

OFFICE OF NATIONAL DRUG CONTROL POLICY
REAUTHORIZATION ACT OF 2003

JUNE 19, 2003.—Ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government
Reform, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2086]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 2086) to reauthorize the Office of National Drug Control Policy, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

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

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

(c) **TABLE OF CONTENTS.**—The table of contents of 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.

SEC. 2. AMENDMENTS TO DEFINITIONS.

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

- (1) in paragraph (1)—
 - (A) by striking “and” at the end of subparagraph (F);
 - (B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and
 - (C) by adding at the end the following:
 - “(H) interventions for drug abuse and dependence; and
 - “(I) international drug control coordination and cooperation with respect to activities described in this paragraph.”
- (2) in paragraph (9), by striking “implicates” and inserting “indicates”;
- (3) in paragraph (10)—
 - (A) by striking “and” at the end of subparagraph (B);
 - (B) by striking the period at the end of subparagraph (C) and inserting “; and”; and
 - (C) by adding at the end the following:
 - “(D) domestic drug law enforcement, including law enforcement directed at drug users.”; and
- (4) in paragraph (11)—
 - (A) by inserting before the semicolon in subparagraph (A) the following:
 - “(including source country programs, and law enforcement outside the United States)”;
 - (B) by inserting “and” after the semicolon in subparagraph (B);
 - (C) by striking “; and” at the end of subparagraph (C) and inserting a period; and
 - (D) by striking subparagraph (D).

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

- (1) in subparagraph (A), by striking “(G)” and inserting “(H)”; and
- (2) in subparagraph (C)—
 - (A) by striking “(C)” and inserting “(D)”; and
 - (B) by striking “and subparagraph (D) of section 702(11)”.

SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

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

- (1) by striking “permanent employee” and inserting “officer or employee”; and
- (2) by striking “serve as the Director” and inserting “serve as the acting Director”.

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

- (1) in paragraph (4), by striking “Federal departments and agencies engaged in drug enforcement,” and inserting “National Drug Control Program agencies,”;
- (2) by inserting “and” at the end of paragraph (12);
- (3) by striking paragraphs (13) and (14); and
- (4) by redesignating paragraph (15) as paragraph (13).

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

- (1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;
 - (2) by inserting after subparagraph (B) the following new subparagraph:
 - “(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—
 - “(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;
 - “(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;
 - “(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;
 - “(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;
 - “(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;
 - “(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or
 - “(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091 (r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.”;
 - (3) in subparagraph (D)(iii), as so redesignated, by inserting “and the authorizing committees of Congress for the Office” after “House of Representatives”; and
 - (4) in subparagraph (E)(ii)(bb), as so redesignated, by inserting “and the authorizing committees of Congress for the Office” after “House of Representatives”.
- (d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking “\$5,000,000” and inserting “\$1,000,000”.
- (e) POWERS OF DIRECTOR.—Section 704(d) (21 U.S.C. 1703(d)) is amended—
- (1) in paragraph (8)(D), by striking “have been authorized by Congress;” and inserting “authorized by law;”;
 - (2) in paragraph (9)—
 - (A) by inserting “notwithstanding any other provision of law,” after “(9);” and
 - (B) by striking “Strategy; and” and inserting “Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;”;
 - (3) in paragraph (10), by striking “(22 U.S.C. 2291j).” and inserting “(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–1);”;
 - (4) by adding at the end the following new paragraphs:
 - “(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing Committees of Congress for the Office, that—
 - “(A) provides the Director’s assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;
 - “(B) provides the Director’s assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

“(C) provides the Director’s assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

“(12) appoint a United States Interdiction Coordinator under subsection (i).”.

(f) UNITED STATES INTERDICTION COORDINATOR.—Section 704 (21 U.S.C. 1703) is further amended by adding at the end the following:

“(i) UNITED STATES INTERDICTION COORDINATOR.—

“(1) IN GENERAL.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

“(2) APPOINTMENT.—

“(A) IN GENERAL.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

“(B) LIMITATION.—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).”.

(g) REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.—

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

(2) CONTENTS.—The strategy shall—

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

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

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

(E) assessment of the level of additional funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Columbian coca.

SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

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

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

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

“(3) REQUIRED REPORTS.—

“(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

“(B) 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 information on the geographic areas of such seizures; and

“(ii) the number of air and maritime patrol hours undertaken by each component of the Department primarily dedicated to drug supply reduction missions.

“(D) SECRETARY OF DEFENSE.—The Secretary of Defense 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 of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.”; and

(3) in subsection (b)(2)(B), by striking “Program.” and inserting “Strategy.”.

SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

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

“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

“(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

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

“(2) CONTENTS.—

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

“(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

“(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

“(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

“(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

“(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year’s Strategy; and

“(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

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

“(vi) a review of international, State, 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;

“(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

“(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director’s assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

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

“(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

“(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where

the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

“(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

“(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

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

“(i) 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;

“(V) private citizens and organizations with experience and expertise in supply reduction;

“(VI) private citizens and organizations with experience and expertise in law enforcement; and

“(VII) appropriate representatives of foreign governments;

“(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

“(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

“(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

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

“(C) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

“(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

“(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

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

“(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.”.

SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

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

“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

“(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the ‘Program’).

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

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

“(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

“(c) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State,

may designate any specified area of the United States as a high intensity drug trafficking area.

“(d) FACTORS FOR CONSIDERATION.—

“(1) IN GENERAL.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

“(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

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

“(C) drug-related production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

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

“(2) CONSIDERATIONS.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

“(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

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

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

“(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

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

“(e) SOUTHWEST BORDER.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

“(f) REMOVAL FROM DESIGNATION.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

“(g) AUTHORITY OF THE DIRECTOR.—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 Program, in accordance with subsection (h);

“(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

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

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

“(1) 30 PERCENT SET ASIDE.—The Director shall expend no less than 30 percent of the amounts appropriated under this section in the seven high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the greatest impact on reducing overall drug traffic in the United States.

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

“(3) SOUTHWEST BORDER AREA.—

“(A) 20 PERCENT SET ASIDE.—The Director shall expend no less than 20 percent of the amounts appropriated under this section in the Southwest Border high intensity drug trafficking area.

“(B) REALLOCATION WITHIN AREA.—The executive committee of the Southwest Border high intensity drug trafficking area may reallocate up to five

percent of the total funds allocated to that area among its components, with the approval of the Director.

“(4) REMAINING AREAS.—The Director shall expend no less than 10 percent of the amounts appropriated under this section in the remaining high intensity drug trafficking areas.

“(5) DISCRETIONARY EXPENDITURES.—

“(A) IN GENERAL.—In addition to the amounts allocated under paragraphs (1) through (4) the Director may expend 15 percent of the amounts appropriated under this section on a discretionary basis.

“(B) CONSIDERATION OF IMPACT.—In allocating funds under this paragraph, the Director shall consider—

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

“(ii) performance measures of effectiveness; and

“(iii) such other criteria as the Director considers appropriate.

“(i) USE OF FUNDS.—

“(1) LIMITATION.—No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.

“(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

“(j) TERRORISM ACTIVITIES.—

“(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

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

“(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

“(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

“(k) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

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

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

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

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

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

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

(1) review each of the areas currently designated as a high intensity drug trafficking area to determine whether it continues to warrant designation as a high intensity drug trafficking area, considering the factors in section 707(d) of the Office of National Drug Control Policy Reauthorization Act of 1998, as amended by this section, in addition to such other criteria as the Director considers to be appropriate; and

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

SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

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

(b) FINDINGS.—Congress finds the following:

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

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

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

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

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

“(6) SPECIFIC PURPOSES.—

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

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

“(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

“(ii) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.”.

SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

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

(1) in the heading by striking “DIRECTOR OF TECHNOLOGY.—” and inserting “CHIEF SCIENTIST.—”; and

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

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

“(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

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

“(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, 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 (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

“(i) improving treatment through neuroscientific advances;

“(ii) improving the transfer of biomedical research to the clinical setting; and

“(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining 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) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

“(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

“(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

“(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.”

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

SEC. 9. REPEALS.

The following provisions are repealed:

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

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

SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

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

“SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

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

“(b) USE OF FUNDS.—

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

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

“(B) Creative and talent costs.

“(C) Advertising production costs.

“(D) Testing and evaluation of advertising.

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

“(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

“(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

“(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

“(I) Operational and management expenses.

“(2) SPECIFIC REQUIREMENTS.—

“(A) CREATIVE SERVICES.—

“(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

“(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

“(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

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

“(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in an fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.

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

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

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

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

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

“(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

“(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

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

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

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

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

“(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

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

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

“(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

“(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

“(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

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

“(e) MATCHING REQUIREMENT.—

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

“(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than \$125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

“(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

“(f) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

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

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

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

“(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

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

“(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

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

“(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

“(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

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

“(j) PREVENTION OF MARIJUANA USE.—

“(1) FINDINGS.—The Congress finds the following:

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

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

“(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

“(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

“(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

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

“(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

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

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

“(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

“(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

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

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

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking “title,” and inserting “title, except activities for which amounts are otherwise specifically authorized by this title,”; and

(2) by striking “1999 through 2003” and inserting “2004 through 2008”.

SEC. 12. EXTENSION OF TERMINATION DATE.

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

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The purpose of H.R. 2086, the “Office of National Drug Control Policy Reauthorization Act of 2003” is to reauthorize the Office of National Drug Control Policy (ONDCP) within the Executive Office of the President for five years, through the end of FY 2008. It also renews congressional authorization for national programs administered by ONDCP, including the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas (HIDTA) program. The current authorization for ONDCP expires on September 30, 2003. The office was originally created in 1988 and is the President’s principal adviser with respect to drug control policy development and program oversight. ONDCP’s current statutory mission is to guide the Nation’s efforts to both reduce the use, manufacturing, and trafficking of illicit drugs, and to reduce the associated crime, violence, and health consequences of illegal drug use.

The Committee provides the following summary of the proposed legislation.

A. Short Title; References; Table of Contents (Section 1)—The bill may be cited as the “Office of National Drug Control Policy Reauthorization Act of 2003,” and (unless otherwise indicated) it amends the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq).

B. Amendments to Definitions (Section 2)—The bill modifies definitions in current law of the terms “demand reduction,” “state and local affairs,” and “supply reduction” as they relate to the Office of National Drug Control Policy. The definition of these terms also applies by extension to the defined duties of the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs under 21 § U.S.C. 1702(b)(3).

“Demand Reduction” is defined to specifically include “interventions for drug abuse and dependence” as well as “international drug control coordination and cooperation” with respect to activities otherwise defined as related to demand reduction. This provision is intended to be strictly limited to matters otherwise defined as demand reduction and is not intended to modify the existing and pri-

mary responsibility of the Office of Supply Reduction for international matters. The Committee further notes its view that international coordination activities with respect to demand reduction should be primarily directed to assisting in reduction in demand within the United States.

“State and local affairs” is amended to include domestic law enforcement, including law enforcement directed at drug users.” Such activities previously were defined as part of “supply reduction” and are removed from that area in the bill. The Committee believes it is important to clarify that domestic law enforcement activities serve purposes and fulfill policy goals not limited to supply reduction. Moreover, the Office of State and Local Affairs by focus and the general experience of its staff is better suited to handle law enforcement matters than the Office of Supply Reduction. The Committee was informed by ONDCP that, in practice, such matters already are handled primarily by the Office of State and Local Affairs.

C. Amendments Relating to Appointment and Duties of Director and Deputy Director (Section 3)—The existing authorities and duties of the Director of the Office of National Drug Control Policy have generally served as an effective tool in promoting interagency coordination of drug control policy and spending within the Executive Branch. The Committee accordingly has attempted to retain the current structure with only limited modifications intended to strengthen the authority of the Director. In particular, the Committee believes that the Director’s authority to review and certify the budgets of national drug control program agencies is critical to ensuring the ability of the Office to plan and implement an effective national strategy.

1. Designation of Other Officers—Subsection (a) clarifies that any officer and employee of the Office may be designated to serve as the acting Director. Previous law applied only to “permanent employee[s]” of the office, failing to include senior politically appointed officers and employees who most logically would be designated for that purpose.

2. Responsibilities of Director—Subsection (b) makes technical and conforming clarifications to current law.

3. Review and Certification of National Drug Control Program Budget—As previously stated, the Director’s budget certification authority is one of the cornerstones of the Office’s ability to plan and implement an effective national drug control strategy. The Committee believes that it is appropriate in the exercise of congressional authority relating to drug policy to set forth general criteria governing application of the budget certification authority, particularly where oversight has identified significant ongoing issues in allocation of funding and resources for drug control activities within the Executive Branch. These criteria are wholly consistent with the Director’s duty to ensure the effectiveness of federal drug control programs and congressional intent that the Director use the tools provided in the bill to advocate drug control programs within the Executive Branch. The intention of the Committee in most respects is simply to ensure that the budgets of National Drug Control Program Agencies are reviewed under the stated criteria. The bill specifically reserves the discretion of the Director to determine the adequacy of agency budgets under the statutory criteria.

A new subparagraph (C) is added to the certification mechanism (21 U.S.C. 1703(c)(3)) to prohibit certification of the adequacy of funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation. The Committee believes that questions of resource allocation are among the most significant contemporary challenges to drug control policy. Since the September 11, 2001 attacks on the United States, federal law enforcement agencies have in some respects significantly reduced the commitment to drug enforcement. The Federal Bureau of Investigation, for example, transferred 567 special agents away from drug enforcement to other duties related to counterterrorism. The United States Coast Guard has been forced to reduce patrol hours for narcotics interdiction and to make special assets originally developed for drug interdiction purposes (the HITRON armed helicopter program) available for homeland security needs.

In many respects, the Executive Branch has planned or implemented steps to adjust for such reallocations, such as the addition of agent positions in the Drug Enforcement Administration, other steps in the Attorney General's recently issued Domestic Drug Enforcement Strategy, and actions taken by the Coast Guard to adjust for increased demands. However, the detrimental effects of increased demands have also been apparent. Federal referrals for prosecutions of drug-related violent crime in Washington, for example, were reported down by over 40 percent. The Committee believes that substantially weakened law enforcement programs cannot be deemed adequate for the purposes of the budget certification process. It is essential for the Director to specifically consider whether steps have been taken to mitigate the reallocation of resources away from drug enforcement, particularly since the issue is likely to remain a significant concern for the five-year period covered by the reauthorization.

The bill requires a similar evaluation of funding for law enforcement activities on the borders of the United States. During the 107th Congress, the Subcommittee on Criminal Justice, Drug Policy and Human Resources conducted an intensive survey of federal law enforcement at the borders and ports of entry (H. Rpt. 107-794). That report and subsequent Subcommittee oversight activities suggest the possibility of a similar shift in focus at the borders, and the Director must also ensure that adequate resources are directed to drug interdiction prior to certifying any related budgets.

