any Federal grant,
22 loan, or work assistance.”;

23 (3) in subparagraph (D)(iii), as so redesign-
24 nated, by inserting “and the authorizing committees

1 of Congress for the Office” after “House of Rep-
 2 resentatives”; and

3 (4) in subparagraph (E)(ii)(bb), as so redesign-
 4 nated, by inserting “and the authorizing committees
 5 of Congress for the Office” after “House of Rep-
 6 resentatives”.

7 (d) REPROGRAMMING AND TRANSFER REQUESTS.—
 8 Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amend-
 9 ed by striking “\$5,000,000” and inserting “\$1,000,000”.

10 (e) POWERS OF DIRECTOR.—Section 704(d) (21
 11 U.S.C. 1703(d)) is amended—

12 (1) in paragraph (8)(D), by striking “have been
 13 authorized by Congress;” and inserting “authorized
 14 by law;”;

15 (2) in paragraph (9)—

16 (A) by inserting “notwithstanding any
 17 other provision of law,” after “(9)”; and

18 (B) by striking “Strategy; and” and insert-
 19 ing “Strategy and notify the authorizing Com-
 20 mittees of Congress for the Office of any fund
 21 control notice issued;”;

22 (3) in paragraph (10), by striking “(22 U.S.C.
 23 2291j).” and inserting “(22 U.S.C. 2291j) and sec-
 24 tion 706 of the Department of State Authorization
 25 Act for Fiscal Year 2003 (22 U.S.C. 229j–l);”;

1 (4) by adding at the end the following new
2 paragraphs:

3 “(11) not later than August 1 of each year,
4 submit to the President a report, and transmit cop-
5 ies of the report to the Secretary of State and the
6 authorizing Committees of Congress for the Office,
7 that—

8 “(A) provides the Director’s assessment of
9 which countries are major drug transit coun-
10 tries or major illicit drug producing countries as
11 defined in section 481(e) of the Foreign Assist-
12 ance Act of 1961;

13 “(B) provides the Director’s assessment of
14 whether each country identified under subpara-
15 graph (A) has cooperated fully with the United
16 States or has taken adequate steps on its own
17 to achieve full compliance with the goals and
18 objectives established by the United Nations
19 Convention Against Illicit Traffic in Narcotic
20 Drugs and Psychotropic Substances and other-
21 wise has assisted in reducing the supply of il-
22 licit drugs to the United States; and

23 “(C) provides the Director’s assessment of
24 whether application of procedures set forth in
25 section 490(a) through (h) of the Foreign As-

1 sistance Act of 1961, as provided in section 706
2 of the Department of State Authorization Act
3 for Fiscal Year 2003, is warranted with respect
4 to countries the Director assesses have not co-
5 operated fully; and

6 “(12) appoint a United States Interdiction Co-
7 ordinator under subsection (i).”.

8 (f) UNITED STATES INTERDICTION COORDINATOR.—
9 Section 704 (21 U.S.C. 1703) is further amended by add-
10 ing at the end the following:

11 “(i) UNITED STATES INTERDICTION COORDI-
12 NATOR.—

13 “(1) IN GENERAL.—There shall be in the Office
14 a United States Interdiction Coordinator, who shall
15 be appointed by the Director and shall perform du-
16 ties determined by the Director with respect to co-
17 ordination of efforts to interdict illicit drugs from
18 the United States.

19 “(2) APPOINTMENT.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law (except subparagraph
22 (B)), the Director may appoint any individual
23 to serve as the United States Interdiction Coor-
24 dinator.

1 “(B) LIMITATION.—The Director may not
2 appoint to such position any individual who
3 concurrently serves as the head of any other
4 Federal department or agency or any subdivi-
5 sion thereof with responsibility for narcotics
6 interdiction activities, except the counter-
7 narcotics officer of the Department of Home-
8 land Security appointed under section 878 of
9 the Homeland Security Act of 2002 (6 U.S.C.
10 458).”.

11 (g) REQUIREMENT FOR SOUTH AMERICAN HEROIN
12 STRATEGY.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Director
15 of National Drug Control Policy shall submit to the
16 Congress a comprehensive strategy that addresses
17 the increased threat from South American heroin,
18 and in particular Colombian heroin.

19 (2) CONTENTS.—The strategy shall—

20 (A) include opium eradication efforts to
21 eliminate the problem at the source to prevent
22 it from reoccurring before the heroin enters the
23 stream of commerce;

24 (B) interdiction and precursor chemical
25 controls;

1 (C) demand reduction and treatment;

2 (D) provisions that ensure the maintenance at current levels of efforts to eradicate
3 coca in Colombia; and

4 (E) assessment of the level of additional
5 funding and resources necessary to simultaneously address the threat from South American
6 heroin and the threat from Colombian
7 coca.