The new subparagraph also prohibits budget certification of drug treatment activities that do not provide adequate result and accountability measures as determined by the Director. The Committee strongly supports the President's initiative to increase and enhance the availability of drug treatment in the United States, as well as the focus of the initiative on using the results of treatment programs as a primary performance measure. Oversight activities including discussions with drug treatment providers have strongly suggested the need for development of a set of uniform and unambiguous standards for measuring the results and accountability of drug treatment programs, a goal which remains elusive even after federal support for intensive research into drug treatment. Further, because treatment programs account for 29 percent of the National Drug Control Budget, the Committee believes that adequate meas-

ures are essential to ensure the effectiveness and accountability of these programs as a whole, as well as to provide performance and outcome measures.

The bill further requires that activities of the Safe and Drug Free Schools program include a clear anti-drug message or purpose intended to reduce drug use as a fixed prerequisite to budget certification. Along with the Media Campaign reauthorized in Section 10 of the bill, the Safe and Drug Free Schools program is one of the primary federal drug prevention programs. As with law enforcement programs, however, resources are being diverted away from that intended goal to several other purposes, such as violence prevention. Significant broadening of the program to other purposes creates a substantial risk of dilution not only of its effectiveness as a drug prevention program, but also as a whole. For the purposes of the certification process, the Committee believes that the budget for the Safe and Drug Free Schools program cannot be deemed adequate unless each program activity includes a clear anti-drug message or purpose to reduce drug use, and has included such criteria as mandatory.

The bill also contains mandatory restrictions on certification of budgets related to enforcement in certain contexts of Section 484(r)(1) of the Higher Education Act, more popularly known as the "Drug Free Student Loan" provision. The provision makes students convicted of drug offenses temporarily ineligible to receive student loans and stands for an important principle—that students who ask for taxpayer assistance with their education should not be using or selling illegal drugs, which have a clear and proven detrimental impact on educational achievement. However, a significant problem has arisen as the Department of Education has erroneously misinterpreted the clear language of that statute to improperly deprive loans from students whose drug convictions predated their enrollment in school, beginning during the Clinton Administration and continuing during the current Administration.

The plain text of the statute in question clearly provides that the disqualification applies to "a student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance." The term "student" in every other instance in the Act clearly and logically may apply only to those currently enrolled; thus a person convicted of a drug offense prior to enrollment would not have been a "student" under the Act at the time of conviction and the provision would not apply to them in relation to such a conviction. Moreover, the Executive Branch interpretation is clearly at odds with the overall structure of the law, which unambiguously provides that individuals shall become ineligible for assistance "beginning on the date of such conviction." Again, the interpretation offered by the Department is obviously inconsistent with the plain meaning and structure of the statute. (To determine whether Congress has unambiguously expressed its intent, a court considers in part the language and design of the statute as whole. See, e.g., *Alabama Power v. Environmental Protection Agency*, 40 F.3d 450, 454 (D.C. Cir. 1994)). The text clearly does not square with the Department's reading because an individual who is not enrolled when convicted could not become ineligible at that time. He or she is not a "student" under the terms

of the Act, and moreover is not receiving any assistance to be disqualified from at the time.

In addition to the inconsistency of its interpretation with the plain text of the statute, the Department also apparently did not undertake any substantial analysis prior to developing the policy in question. An oversight request issued by the Subcommittee on Criminal Justice, Drug Policy and Human Resources during the last Congress for all documents developed by the Department to explain and justify its position returned less than 25 pages of material, all of which postdated the Administration that originally instituted the policy. The analysis contained in the produced materials was almost entirely defensive and provided no affirmative justification of the Department's interpretation of the statute. The Committee therefore has determined that the Department's enforcement actions with respect to students convicted of drug offenses prior to the date of enrollment are arbitrary and capricious. It further believes that drug control budgets seeking to continue such arbitrary and legally unsupported enforcement should not be certified because they hinder the effective implementation of the Drug Free Student Loan provision.

An additional provision of the new subparagraph (C) prohibits funding for the drug control budget of the Department of Education unless it "is accompanied by a report setting forth a plan for expedited consideration" of loan applications for students improperly deprived under the conditions just described. (It is important to note that, while the provision textually implicates "funding for Fiscal Year 2005 for activities of the Department of Education," it applies in the context of 21 U.S.C. §1703(c)(1)(A), which only applies to drug control budget requests. Thus, the additional provision does not apply to budget requests for Department activities not related to drug control.) The intention of this provision is limited and simple—to ensure that improperly deprived students would have any re-applications for financial assistance considered on an expedited basis, as determined by the Department of Education and set forth in the report required by the text.

The final provision relating to budget certification prohibits certification of drug treatment activities that "do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director." The provision is a variation of language proposed by Subcommittee Ranking Member Cummings during its consideration of the bill and approved by voice vote. The Committee notes that the language is primarily intended to apply to the Substance Abuse Prevention and Treatment block grant program and the Targeted Capacity Expansion grant program, which are critical to drug treatment in the United States. In considering the factors included in the bill incident to budget certification for drug treatment, the Director should consider whether adequate funding has been maintained for those programs or if adequate compensation in other programs has been substituted for any reductions in funding.

4. Reprogramming and Transfer Requests and Miscellaneous Provisions—The bill lowers from \$5,000,000 to \$1,000,000 the amount over which the Director must approve fund reprogramming or transfer requests under 21 U.S.C. §21 U.S.C. 1703(c)(4)(A). The Committee understands that the change will not substantially de-

crease the flexibility of Drug Control Program Agencies in managing finances, but believes that it will enhance the ability of the Director to review and approve federal spending related to drug control budgets.

The Committee is aware of a provision of existing law which indirectly exempts a single Drug Control Program Agency from compliance with the authority of the Director to issue a Fund Control Notice under 21 U.S.C. § 1703(d)(9) by reference to a conference report not adopted by Congress. The Committee believes that the Director should retain authority to issue Fund Control Notices to each Drug Control Program Agency, and that any exceptions to such authority should be made explicitly and be properly considered and cleared by the Government Reform Committee, which is the primary committee of jurisdiction for the Office of National Drug Control Policy. Thus, the bill clarifies that the Director's authority applies to each Drug Control Program Agency notwithstanding any other provision of law.

5. International Drug Control Certification—The bill clarifies that the Director should continue to participate in the process for certification relating to foreign assistance for major drug source and transit countries as modified by the Department of State Authorization Act for Fiscal Year 2003. It also requires the Director to issue an independent assessment of the cooperation of foreign nations with U.S. drug control policies under the terms of a procedure that was explicitly contemplated by that Act.

The 2003 authorization made permanent modifications to the drug certification process that substantially weakened the standard by which the State Department would evaluate the cooperation of foreign nations with respect to drug control. The standard changed from whether the country had “cooperated fully” to whether it had “failed demonstrably” to do so, thus effectively shifting the burden of proof to an assumption that foreign nations were cooperating with the United States and had to be proved otherwise to trigger the restrictions in the Act. However, the law also expressly reserved authority for the President to apply the previous standard of whether or not countries had “cooperated fully” with the United States.

The law requires the President to make the relevant determination of whether to exercise such reserved authority. As the Director is the primary statutory advisor to the President with respect to drug control matters, the Committee believes that it is appropriate to require the Director to evaluate the drug control efforts of foreign countries by the “fully cooperating” standard which the President may invoke under the express terms of the revised process, and has included such a requirement in the bill. The Director has opposed the requirement on the ground that it may result in conflicting advice to the President from the Director and the Secretary of State. The Committee emphasizes, however, that the Director's evaluation is conducted under a different standard than the review to be conducted by the Secretary of State, thus removing the potential for conflict. Moreover, as the revised statutory process explicitly contemplated and reserved the potential exercise by the President of authority under the “fully cooperating” standard, the Committee believes that the President should receive the benefit of full

and appropriate analysis under that standard as well as the “failed demonstrably” standard.

6. United States Interdiction Coordinator—The United States Interdiction Coordinator (USIC) has played an important role under the authority of the Director in coordinating the drug interdiction activities of diverse federal agencies, even though the position has never been a statutory position. The creation of the Department of Homeland Security included the most prominent interdiction agencies (with the notable exception of activities of the Department of Defense) within a single cabinet department. Accordingly, the legislation creating the Department required the appointment of a Counternarcotics Officer within the Department of Homeland Security, and provided that that individual would concurrently serve as the USIC. Because the Counternarcotics Officer already has a unique responsibility for operational coordination of significant national assets related to drug interdiction within the Department of Homeland Security, the Committee believes that the incumbent continues to have strong advantages favoring appointment as the USIC. At that time, however, the Director expressed concern that the mandated appointment of the Counternarcotics Officer as the USIC removed his discretion to appoint his own advisor.

The bill removes the mandated concurrent appointment and permits the Director to name any individual as the USIC, so long as the individual does not concurrently serve as the head of any other federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities. (The Committee also intends the prohibition to apply to deputies and other subordinates of such officials.) The Counternarcotics Officer of the Department of Homeland Security, however, is permitted to serve concurrently as the USIC given that the two positions share responsibilities in a number of respects. It is the Committee’s intention that the person serving as USIC should either concurrently serve as the Counternarcotics Officer or be an individual who is otherwise not affiliated with any other federal department or agency engaged in drug interdiction activities. The appointee should serve as an agency-neutral coordinator and devote primary and exclusive attention to narcotics interdiction coordination.

7. South American Heroin Strategy—The bill includes a requirement for submission of a strategy to deal with the dramatic increase in heroin cultivation in South America, which was proposed by Representative John Mica. The Committee is significantly concerned at the sharp increase in heroin production in Colombia and its effects throughout the United States and intends to continue aggressive oversight of Executive Branch efforts with respect to heroin control. At the same time, however, it is important to note that oversight activities of the Drug Policy Subcommittee have indicated that the growth of Colombian heroin abuse has predominantly taken place on the east coast of the United States. It has not yet fully spread nationwide, and alternative sources of supply from Mexico, Asia and even Afghanistan account for meaningful amounts of consumption in other areas of the country. In addition, the Committee believes that increased efforts to counter South American heroin cannot come at the expense of efforts to control the growth of coca, which continues to be more widely abused than

heroin in the United States. The mandated strategy is required to address each of these factors.

D. Amendments Relating to Coordination With Other Agencies (Section 4)—Section 4 restates and expands requirements of existing law relative to reporting on matters related to drug control of individual cabinet departments. The additions made by the Committee to existing law primarily relate to statistics that will allow better evaluation of resource allocation for drug control activities within individual agencies. As previously described, the Committee has significant concern at the impact of diversion of drug control assets to unrelated missions, and believes that the mandated reporting will significantly assist in oversight and monitoring in that respect.

E. Development, Submission, Implementation, and Assessment of National Drug Control Strategy (Section 5)—The coordination and development of the National Drug Control Strategy is one of the primary and most important responsibilities of the Director. The bill significantly revises and streamlines the process for development and issuance of the Strategy. In doing so, the Committee believes that Director will have significantly enhanced flexibility to tailor it to emerging policy needs and that it has removed burdensome statutory reporting requirements that no longer serve a clear purpose. The bill also modifies previous law to include clearer and more specific performance and outcome goals and objectives.

Previous law required the President to submit a massive five-year drug control strategy adhering to pages of detailed and quickly outdated requirements and mandated statistical reporting. The bill significantly simplifies and increases the responsiveness of the process by requiring the submission of annual Strategies that maintain the principles of previous law but give the Director much greater flexibility to effectively adjust to emerging needs and conditions.

The bill repeals numerous specific statutory requirements governing the issuance of the Strategy and replaces them with guidelines reflecting the general goals of previous law. The guidelines require inclusion of:

- Comprehensive, research-based goals for reducing drug use and its consequences;

- Annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets determined by the Director to accomplish long-range quantifiable reduction in drug use, and specific measurements to evaluate progress toward the targets and strategic goals;

- A strategy to reduce the availability and purity of illegal drugs;

- Notification of any program or budget priorities expected to significantly change over the next five years;

- A review of international, state, local and private sector drug control activities to ensure coordination of strategy; and

- Statistical data selected by the Director to demonstrate and assess drug-related trends and the success of the strategy.

The bill also includes more detailed and specific overall performance measurements, most notably requiring an assessment of federal effectiveness in accomplishing the previous year's strategy that includes a specific evaluation of whether the targets for reducing

drug use were met. The intention of the Committee is that such an assessment should be conducted using data for the previously completed fiscal year and any available data from the current fiscal year at the time of the issuance of the Strategy.

The bill also includes a new requirement that the Committee believes will substantially increase the accountability and responsiveness of each individual Drug Control Program Agency. Incident to issuance of the Strategy, the Director is required to annually issue a supplement reviewing the activities of each individual Drug Control Program Agency with respect to the National Drug Control Strategy and the Director's assessment of the progress of each agency in meeting its responsibilities thereunder. Previously, agencies were not held individually accountable for the overall results of the Strategy, and the Committee believes that such a public "report card" will increase agency responsibility and stakeholding in the overall progress of the national strategy.

The bill includes guidance with respect to the selection of data and information for inclusion in the Strategy. The Committee believes that this guidance is especially important given the repeal of numerous statutory requirements for inclusion of specifically mandated statistical reporting and expects that the Director will carefully consider the inclusion of selected data and information to permit the compilation and comparison of new data in a consistent manner against the baseline of available data from the categories previously mandated by law.

Finally, the bill includes a new requirement that the Strategy include data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States. As previously discussed, the Committee believes that the development of uniform measurements in this regard are critical to performance and outcome evaluation of federally supported drug treatment programs, as well as to the development of federal strategy with respect to drug treatment programs. Simply put, there is no widely accepted or defined set of measurements for "what works" in drug treatment, and development of such measurements is essential.

F. High Intensity Drug Trafficking Areas Program (Section 6)—The reauthorization of the High Intensity Drug Trafficking Areas Program is critical to the nation's efforts to reduce the supply of illegal drugs. As explained in more detail below, the purpose of the Program is to facilitate Federal, State and local law enforcement anti-drug cooperation in areas with significant narcotics trafficking problems that harmfully impact other parts of the nation.

1. Overview and History—The HIDTA program, ONDCP's principal law enforcement assistance initiative, was first authorized in 1988 by the legislation creating ONDCP, and reauthorized in 1994 and 1998. Under the Program, the Director may designate a specific geographic area within the United States as a high intensity drug trafficking area. (The term "HIDTA" refers to an individual high intensity drug trafficking area designated by the Director under the Program.) Each HIDTA is then eligible to receive Federal assistance and funding for joint Federal, State and local law enforcement initiatives targeted at drug trafficking activity. The first five HDTAs (Houston, Los Angeles, New York/New Jersey, South Florida, and the Southwest Border) were designated in 1990;

the Program has since expanded to 28 HIDTAs as of fiscal year 2003.

2. Program Purposes—Prior legislation did not include an explicit statement of the purposes of the program. While those purposes were long understood by both Congress and ONDCP, the Committee believes that an explicit statement will help to define more clearly the mission of the Program. Accordingly, new section 707(b) provides such a statement. The new subsection clearly defines the Program as a law enforcement assistance and cooperation program designed to reduce the supply of drugs within the nation as a whole.