8
9
10 **SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH**
11 **OTHER AGENCIES.**

12 Section 705 (21 U.S.C. 1704) is amended—

13 (1) in subsection (a)(1)(A), by striking
14 “abuse”;

15 (2) by amending paragraph (3) of subsection
16 (a) to read as follows:

17 “(3) REQUIRED REPORTS.—

18 “(A) SECRETARIES OF THE INTERIOR AND
19 AGRICULTURE.—The Secretaries of Agriculture
20 and Interior shall, by July 1 of each year, jointly
21 submit to the Director and the authorizing
22 Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on
23
24

lands owned or under the jurisdiction of the Federal Government for the preceding year.

“(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number and type of—

“(i) arrests for drug violations;

“(ii) prosecutions for drug violations by United States Attorneys; and

“(iii) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures.

“(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding—

“(i) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical

1 information on the geographic areas of
2 such seizures; and

3 “(ii) the number of air and maritime
4 patrol hours undertaken by each compo-
5 nent of the Department primarily dedi-
6 cated to drug supply reduction missions.

7 “(D) SECRETARY OF DEFENSE.—The Sec-
8 retary of Defense shall, by July 1 of each year,
9 submit to the Director and the authorizing
10 Committees of Congress for the Office informa-
11 tion for the preceding year regarding the num-
12 ber of air and maritime patrol hours primarily
13 dedicated to drug supply reduction missions un-
14 dertaken by each component of the Department
15 of Defense.”; and

16 (3) in subsection (b)(2)(B), by striking “Pro-
17 gram.” and inserting “Strategy.”.

18 **SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
19 **AND ASSESSMENT OF NATIONAL DRUG CON-**
20 **TROL STRATEGY.**

21 Section 706 (21 U.S.C. 1705) is amended to read as
22 follows:

1 **“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
2 **AND ASSESSMENT OF NATIONAL DRUG CON-**
3 **TROL STRATEGY.**

4 “(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-
5 OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL
6 STRATEGY.—

7 “(1) IN GENERAL.—Not later than February 1
8 of each year, the President shall submit to Congress
9 a National Drug Control Strategy, which shall set
10 forth a comprehensive plan for reducing illicit drug
11 use and the consequences of illicit drug use in the
12 United States by reducing the demand for illegal
13 drugs, limiting the availability of illegal drugs, and
14 conducting law enforcement activities with respect to
15 illegal drugs.

16 “(2) CONTENTS.—

17 “(A) IN GENERAL.—The National Drug
18 Control Strategy submitted under paragraph
19 (1) shall include—

20 “(i) comprehensive, research-based,
21 long-range, and quantifiable goals for re-
22 ducing illicit drug use and the con-
23 sequences of illicit drug use in the United
24 States;

25 “(ii) annual objectives and strategy
26 for demand reduction, supply reduction,

1 and law enforcement activities, specific tar-
2 gets to accomplish long-range quantifiable
3 reduction in illicit drug use as determined
4 by the Director, and specific measurements
5 to evaluate progress toward the targets
6 and strategic goals;

7 “(iii) a strategy to reduce the avail-
8 ability and purity of illegal drugs and the
9 level of drug-related crime in the United
10 States;

11 “(iv) an assessment of Federal effec-
12 tiveness in achieving the National Drug
13 Control Strategy for the previous year, in-
14 cluding—

15 “(I) a specific evaluation of
16 whether the objectives and targets for
17 reducing illicit drug use for the pre-
18 vious year were met and reasons for
19 the success or failure of the previous
20 year’s Strategy; and

21 “(II) an assessment of the avail-
22 ability and purity of illegal drugs and
23 the level of drug-related crime in the
24 United States;

1 “(v) notification of any program or
2 budget priorities that the Director expects
3 to significantly change from the current
4 Strategy over the next five years;

5 “(vi) a review of international, State,
6 local, and private sector drug control ac-
7 tivities to ensure that the United States
8 pursues well-coordinated and effective drug
9 control at all levels of government;

10 “(vii) such statistical data and infor-
11 mation as the Director deems appropriate
12 to demonstrate and assess trends relating
13 to illicit drug use, the effects and con-
14 sequences thereof, supply reduction, de-
15 mand reduction, drug-related law enforce-
16 ment, and the implementation of the Na-
17 tional Drug Control Strategy; and

18 “(viii) a supplement reviewing the ac-
19 tivities of each individual National Drug
20 Control Program agency during the pre-
21 vious year with respect to the National
22 Drug Control Strategy and the Director’s
23 assessment of the progress of each Na-
24 tional Drug Control Program agency in

1 meeting its responsibilities under the Na-
2 tional Drug Control Strategy.

3 “(B) CLASSIFIED INFORMATION.—Any
4 contents of the National Drug Control Strategy
5 that involve information properly classified
6 under criteria established by an Executive order
7 shall be presented to Congress separately from
8 the rest of the National Drug Control Strategy.

9 “(C) SELECTION OF DATA AND INFORMA-
10 TION.—In selecting data and information for
11 inclusion under subparagraph (A), the Director
12 shall ensure—

13 “(i) the inclusion of data and informa-
14 tion that will permit analysis of current
15 trends against previously compiled data
16 and information where the Director be-
17 lieves such analysis enhances long-term as-
18 sessment of the National Drug Control
19 Strategy; and

20 “(ii) the inclusion of data and infor-
21 mation to permit a standardized and uni-
22 form assessment of the effectiveness of
23 drug treatment programs in the United
24 States.

1 “(3) PROCESS FOR DEVELOPMENT AND SUB-
2 MISSION.—

3 “(A) CONSULTATION.—In developing and
4 effectively implementing the National Drug
5 Control Strategy, the Director—

6 “(i) shall consult with—

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

9 “(II) Congress;

10 “(III) State and local officials;

11 “(IV) private citizens and organi-
12 zations with experience and expertise
13 in demand reduction;

14 “(V) private citizens and organi-
15 zations with experience and expertise
16 in supply reduction;

17 “(VI) private citizens and organi-
18 zations with experience and expertise
19 in law enforcement; and

20 “(VII) appropriate representa-
21 tives of foreign governments;

22 “(ii) with the concurrence of the At-
23 torney General, may require the El Paso
24 Intelligence Center to undertake specific

1 tasks or projects to implement the Na-
2 tional Drug Control Strategy;

3 “(iii) with the concurrence of the Di-
4 rector of Central Intelligence and the At-
5 torney General, may request that the Na-
6 tional Drug Intelligence Center undertake
7 specific tasks or projects to implement the
8 National Drug Control Strategy; and

9 “(iv) may make recommendations to
10 the Secretary of Health and Human Serv-
11 ices on research that supports or advances
12 the National Drug Control Strategy.

13 “(B) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include
14 recommendations of research to be performed
15 at the National Institutes of Health, including
16 the National Institute on Drug Abuse, or any
17 other appropriate agency within the Depart-
18 ment of Health and Human Services.

19 “(C) INCLUSION IN STRATEGY.—The Na-
20 tional Drug Control Strategy under this sub-
21 section shall include a list of each entity con-
22 sulted under subparagraph (A)(i).

23 “(4) SUBMISSION OF REVISED STRATEGY.—The
24 President may submit to Congress a revised Na-
25

1 tional Drug Control Strategy that meets the require-
2 ments of this section—

3 “(A) at any time, upon a determination by
4 the President, in consultation with the Director,
5 that the National Drug Control Strategy in ef-
6 fect is not sufficiently effective; or

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

9 “(b) PERFORMANCE MEASUREMENT SYSTEM.—Not
10 later than February 1 of each year, the Director shall sub-
11 mit to Congress a description of the national drug control
12 performance measurement system, designed in consulta-
13 tion with affected National Drug Control Program agen-
14 cies, that includes performance measures for the National
15 Drug Control Strategy and activities of National Drug
16 Control Program agencies related to the National Drug
17 Control Strategy.”.

18 **SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—Section 707 (21 U.S.C. 1706) is
21 amended to read as follows:

22 **“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS**
23 **PROGRAM.**

24 “(a) ESTABLISHMENT.—There is established in the
25 Office a program to be known as the High Intensity Drug

1 Trafficking Areas Program (in this section referred to as
2 the ‘Program’).

3 “(b) PURPOSES.—The purposes of the Program are
4 the following:

5 “(1) To reduce drug availability and facilitate
6 cooperative efforts between Federal, State, and local
7 law enforcement agencies in areas with significant
8 drug trafficking problems that harmfully impact
9 other parts of the Nation.

10 “(2) To provide assistance to agencies to come
11 together to assess regional threats, design coordi-
12 nated strategies to combat those threats, share intel-
13 ligence, and develop and implement coordinated ini-
14 tiatives to implement the strategies.

15 “(c) DESIGNATION.—The Director, upon consulta-
16 tion with the Attorney General, the Secretary of the
17 Treasury, the Secretary of Homeland Security, heads of
18 the National Drug Control Program agencies, and the
19 Governor of each applicable State, may designate any
20 specified area of the United States as a high intensity
21 drug trafficking area.

22 “(d) FACTORS FOR CONSIDERATION.—

23 “(1) IN GENERAL.—In considering whether to
24 designate an area under this section as a high inten-
25 sity drug trafficking area, the Director shall con-

1 sider, in addition to such other criteria as the Direc-
2 tor considers to be appropriate, the extent to
3 which—

4 “(A) the area is a major center of illegal
5 drug production, manufacturing, importation,
6 or distribution for the United States as com-
7 pared to other areas of the United States;

8 “(B) State and local law enforcement
9 agencies have committed resources to respond
10 to the drug trafficking problem in the area,
11 thereby indicating a determination to respond
12 aggressively to the problem;

13 “(C) drug production, manufacturing, im-
14 portation, or distribution in the area is having
15 a significant harmful impact in other areas of
16 the United States; and

17 “(D) a significant increase in allocation of
18 Federal resources is necessary to respond ade-
19 quately to drug-related activities in the area.