3. Designation of high intensity drug trafficking areas; criteria for designation—New section 707(c) provides that the Director shall retain authority to designate individual HIDTAs. The bill adds the Secretary of Homeland Security to the list of officials that the Director should consult with before making such a designation, to reflect the creation of the Department of Homeland Security containing some of the Federal government's principal drug interdiction agencies.

The bill retains the four criteria originally specified by Congress for designation of a HIDTA, but clarifies them where necessary to ensure that the Program remains focused on reducing illegal drug trafficking in the nation as a whole. The bill amends the first criterion (new section 707(d)(1)(A)) by specifying that the Director should only designate areas under the Program that are "major" centers of illegal drug production, manufacturing, importation or distribution for the United States "as compared to other areas of the United States." In addition, new section 707(d)(2) sets forth a non-exclusive list of factors that should be considered by the Director in determining whether an area is such a "major center." These additional considerations require a fact-based analysis of drug trafficking trends and comparison of the impact of potential HIDTAs when making the decision to designate.

The third criterion (new section 707(d)(1)(C)) has been amended to state that the "drug-related activities" set forth in the original legislation refer specifically to drug "production, manufacturing, importation, or distribution," and not to other drug-related activities. While the Committee believes that all aspects of the drug problem must be addressed by the nation's anti-drug strategy, the specific focus of the Program must remain on combating the illegal supply of drugs to the entire U.S.

The remaining criteria have been retained in their original form. The Committee notes, however, that in determining whether the second criterion (section 707(d)(1)(B)) has been met, and in allocating funds under the Program pursuant to section 707(g), the Director should take into account the willingness of State and local law enforcement agencies to cooperate with their Federal counterparts with respect to all narcotics activity illegal under Federal law. The program is a Federal program, and the Committee has grave concerns about activities of certain State and local law enforcement agencies directly participating in the program that have actively hindered enforcement of federal narcotics law. Such a failure to fully cooperate indicates a lack of (1) full commitment of resources to respond to the problem of drug trafficking, and (2) a determination to respond aggressively to the problem, and the Direc-

tor should consider such activities in reviewing the designation of and discretionary funding for each HIDTA.

4. Southwest Border High Intensity Drug Trafficking Area—The Southwest Border HIDTA, which covers the entire land border between the United States and Mexico, was one of the original five HDTAs designated in 1990. Over time, the Southwest Border HIDTA was subdivided for administrative purposes into five regional “partnerships”: California, Arizona, New Mexico, West Texas and South Texas. The overarching Southwest Border HIDTA has been preserved, however, for the purpose of ensuring a unified, coordinated anti-drug trafficking strategy along the Southwest border—an area that remains by far the most significant gateway for illegal narcotics. The Committee believes that such a unified, coordinated strategy is vital to the nation’s overall anti-drug efforts. It again emphasizes that the HIDTA program is a federal program primarily intended to disrupt national drug traffic, and is not intended to serve substantially as a local grant program. New section 707(e) provides that no county contiguous to the U.S.-Mexico land border may be designated as part of any HIDTA except a single Southwest Border HIDTA. The bill does not prohibit the administrative subdivision of the Southwest Border HIDTA into regional partnerships, however, provided that those partnerships remain subordinate to the overall HIDTA governing structure. Moreover, the bill does not prohibit the designation of counties currently part of the Southwest Border HIDTA that are not contiguous to the U.S.-Mexico land border as separate HDTAs, provided that they meet the criteria for designation set forth in new section 707(d). Any such new HDTAs, however, would not be entitled to funding reserved for the Southwest Border HIDTA under new section 707(h)(3).

5. Removal from designation—Previous law did not explicitly state whether the Director could remove an area from designation as a HIDTA. The Committee believes that such authority, which is necessary to ensure that the Program is able to adapt to the changing circumstances of the drug trafficking problem, has always been implied by existing law. To remove any doubt, however, new section 707(f) expressly authorizes and directs the Director to remove all or part of a HIDTA from designation under the program where that area no longer meets the criteria for designation.

6. Allocation of funding—The original authorizing legislation and subsequent reauthorizations did not specify how ONDCP was to allocate the funds appropriated for the program among the various HDTAs; that determination was instead left to the discretion of the Director. Even as the program has grown from five HDTAs and a budget of \$25,000,000 in fiscal year 1990 to 28 HDTAs and \$226,350,000 in fiscal year 2003, however, the discretion of the Director has shrunk. Appropriations acts have mandated that no HIDTA may be funded at a level below the previous fiscal year; the Director has thus retained discretion over only approximately \$20,000,000 of the current budget allocation. This has taken away ONDCP’s ability to effectively manage the program and direct resources to where they are needed most. Unless ONDCP has the authority to allocate resources, the program will not be an effective tool against the rapidly changing threat of narcotics traffic.

New section 707(h) gives ONDCP the ability to put HIDTA resources where they are needed by requiring 30 percent of program funds to be expended in the seven HIDTAs determined to have the greatest impact on reducing overall drug trafficking in the nation; 25 percent to the nine next most significant HIDTAs, and 10 percent to the remaining HIDTAs. Twenty percent is guaranteed to go to the Southwest Border HIDTA. Fifteen percent of Program funds are to be expended on a discretionary basis, in accordance with the criteria set forth in section 707(h)(5)(B).

The allocations are based in large part on the current funding levels of the program, and the Committee's analysis of the activities of and relative threats faced by different HIDTAs. The bill does not specify how any individual HIDTA is to be classified. That determination is to be made by the Director on the basis of a factual assessment of the current state of the drug trafficking threat throughout the United States. The bill also leaves to the Director's fact-based discretion how the funds should be allocated within each of the three groups (i.e., the seven most significant, nine next most significant, and remaining HIDTAs). Similarly, the bill gives the Director authority over how funds should be allocated within the Southwest Border HIDTA, with the additional provision that the executive board of the Southwest Border HIDTA may reallocate up to 5 percent of that HIDTA's total allocated funds with the approval of the Director.

The Committee is aware of concerns raised by some law enforcement officials regarding the impact these provisions may have on the budgets of individual HIDTAs. The Committee believes, however, that given the changing patterns of drug trafficking in the nation as a whole, the Director and program managers must have the flexibility to adapt to meet shifting threats. A HIDTA's budget must be based on the facts, the threat assessment and the role of each HIDTA in reducing national drug traffic, and not mere administrative convenience or political considerations.

7. Use of funds—Although the Program is a law enforcement initiative, several HIDTAs have spent program funds on drug treatment and drug use prevention (demand reduction) activities. While the Committee strongly believes that the Federal government should provide support to these activities (programs for which already account for 47 percent of the Federal Drug Control Budget), the HIDTA program is not the appropriate vehicle. Drug treatment and drug use prevention should be carried out by those agencies and programs that specialize in these activities; this program should remain focused on its law enforcement purpose.

The 1998 reauthorization legislation sought to redirect the Program back to drug supply reduction by specifying that no Program funds could be spent to establish or expand drug treatment programs (21 U.S.C. 1706(d)). While this provision has helped prevent further diversion of law enforcement funds to drug treatment, it has not been effective in reducing funds being presently diverted to drug treatment, or in preventing increased diversion to drug use prevention programs. Accordingly, new section 707(i)(1) would prevent Program funds from being spent on any drug treatment or prevention programs. New section 707(i)(2) exempts the Baltimore/Washington HIDTA from this restriction, however, as this HIDTA

has historically been a combined drug treatment and law enforcement program.