20 “(2) CONSIDERATIONS.—For purposes of para-
21 graph (1)(A), in considering whether an area is a
22 major center of illegal drug production, manufac-
23 turing, importation, or distribution as compared to
24 other areas of the United States, the Director shall
25 consider—

1 “(A) the quantity of illicit drug traffic en-
2 tering or transiting the area originating in for-
3 eign countries;

4 “(B) the quantity of illicit drugs produced
5 in the area;

6 “(C) the number of Federal, State, and
7 local arrests, prosecutions, and convictions for
8 drug trafficking and distribution offenses in the
9 area;

10 “(D) the degree to which the area is a cen-
11 ter for the activities of national drug trafficking
12 organizations; and

13 “(E) such other criteria as the Director
14 considers appropriate.

15 “(e) SOUTHWEST BORDER.—The Director may not
16 designate any county contiguous to the international land
17 border with Mexico as part of any high intensity drug traf-
18 ficking area other than as part of a single Southwest Bor-
19 der high intensity drug trafficking area.

20 “(f) REMOVAL FROM DESIGNATION.—The Director
21 may remove an area or portion of an area from designa-
22 tion as a high intensity drug trafficking area under this
23 section upon determination that the area or portion of an
24 area no longer is a high intensity drug trafficking area,
25 considering the factors in subsections (d) and (e) in addi-

1 tion to such other criteria as the Director considers to be
2 appropriate.

3 “(g) AUTHORITY OF THE DIRECTOR.—After making
4 such a designation and in order to provide Federal assist-
5 ance to the area so designated, the Director may—

6 “(1) obligate such sums as appropriated for the
7 Program, in accordance with subsection (h);

8 “(2) direct the temporary reassignment of Fed-
9 eral personnel to such area, subject to the approval
10 of the head of the department or agency that em-
11 ploys such personnel; and

12 “(3) take any other action authorized under
13 section 704 to provide increased Federal assistance
14 to those areas.

15 “(h) ALLOCATION OF FUNDING.—In obligating sums
16 appropriated for the Program, the Director shall comply
17 with the following:

18 “(1) 30 PERCENT SET ASIDE.—The Director
19 shall expend no less than 30 percent of the amounts
20 appropriated under this section in the seven high in-
21 tensity drug trafficking areas (excluding the South-
22 west Border high intensity drug trafficking area) for
23 which the Director determines that Program activi-
24 ties with respect to such areas will have the greatest

1 impact on reducing overall drug traffic in the United
2 States.

3 “(2) 25 PERCENT SET ASIDE.—The Director
4 shall expend no less than 25 percent of the amounts
5 appropriated under this section in nine other high
6 intensity drug trafficking areas (excluding the
7 Southwest Border high intensity drug trafficking
8 area) for which the Director determines that Pro-
9 gram activities with respect to such areas will have
10 the next greatest impact on reducing overall drug
11 traffic in the United States.

12 “(3) SOUTHWEST BORDER AREA.—

13 “(A) 20 PERCENT SET ASIDE.—The Direc-
14 tor shall expend no less than 20 percent of the
15 amounts appropriated under this section in the
16 Southwest Border high intensity drug traf-
17 ficking area.

18 “(B) REALLOCATION WITHIN AREA.—The
19 executive committee of the Southwest Border
20 high intensity drug trafficking area may reallo-
21 cate up to five percent of the total funds allo-
22 cated to that area among its components, with
23 the approval of the Director.

24 “(4) REMAINING AREAS.—The Director shall
25 expend no less than 10 percent of the amounts ap-

1 appropriated under this section in the remaining high
2 intensity drug trafficking areas.

3 “(5) DISCRETIONARY EXPENDITURES.—

4 “(A) IN GENERAL.—In addition to the
5 amounts allocated under paragraphs (1)
6 through (4) the Director may expend 15 per-
7 cent of the amounts appropriated under this
8 section on a discretionary basis.

9 “(B) CONSIDERATION OF IMPACT.—In al-
10 locating funds under this paragraph, the Direc-
11 tor shall consider—

12 “(i) the impact of activities funded on
13 reducing overall drug traffic in the United
14 States;

15 “(ii) performance measures of effec-
16 tiveness; and

17 “(iii) such other criteria as the Direc-
18 tor considers appropriate.

19 “(i) USE OF FUNDS.—

20 “(1) LIMITATION.—No funds appropriated for
21 the Program shall be expended for drug treatment
22 programs.

23 “(2) LIMITATION ON APPLICABILITY.—Para-
24 graph (1) shall not apply with respect to the

1 Baltimore/Washington high intensity drug traf-
2 ficking area.

3 “(j) TERRORISM ACTIVITIES.—

4 “(1) ASSISTANCE AUTHORIZED.—The Director
5 may authorize use of resources available for the Pro-
6 gram to assist Federal, State, and local law enforce-
7 ment agencies in investigations and activities related
8 to terrorism and prevention of terrorism, especially
9 but not exclusively where such investigations are re-
10 lated to drug trafficking.

11 “(2) LIMITATION.—The Director shall ensure—

12 “(A) that assistance provided under para-
13 graph (1) remains incidental to the purpose of
14 the Program to reduce drug availability and
15 carry out drug-related law enforcement activi-
16 ties; and

17 “(B) that significant resources of the Pro-
18 gram are not redirected to activities exclusively
19 related to terrorism.

20 “(k) BOARD REPRESENTATION.—None of the funds
21 appropriated under this section may be expended for any
22 high intensity drug trafficking area, or for a partnership
23 under the Program, if the executive board or equivalent
24 governing committee with respect to such area or partner-
25 ship is not comprised of equal voting representation be-

1 tween representatives of Federal law enforcement agencies
2 and representatives of State and local law enforcement
3 agencies.

4 “(l) ROLE OF DRUG ENFORCEMENT ADMINISTRA-
5 TION.—The Director, in consultation with the Attorney
6 General, shall ensure that a representative of the Drug
7 Enforcement Administration is included in the Intelligence
8 Support Center for each high intensity drug trafficking
9 area.

10 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to the Office of National
12 Drug Control Policy to carry out this section—

13 “(1) \$230,000,000 for fiscal year 2004;

14 “(2) \$240,000,000 for each of fiscal years 2005
15 and 2006; and

16 “(3) \$250,000,000 for each of fiscal years 2007
17 and 2008.”.

18 (b) REVIEW OF CURRENT AREAS.—Within one year
19 after the date of enactment of this Act, the Director of
20 National Drug Control Policy shall—

21 (1) review each of the areas currently des-
22 ignated as a high intensity drug trafficking area to
23 determine whether it continues to warrant designa-
24 tion as a high intensity drug trafficking area, con-
25 sidering the factors in section 707(d) of the Office

1 of National Drug Control Policy Reauthorization Act
2 of 1998, as amended by this section, in addition to
3 such other criteria as the Director considers to be
4 appropriate; and

5 (2) terminate such description for an area or
6 portion of an area determined to no longer warrant
7 designation.

8 **SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG**
9 **TRAFFICKING AREAS.**

10 (a) SHORT TITLE.—This section may be cited as the
11 “Dawson Family Community Protection Act”.

12 (b) FINDINGS.—Congress finds the following:

13 (1) In the early morning hours of October 16,
14 2002, the home of Carnell and Angela Dawson was
15 firebombed in apparent retaliation for Mrs.
16 Dawson’s notification of police about persistent drug
17 distribution activity in their East Baltimore City
18 neighborhood.

19 (2) The arson claimed the lives of Mr. and Mrs.
20 Dawson and their 5 young children, aged 9 to 14.

21 (3) The horrific murder of the Dawson family
22 is a stark example of domestic narco-terrorism.

23 (4) In all phases of counter-narcotics law en-
24 forcement—from prevention to investigation to pros-

1 ecution to reentry—the voluntary cooperation of or-
2 dinary citizens is a critical component.

3 (5) Voluntary cooperation is difficult for law en-
4 forcement officials to obtain when citizens feel that
5 cooperation carries the risk of violent retaliation by
6 illegal drug trafficking organizations and their affili-
7 ates.

8 (6) Public confidence that law enforcement is
9 doing all it can to make communities safe is a pre-
10 requisite for voluntary cooperation among people
11 who may be subject to intimidation or reprisal (or
12 both).

13 (7) Witness protection programs are insufficient
14 on their own to provide security because many indi-
15 viduals and families who strive every day to make
16 distressed neighborhoods livable for their children,
17 other relatives, and neighbors will resist or refuse of-
18 fers of relocation by local, State, and Federal pros-
19 ecutorial agencies and because, moreover, the contin-
20 ued presence of strong individuals and families is
21 critical to preserving and strengthening the social
22 fabric in such communities.

23 (8) Where (as in certain sections of Baltimore
24 City) interstate trafficking of illegal drugs has severe
25 ancillary local consequences within areas designated

1 as high intensity drug trafficking areas, it is impor-
2 tant that supplementary High Intensity Drug Traf-
3 ficking Areas Program funds be committed to sup-
4 port initiatives aimed at making the affected com-
5 munities safe for the residents of those communities
6 and encouraging their cooperation with local, State,
7 and Federal law enforcement efforts to combat ille-
8 gal drug trafficking.

9 (c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG
10 TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706) is
11 further amended in subsection (h) by adding at the end
12 the following new paragraph:

13 “(6) SPECIFIC PURPOSES.—

14 “(A) IN GENERAL.—The Director shall en-
15 sure that, of the amounts appropriated for a
16 fiscal year for the Program, at least \$1,000,000
17 is used in high intensity drug trafficking areas
18 with severe neighborhood safety and illegal drug
19 distribution problems.

20 “(B) REQUIRED USES.—The funds used
21 under subparagraph (A) shall be used—

22 “(i) to ensure the safety of neighbor-
23 hoods and the protection of communities,
24 including the prevention of the intimidat-

1 tion of potential witnesses of illegal drug
 2 distribution and related activities; and
 3 “(ii) to combat illegal drug trafficking
 4 through such methods as the Director con-
 5 siders appropriate, such as establishing or
 6 operating (or both) a toll-free telephone
 7 hotline for use by the public to provide in-
 8 formation about illegal drug-related activi-
 9 ties.”.