8. Terrorism activities—In the wake of the September 11, 2001 terrorist attacks, many Federal agencies, including ONDCP, have reallocated resources to meet the increased threat of terrorism. The HIDTA program in particular made its intelligence-gathering and analysis resources available to agencies conducting investigations of terrorist threats. While the Committee believes that such temporary reallocations make critical contributions and are appropriate where needed, care must be taken that significant resources are not directed away from the primary mission of fighting traffic in illegal drugs. Accordingly, new section 707(j) addresses the use of HIDTA resources in anti-terrorism investigations. The bill permits the use of program resources to assist Federal, State and local law enforcement agencies investigating terrorism. However, such assistance must remain incidental to the Program's primary mission of reducing drug availability, and the Director is required to ensure that significant resources are not diverted away from that mission.

9. Board representation—Each designated HIDTA is governed, subject to the authority of the Director, by an executive board made up of representatives of participating law enforcement agencies. The executive board is responsible for implementing the policies of the Program within that HIDTA by, among other things, organizing and approving funded initiatives, hiring an executive director and other necessary personnel, and collecting and reporting data on the state of drug trafficking activity within the HIDTA. Under the regulations adopted by ONDCP, each executive board is required to be made up of an equal number of Federal agency representatives on the one hand, and State and local agency representatives on the other. This requirement ensures that the proper balance is struck between the Federal agencies' mandate to pursue the national goal of overall drug supply reduction, and the need to give State and local agencies appropriate assistance and incentives to participate in the Program.

The vast majority of HDTAs are following this important requirement, but certain ones are not, raising the possibility that these executive boards are failing to respect the proper balance in Program needs and priorities. Accordingly, new section 707(k) directs ONDCP to withhold any funds from any HIDTA or regional partnership (including the five partnerships under the Southwest Border HIDTA) where the executive board does not have one-half of its voting seats reserved for Federal law enforcement agencies, and one-half for State and local law enforcement agencies.

The Committee acknowledges the concern raised by some law enforcement officials that an excessive focus on Federal missions may discourage State and local law enforcement agencies from fully participating in the Program. This concern arises not simply in connection with the composition of the executive boards, but also in the choice of which initiatives to fund and which targets to pursue. The Committee believes that ONDCP should take affirmative steps to ensure that these concerns are addressed to ensure the full and active cooperation of State and local law enforcement in the Program. At the same time, it is important to remember that since not every part of the country can receive assistance under the program, those

areas that are designated as HIDTAs have a responsibility to spend Federal funds in a manner that has a demonstrable impact not simply within the HIDTA, but for the rest of the country as well.

10. Role of Drug Enforcement Administration—Under program regulations, each HIDTA is required to create and maintain an Intelligence Support Center, where law enforcement personnel collect and analyze intelligence shared by participating agencies. In most HIDTAs, the Drug Enforcement Administration has taken an active role in these Centers reflecting that agency's expertise in the analysis of drug trafficking intelligence and overall leadership in federal drug enforcement. New section 707(l) provides that the Director, in consultation with the Attorney General, shall ensure that at least one representative of DEA is included in each Center. The Committee also believes that such involvement will assist in maintaining appropriate focus within each HIDTA on national drug traffic.

11. Authorization of appropriations—As noted above, the budget of the Program has expanded from \$25,000,000 at its inception in 1990, to \$226,350,000 in fiscal year 2003. While some additional growth could be desirable, the Committee believes that substantial increases in funding are not necessary to allow it to achieve its objectives; rather, what is needed is better management of resources on the basis of analysis of the drug trafficking threat. Accordingly, the bill authorizes modest increases in the Program budget through fiscal year 2008.

12. Review of current areas—The expansion of the Program's budget has been accompanied by equally rapid and extensive geographic growth since 1990. Although some of this growth has been justified by the extent of the drug trafficking problem, the Committee is concerned that designation of some of HIDTAs (or their geographic components) may have been more politically than factually motivated. Furthermore, the designations of some HIDTAs are more than a decade old and may not reflect the changing patterns of drug trafficking. This raises the possibility that program funds are being expended in areas that either never were or are no longer truly "high intensity" drug trafficking areas, diluting overall effectiveness.

Accordingly, the bill requires the Director to review the designation of each existing HIDTA and its component areas to determine if they still warrant designation under the revised criteria of new section 707(d). Where a HIDTA or any of its constituent geographic components no longer warrants designation, the Director is required to terminate the designation of that HIDTA or included area. No termination is required if the Director determines that each HIDTA (and each of its constituent parts) still warrant designation under the amended criteria.

G. Dawson Family Community Protection Act (Section 7)—The bill includes the Dawson Family Community Protection Act (H.R. 1599), originally introduced by Representative Elijah Cummings, the Ranking Member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. Section 7 contains H.R. 1599 in its entirety with only conforming changes. The Committee shared the shock of all Americans at the violent death of members of the Dawson Family at the hands of drug traffickers, and strong-

ly supports the findings and witness protection initiatives included in the bill.

The findings are outlined clearly. They indicate that while many citizens and their families want to cooperate with law enforcement authorities to rid their neighborhoods of the scourge of drug trafficking, the threat of retaliatory violence makes such cooperation extremely dangerous, particularly in lower income and minority communities. The murders of the Dawson family in East Baltimore City, Maryland are a tragic illustration of this growing problem.

Accordingly, new section 707(h)(6) provides that at least \$1,000,000 of the amounts appropriated for the Program shall be used in HIDTAs with severe neighborhood safety and illegal drug distribution problems. These funds are to be used in the manner provided for in new section 707(h)(6)(B) by protecting potential witnesses and facilitating citizens' communication with law enforcement authorities concerning illegal drug trafficking in their neighborhoods.

H. Amendments Relating to Counter-Drug Technology Assessment Center (Section 8)—The bill changes the current designation of the head of the Counter-Drug Technology Assessment Center (CTAC) from "Director of Technology" to "Chief Scientist," which reflects customary usage in the field.

The remainder of Section 8 primarily restates existing law, with the inclusion of a new requirement that the Chief Scientist give priority in distributing law enforcement assistance developed under the program most likely to assist in drug interdiction and border enforcement to southwest border areas and northern border areas with significant traffic in illegal drugs. The Secretary of Homeland Security is also added as an official required to assist in the assessment of counter-drug technology.

I. Repeals (Section 9)—The bill repeals three sections of current law. 21 U.S.C. §1708 formerly provided for a senior-level President's Council on Counter-Narcotics within the Executive Branch. As a practical matter, the body was never formally constituted and did not meet. The Committee believes that the Director has been provided clear authority to serve as the President's principal advisor with respect to drug control policy, and that the existing authority for coordination of policy and budgets for the Office serves the intended purpose of the previous President's Council. 21 U.S.C. §1710 provided certain reporting requirements with respect to drug interdiction. Currently pertinent requirements of this nature have been moved to the sections relating to the National Drug Control Strategy and coordination with other agencies. Finally, 21 U.S.C. §1509, which created the "Special Forfeiture Fund," has been repealed as that mechanism is no longer used to appropriate funds for ONDCP programs.

J. National Youth Anti Drug Media Campaign (Section 10)—The National Youth Anti Drug Media Campaign (Media Campaign) is in all likelihood the single most important drug prevention program operated by the Federal government and one of the most critical tools for achieving the President's goal of specific reductions in drug abuse among youth. At the same time, however, the program has presented by far the greatest challenges for reauthorization, as the Committee has been required to consider a number of issues relating to program focus, management, and performance evalua-

tion. The bill responds to these needs and challenges by strongly supporting the continuation of the Media Campaign through a five-year reauthorization, subject to several reforms intended to address ongoing issues.