10 **SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECH-**
 11 **NOLOGY ASSESSMENT CENTER.**

12 (a) CHIEF SCIENTIST.—Section 708(b) (21 U.S.C.
 13 1707(b)) is amended—

14 (1) in the heading by striking “DIRECTOR OF
 15 TECHNOLOGY.—” and inserting “CHIEF SCI-
 16 ENTIST.—”; and

17 (2) by striking “Director of Technology,” and
 18 inserting “Chief Scientist,”.

19 (b) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—
 20 Section 708(c) (21 U.S.C. 1707(c)) is amended to read
 21 as follows:

22 “(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-
 23 TOR OF NATIONAL DRUG CONTROL POLICY.—

24 “(1) IN GENERAL.—The Director, acting
 25 through the Chief Scientist shall—

1 “(A) identify and define the short-, me-
2 dium-, and long-term scientific and techno-
3 logical needs of Federal, State, and local law
4 enforcement agencies relating to drug enforce-
5 ment, including—

6 “(i) advanced surveillance, tracking,
7 and radar imaging;

8 “(ii) electronic support measures;

9 “(iii) communications;

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

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

15 “(B) identify demand reduction (including
16 drug prevention) basic and applied research
17 needs and initiatives, in consultation with af-
18 fected National Drug Control Program agen-
19 cies, including—

20 “(i) improving treatment through
21 neuroscientific advances;

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

24 “(iii) in consultation with the Na-
25 tional Institute on Drug Abuse and the

1 Substance Abuse and Mental Health Serv-
2 ices Administration, and through inter-
3 agency agreements or grants, examining
4 addiction and rehabilitation research and
5 the application of technology to expanding
6 the effectiveness or availability of drug
7 treatment;

8 “(C) make a priority ranking of such needs
9 identified in subparagraphs (A) and (B) accord-
10 ing to fiscal and technological feasibility, as
11 part of a National Counter-Drug Enforcement
12 Research and Development Program;

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

16 “(E) oversee and coordinate a technology
17 transfer program for the transfer of technology
18 to State and local law enforcement agencies;
19 and

20 “(F) pursuant to the authority of the Di-
21 rector of National Drug Control Policy under
22 section 704, submit requests to Congress for
23 the reprogramming or transfer of funds appro-
24 priated for counter-drug technology research
25 and development.

1 “(2) PRIORITIES IN TRANSFERRING TECH-
2 NOLOGY.—In transferring technology under the au-
3 thority of paragraph (1)(E), the Chief Scientist shall
4 give priority, in transferring technologies most likely
5 to assist in drug interdiction and border enforce-
6 ment, to State, local, and tribal law enforcement
7 agencies in southwest border areas and northern
8 border areas with significant traffic in illicit drugs.

9 “(3) LIMITATION ON AUTHORITY.—The author-
10 ity granted to the Director under this subsection
11 shall not extend to the award of contracts, manage-
12 ment of individual projects, or other operational ac-
13 tivities.”.

14 (c) ASSISTANCE FROM SECRETARY OF HOMELAND
15 SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is
16 amended by inserting “, the Secretary of Homeland Secu-
17 rity,” after “The Secretary of Defense”.

18 **SEC. 9. REPEALS.**

19 The following provisions are repealed:

20 (1) Sections 709 and 711 (21 U.S.C. 1708 and
21 1710).

22 (2) Section 6073 of the Asset Forfeiture
23 Amendments Act of 1988 (21 U.S.C. 1509).

1 **SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

2 (a) IN GENERAL.—The Act is further amended by
3 inserting after section 708 the following:

4 **“SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

5 “(a) IN GENERAL.—The Director shall conduct a na-
6 tional media campaign in accordance with this section for
7 the purpose of reducing and preventing illicit drug use
8 among young people in the United States, through mass
9 media advertising.

10 “(b) USE OF FUNDS.—

11 “(1) IN GENERAL.—Amounts made available to
12 carry out this section for the media campaign may
13 only be used for the following:

14 “(A) The purchase of media time and
15 space.

16 “(B) Creative and talent costs.

17 “(C) Advertising production costs.

18 “(D) Testing and evaluation of advertising.

19 “(E) Evaluation of the effectiveness of the
20 media campaign.

21 “(F) The negotiated fees for the winning
22 bidder on requests for proposals issued either
23 by the Office or its designee for purposes other-
24 wise authorized in this section.

1 “(G) Partnerships with community, civic,
2 and professional groups and government organi-
3 zations related to the media campaign.

4 “(H) Entertainment industry outreach,
5 interactive outreach, media projects and activi-
6 ties, public information, news media outreach,
7 and corporate sponsorship and participation.

8 “(I) Operational and management ex-
9 penses.

10 “(2) SPECIFIC REQUIREMENTS.—

11 “(A) CREATIVE SERVICES.—

12 “(i) In using amounts for creative and
13 talent costs under paragraph (1)(B), the
14 Director shall use creative services donated
15 at no cost to the Government wherever fea-
16 sible and may only procure creative serv-
17 ices for advertising—

18 “(I) responding to high-priority
19 or emergent campaign needs that can-
20 not timely be obtained at no cost; or

21 “(II) intended to reach a minor-
22 ity, ethnic, or other special audience
23 that cannot reasonably be obtained at
24 no cost.