The bill incorporates authorization for the Media Campaign, which previously had been constituted by free-standing authorization, into the Office of National Drug Control Policy Reauthorization Act. Unless otherwise indicated in this report, it primarily retains the program structure and authorities existing in the previous authorization. The Committee made the following reforms to the program:

1. **Statement of Purpose**—The bill clarifies that the primary purpose of the Media Campaign is “reducing and preventing illicit drug use among young people in the United States, through mass media advertising.” By doing so, the Committee intends to make clear that the focus of the program is to support mass media advertising, predominantly through television, radio, and print. Oversight activities have suggested that the Media Campaign may be losing its focus through diversification into a number of other activities not directly related to mass media advertising. Such diversification suggests a significant risk that instead of concentrating on doing its primary job well, the program could be weakening its impact by attempting to dabble in too many other areas simultaneously. As originally envisioned when first authorized, Congress supported the Campaign for the primary purpose of supporting mass media advertising, and the Committee expects that function to continue to serve as its main and overriding goal.

2. **Creative Services**—In considering the question of obtaining creative services for Campaign advertising, the Committee is forced to balance the original vision of the program that such services should almost entirely be provided on a pro bono basis by leading advertising firms against the demonstrated need of the Director for occasional flexibility in creating advertisements to respond to emergent needs or special requirements. The most important example of the requirement for such flexibility is the well-known “Drugs and Terrorism” campaign developed quickly in the wake of the September 11, 2001 terrorist attacks.

New section 709(b)(2)(A)(i) provides that the Director “shall use creative services donated at no cost to the Government wherever feasible” and may only procure creative services for advertising responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost or are intended to reach a minority, ethnic or other special audience that cannot be reasonably be obtained at no cost. The Committee strongly emphasizes that the use of such authority to procure creative services should be exercised as a rare exception to the pro bono model in necessary circumstances, and not as a rule. Further, new section 709(b)(2)(A)(ii) limits the amount which can be expended on creative services to no more than \$1,000,000 each fiscal year, except that the Director may expend up to \$2,000,000 to meet urgent needs on advance approval from the Committee on Appropriations. Again, the Committee strongly emphasizes that this authority should be used sparingly and that the expenditure limits are maximums and not recommended amounts for such spending.

3. Evaluation—Perhaps the most significant issue facing the Media Campaign is the need for appropriate means to evaluate the effectiveness of individual advertisements and of the Campaign as a whole. Under the previous authorization, the Office procured an elaborate and expensive evaluation of the program conducted by Westat that returned inconclusive results difficult to reconcile and consider in the context of the performance goals of the President's strategy. The Committee agrees with the Director that the Media Campaign is better served by methods of evaluation that are less costly and elaborate and are tied to performance goals and well-established industry standards.

Accordingly, the bill in new Section 709(b)(2)(B) requires testing of all Campaign advertisements (with limited stated exceptions) to ensure that they are effective and meet industry-accepted standards. More broadly, new Section 709(b)(2)(C) requires evaluation of the effectiveness of the Campaign as a whole based on data from several accepted studies that track the level of youth drug abuse. In doing so, the Committee intends to rely predominantly on a performance measurement that can be directly evaluated, particularly in reference to the statutory requirement for each annual Strategy to include specific targets to reduce drug abuse.

The bill also specifically requires the Campaign to be evaluated in a manner that enables discrete consideration of whether and how it has contributed to reductions of illicit drug use among youth. The Committee intends to ensure that some method of evaluation be conducted to permit consideration of the results of the program proper, and not merely of general success in reduction of youth drug use, which could be subject to a widely varying array of factors unrelated to the Campaign. Such measurements are critical to ensure continued review, performance measurement, and accountability for the program. The Committee fully agrees with concerns that have been raised in this regard by the Committee on Appropriations.

4. Purchase of Advertising Time and Space—The Committee requires in new Section 709(b)(3) that a fixed percentage (normally 77%) of amounts appropriated for the Campaign shall be used for the purchase of advertising time and space. As previously stated, these were the primary intended purposes of the Campaign when first created. The Committee believes that the restriction is an important means to maintain the focus of the program, which currently spends only 74% for those purposes. The Committee fully agrees with concerns that have been raised in this regard by the Committee on Appropriations.

The bill reported from the Subcommittee on Criminal Justice, Drug Policy and Human Resources contained an additional restriction permitting no more than 3% of program funds to be expended on certain ancillary activities of the Media Campaign, such as entertainment industry outreach, corporate outreach, additional media and public information efforts, and community partnerships. The Committee ultimately determined that such a restriction was not necessary in light of the restriction contained in new Section 709(b)(3), which ensures that proper resources are dedicated to the intended focus of the campaign and will require reevaluation of program spending for purposes that would have been covered by the 3% cap.

The Committee strongly emphasizes its view that, of the activities that would have been subject to that 3% restriction (those authorized in subparagraphs (G) and (H) of new Subsection 709(b)(1)), the Media Campaign should make interactive outreach and efforts to reach minority and underserved communities a priority. Such activities currently account for 1.4% of program spending and easily would have been accommodated under the 3% cap. The Committee continues to have significant reservations about the effectiveness, lack of meaningful performance measurement, and potential for lack of focus implicated by the other activities that would have been subject to the cap, such as entertainment industry outreach and corporate partnerships. It will continue to conduct careful oversight of those activities.

5. Prohibitions—The bill retains prohibitions contained in existing law and tightens them in many respects to clarify that campaign advertising may not be used for express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal. In discussions among members of the Committee regarding the bill, there was clear bipartisan consensus in favor of such additional restrictions.

The bill also removed a provision of existing law that required notification to the Committee of any appearance of certain elected and politically appointed officials in Campaign advertising to prohibit such appearances entirely. The Committee was informed that the Campaign has never in fact included advertising containing such officials. The prohibition textually applies only to advertising, and it is not the intention of the Committee for it to apply to video news releases issued by the Campaign, which occasionally include appearances by the Director.

The bill also prohibits funding of (1) advertising that does not contain a primary message intended to reduce or prevent illicit drug use and (2) advertising containing a primary message intended to promote support for the Media Campaign or private sector contributions to the Media Campaign. Once again, the primary purpose of the Campaign is to prevent drug abuse among youth. The Committee on a bipartisan basis has been disturbed by Media Campaign advertising not directed at youth or parents to aid in youth prevention. Several advertisements funded by the Media Campaign in public opinion publications appeared focused on self-congratulation for the program itself and, perhaps indirectly, at winning support for the program within the policy community. These advertisements contained no direct drug prevention messages. Oversight activities of the Committee determined that a not insubstantial amount of campaign resources were expended in this regard. The Committee believes that such advertising is inappropriate within the Media Campaign and intends to prohibit it by these provisions.

6. Match Requirement—New Section 709(e)(1) retains the requirement of existing law that each advertisement purchased by the Campaign be matched in kind by the providers of advertising time. The requirement has been a highly successful component of the Media Campaign and the Committee recognizes the countless contributions of a diverse array of Americans to the Media Campaign under the matching requirement.

A new provision, Section 709(e)(2), is added relating to the allocation of advertising time obtained under the media match, requiring at least 70 percent of no-cost match advertising to directly relate to substance abuse. It is the intention of the Committee that the term “substance abuse prevention” in this section be interpreted to apply only to prevention of illicit drug use. Again, the provision is intended to maintain the focus of the Media Campaign on its intended primary purpose of airing anti-drug ads. While the Committee supports the limited provision of available match advertising time to community and other groups, the Campaign should first use available match advertising time in furtherance of its primary goal.