1 “(ii) No more than \$1,000,000 may
2 be expended under this section each fiscal
3 year on creative services, except that the
4 Director may expend up to \$2,000,000 in
5 a fiscal year on creative services to meet
6 urgent needs of the media campaign with
7 advance approval from the Committee on
8 Appropriations of the House of Represent-
9 atives and of the Senate upon a showing of
10 the circumstances causing such urgent
11 needs of the media campaign.

12 “(B) TESTING AND EVALUATION OF AD-
13 VERTISING.—In using amounts for testing and
14 evaluation of advertising under paragraph
15 (1)(D), the Director shall test all advertise-
16 ments prior to use in the media campaign to
17 ensure that the advertisements are effective and
18 meet industry-accepted standards. The Director
19 may waive this requirement for advertisements
20 using no more than 10 percent of the purchase
21 of advertising time purchased under this section
22 in an fiscal year and no more than 10 percent
23 of the advertising space purchased under this
24 section in a fiscal year, if the advertisements re-
25 spond to emergent and time-sensitive campaign

1 needs or the advertisements will not be widely
2 utilized in the media campaign.

3 “(C) EVALUATION OF EFFECTIVENESS OF
4 MEDIA CAMPAIGN.—In using amounts for the
5 evaluation of the effectiveness of the media
6 campaign under paragraph (1)(E), the Director
7 shall—

8 “(i) designate an independent entity
9 to evaluate annually the effectiveness of
10 the national media campaign based on
11 data from—

12 “(I) the ‘Monitoring the Future
13 Study’ published by the Department
14 of Health and Human Services;

15 “(II) the Attitude Tracking
16 Study published by the Partnership
17 for a Drug Free America;

18 “(III) the National Household
19 Survey on Drug Abuse; and

20 “(IV) other relevant studies or
21 publications, as determined by the Di-
22 rector, including tracking and evalua-
23 tion data collected according to mar-
24 keting and advertising industry stand-
25 ards; and

1 “(ii) ensure that the effectiveness of
2 the media campaign is evaluated in a man-
3 ner that enables consideration of whether
4 the media campaign has contributed to re-
5 duction of illicit drug use among youth and
6 such other measures of evaluation as the
7 Director determines are appropriate.

8 “(3) PURCHASE OF ADVERTISING TIME AND
9 SPACE.—For each fiscal year, not less than 77 per-
10 cent of the amounts appropriated under this section
11 shall be used for the purchase of advertising time
12 and space for the media campaign, subject to the
13 following exceptions:

14 “(A) In any fiscal year for which less than
15 \$125,000,000 is appropriated for the media
16 campaign, not less than 82 percent of the
17 amounts appropriated under this section shall
18 be used for the purchase of advertising time
19 and space for the media campaign.

20 “(B) In any fiscal year for which more
21 than \$195,000,000 is appropriated under this
22 section, not less than 72 percent shall be used
23 for advertising production costs and the pur-
24 chase of advertising time and space for the
25 media campaign.

1 “(c) ADVERTISING.—In carrying out this section, the
2 Director shall devote sufficient funds to the advertising
3 portion of the national media campaign to meet the goals
4 of the campaign.

5 “(d) PROHIBITIONS.—None of the amounts made
6 available under subsection (b) may be obligated or ex-
7 pended for any of the following:

8 “(1) To supplant current antidrug community-
9 based coalitions.

10 “(2) To supplant pro bono public service time
11 donated by national and local broadcasting networks
12 for other public service campaigns.

13 “(3) For partisan political purposes, or express
14 advocacy in support of or to defeat any clearly iden-
15 tified candidate, clearly identified ballot initiative, or
16 clearly identified legislative or regulatory proposal.

17 “(4) To fund advertising that features any
18 elected officials, persons seeking elected office, cabi-
19 net level officials, or other Federal officials employed
20 pursuant to section 213 of Schedule C of title 5,
21 Code of Federal Regulations.

22 “(5) To fund advertising that does not contain
23 a primary message intended to reduce or prevent il-
24 licit drug use.

1 “(6) To fund advertising containing a primary
2 message intended to promote support for the media
3 campaign or private sector contributions to the
4 media campaign.

5 “(e) MATCHING REQUIREMENT.—

6 “(1) IN GENERAL.—Amounts made available
7 under subsection (b) shall be matched by an equal
8 amount of non-Federal funds for the media cam-
9 paign, or be matched with in-kind contributions of
10 the same value.

11 “(2) NO-COST MATCH ADVERTISING DIRECT RE-
12 LATIONSHIP REQUIREMENT.—The Director shall en-
13 sure that at least 70 percent of no-cost match adver-
14 tising provided directly relates to substance abuse
15 prevention consistent with the specific purposes of
16 the media campaign, except that in any fiscal year
17 in which less than \$125,000,000 is appropriated to
18 the media campaign, the Director shall ensure that
19 at least 85 percent of no-cost match advertising di-
20 rectly relates to substance abuse prevention con-
21 sistent with the specific purposes of the media cam-
22 paign.

23 “(3) NO-COST MATCH ADVERTISING NOT DI-
24 RECTLY RELATED.—The Director shall ensure that
25 no-cost match advertising that does not directly re-

1 late to substance abuse prevention includes a clear
2 antidrug message. Such message is not required to
3 be the primary message of the match advertising.

4 “(f) FINANCIAL AND PERFORMANCE ACCOUNT-
5 ABILITY.—The Director shall cause to be performed—

6 “(1) audits and reviews of costs of the media
7 campaign pursuant to section 304C of the Federal
8 Property and Administrative Services Act of 1949
9 (41 U.S.C. 254d); and

10 “(2) an audit of the cost of the media campaign
11 described in section 306 of such Act (41 U.S.C.
12 256).

13 “(g) STRATEGIC GUIDANCE AND DONATIONS.—The
14 Partnership for a Drug Free America shall serve as the
15 primary outside strategic advisor to the media campaign
16 and be responsible for coordinating donations of creative
17 and other services to the campaign, except with respect
18 to advertising created using funds permitted in subsection
19 (b). The Director shall inform the Partnership for a Drug
20 Free America of the strategic goals of the campaign and
21 consider advice from the Partnership for a Drug Free
22 America on media campaign strategy.

23 “(h) REPORT TO CONGRESS.—The Director shall
24 submit on an annual basis a report to Congress that de-
25 scribes—

1 “(1) the strategy of the media campaign and
2 whether specific objectives of the media campaign
3 were accomplished;

4 “(2) steps taken to ensure that the media cam-
5 paign operates in an effective and efficient manner
6 consistent with the overall strategy and focus of the
7 media campaign;

8 “(3) plans to purchase advertising time and
9 space;

10 “(4) policies and practices implemented to en-
11 sure that Federal funds are used responsibly to pur-
12 chase advertising time and space and eliminate the
13 potential for waste, fraud, and abuse; and

14 “(5) all contracts entered into with a corpora-
15 tion, partnership, or individual working on behalf of
16 the media campaign.

17 “(i) LOCAL TARGET REQUIREMENT.—The Director
18 shall, to the maximum extent feasible, use amounts made
19 available under this section for media that focuses on, or
20 includes specific information on, prevention or treatment
21 resources for consumers within specific local areas.

22 “(j) PREVENTION OF MARIJUANA USE.—

23 “(1) FINDINGS.—The Congress finds the fol-
24 lowing:

1 “(A) 60 percent of adolescent admissions
2 for drug treatment are based on marijuana use.

3 “(B) Potency levels of contemporary mari-
4 juana, particularly hydroponically grown mari-
5 juana, are significantly higher than in the past,
6 rising from under 1 percent of THC in the mid-
7 1970s to as high as 30 percent today.

8 “(C) Contemporary research has dem-
9 onstrated that youths smoking marijuana early
10 in life may be up to five times more likely to
11 use hard drugs.

12 “(D) Contemporary research has dem-
13 onstrated clear detrimental effects in adolescent
14 educational achievement resulting from mari-
15 juana use.

16 “(E) Contemporary research has dem-
17 onstrated clear detrimental effects in adolescent
18 brain development resulting from marijuana
19 use.

20 “(F) An estimated 9,000,000 Americans a
21 year drive while under the influence of illegal
22 drugs, including marijuana.

23 “(G) Marijuana smoke contains 50 to 70
24 percent more of certain cancer causing chemi-
25 cals than tobacco smoke.

1 “(H) Teens who use marijuana are up to
2 four times more likely to have a teen pregnancy
3 than teens who have not.

4 “(I) Federal law enforcement agencies
5 have identified clear links suggesting that trade
6 in hydroponic marijuana facilitates trade by
7 criminal organizations in hard drugs, including
8 heroin.

9 “(J) Federal law enforcement agencies
10 have identified possible links between trade in
11 marijuana and financing for terrorist organiza-
12 tions.

13 “(2) EMPHASIS ON PREVENTION OF YOUTH
14 MARIJUANA USE.—In conducting advertising and ac-
15 tivities otherwise authorized under this section, the
16 Director may emphasize prevention of youth mari-
17 juana use.

18 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to the Office to carry out
20 this section, \$195,000,000 for each of fiscal years 2004
21 and 2005 and \$210,000,000 for each of fiscal years 2006
22 through 2008.”.

23 (b) REPEAL OF SUPERSEDED PROVISIONS.—The
24 Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801
25 et seq.) is repealed.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 714 (21 U.S.C. 1711) is amended—

3 (1) by striking “title,” and inserting “title, ex-
4 cept activities for which amounts are otherwise spe-
5 cifically authorized by this title,”; and

6 (2) by striking “1999 through 2003” and in-
7 serting “2004 through 2008”.

8 **SEC. 12. EXTENSION OF TERMINATION DATE.**

9 Section 715(a) is amended by striking “September
10 30, 2003, this title and the amendments made by this title
11 are repealed” and inserting “September 30, 2008, this
12 title is repealed”.

Passed the House of Representatives September 30,
2003.

Attest:

JEFF TRANDAHL,
Clerk.