A related concern is addressed in new Section 709(e)(3), which requires that no-cost match advertising not directly related to substance abuse include a clear anti-drug message, which is not required to be the primary message of the match advertising. It is the Committee’s intention that such a message may be brief and limited, such as a hypothetical “tag” at the end of the ad mentioning that participation in a community group using the time is “an anti-drug,” or otherwise briefly reinforcing the prevention messages of the Campaign. As recipients of no-cost match advertising time are receiving free air time provided for the purpose of drug prevention advertising, the Committee believes that this requirement is appropriate within the overall context of the Campaign and does not pose an undue burden.

The inclusion of the requirement for a clear anti-drug message in each match ad resulted in the removal of a provision included in the Subcommittee bill that would have removed the requirement for match advertising unrelated to drug prevention to be “tagged” as originating from the Office of National Drug Control Policy and the Media Campaign. While such a statutory clarification would continue to be wholly appropriate for match advertising containing no anti-drug message, the Committee believes that the mandatory inclusion of such a message in each advertisement makes it appropriate to continue identifying such advertising as originating with the Media Campaign.

7. Strategic Guidance and Donations—The Partnership for a Drug-Free America, a pro bono coalition of leading advertising agencies, has served as a national leader in drug prevention advertising since well before the creation of the Media Campaign, which was intended to take maximum advantage of the skills and expertise of the Partnership in conducting the Campaign. The bill provides that the Partnership for a Drug Free America shall serve as the primary outside strategic advisor to the Media Campaign and be responsible for coordinating donations of creative and other services to the Campaign, except with respect to advertising created using federal funds as otherwise permitted in the bill. The Committee believes that this provision properly recognizes the historic role of the Partnership in national drug prevention advertising and its intended significant participation in the Media Campaign. It notes that the provision in no way prohibits the Director from receiving strategic advice or donation of creative and other services from other outside entities, nor does it require any specific role in Campaign management and strategic development for the Partnership other than an advisory capacity.

The Committee appreciates the efforts of the senior leadership of ONDCP and the Partnership to work closely together to pursue Campaign goals. It is concerned, however, at what has occasionally appeared to be significant (yet at the same time insubstantial) institutional friction between the two entities, which in one instance directly and improperly impacted the proceedings of the Committee. The Committee encourages all parties to continue to work together under the leadership of Director Walters toward a primary goal of ensuring a creative and effective Media Campaign in pursuit of the President's goal of reducing illicit drug use among youth.

8. Report to Congress—The bill requires an annual report to Congress on the Media Campaign, the requirements of which are clearly stated. The provision was originally included in legislation to reauthorize the Media Campaign sponsored by Representative Portman.

Incident to debate at markup of the bill, the Committee notes its understanding that the Office of National Drug Control Policy has agreed to notify the Chairman and Ranking Member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources in writing of new Media Campaign national television advertisements on the date of first airing, to provide a brief description of the subject matter of each advertisement, and to make those advertisements available for viewing by members of the Committee on request at ONDCP on the date of first airing. Such notification and availability is without prejudice to usual requests and oversight relating to advertisements after the date of first airing.

9. Prevention of Marijuana Use—New section 709(j) contains specific findings related to marijuana that are clearly stated, and specifically provides that the Director may emphasize prevention of youth marijuana use in conducting advertising and activities otherwise authorized by the bill. The Committee notes the bipartisan support of its members for this provision.

10. Authorization of Appropriations (Media Campaign)—The Media Campaign is authorized to expend \$195 million for each of Fiscal Years 2004 and 2005 and \$210 million for each of Fiscal Years 2006 through 2008.

K. Authorization of Appropriations (Section 11)—The authorization for appropriation of such sums as are necessary does not apply to the High Intensity Drug Trafficking Areas Program and the National Youth Anti Drug Media Campaign, each of which is provided with a specific authorization ceiling in the relevant section.

L. Extension of Termination Date (Section 12)—The Office and its programs are reauthorized through September 30, 2008.

BACKGROUND AND NEED FOR LEGISLATION

The current authorization for the Office of National Drug Control Policy (ONDCP) expires on September 30, 2003. The office was originally created in 1988 and the Director serves as the President's principal advisor for drug control policy development and coordination. ONDCP's current statutory mission is twofold: 1) to coordinate the Nation's efforts to reduce the use, manufacturing, and trafficking of illicit drugs, and 2) to reduce the associated crime, violence, and health consequences of illicit drug use.

Since its inception, the ONDCP has been the cornerstone of federal drug policy in America, improving the lives of all Americans by reducing the impact of drugs and the consequences of their abuse in our society and communities. Congress established the office through the Anti-Drug Abuse Act of 1988 and the current statutory authorization will expire this September. The Director advises the President on national and international drug control policies and strategies, formulates the National Drug Control Strategy, reviews and certifies the budgets of National Drug Control Program Agencies, and works to ensure the effective coordination of drug programs by the National Drug Control Program agencies.

The Director reviews the annual budget requests for each federal department and agency charged with implementing a federal drug control program and is empowered to require funding levels and initiatives the Director believes are sufficient for those goals. Additionally, the National Drug Control Strategy is submitted to Congress annually to coordinate the Nation's anti-drug efforts and establish programs, budgets, and guidelines for cooperation among Federal, state, and local entities. The document contains a number of mandated statistics and assessments related to drug policy and serves as a strategic review of federal programs by evaluating their coordination and effectiveness.

ONDCP also administers approximately \$500 million in programs, including: the High Intensity Drug Trafficking Areas (HIDTA) program, which provides assistance for state and local law enforcement to work with federal agencies to stop drug traffic in critical areas of the country impacting national drug traffic, the National Youth Anti-Drug Media Campaign that supports the airing of anti-drug television and print ads, the Drug-Free Communities grant program, and the Counter Drug Technology Assessment Center (CTAC).

To carry out these responsibilities at a senior level, in addition to the Director, ONDCP also authorizes a Deputy Director of National Drug Control Policy and Deputy Directors for Demand Reduction, Supply Reduction, and State and Local Affairs, all of whom are appointed by the President with the advice and consent of the Senate. ONDCP has a total staff of approximately 110 employees and an overall budget of approximately \$523 million.

H.R. 2086 aims to provide the best possible support for the Administration and Director Walters in implementing the Administration's strategy. In order to improve the efficiency of ONDCP, the bill streamlines and reduces some outdated reporting and structural requirements that are required by current law. The bill retains each of the key powers and authorities of the Director and the Office, most notably including authorities to review and set federal agency budgets for drug control matters, to develop and issue the National Drug Control Strategy, and to coordinate federal activities related to drug control. Both of the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas programs have grown in ways that were not originally intended. As a result, significant reforms were made to these programs to ensure that they remain effective. It is important to keep them accountable and dedicated to their core purposes. The bill authorizes the Office of National Drug Control Policy and related programs (including the High Intensity Drug Trafficking Areas Pro-

gram and the National Youth Anti-Drug Media Campaign) for five years, through the end of fiscal year 2008.

COMMITTEE HEARINGS AND TESTIMONY

On May 22, 2003, the Committee on Government Reform held a hearing to consider the “Office of National Drug Control Policy Reauthorization Act of 2003.” The committee heard testimony from ONDCP Director John P. Walters. The hearing served as an opportunity for Members to discuss national drug control policy programs and the reauthorization legislation with Director Walters. In general, Director Walters was supportive of the bill and agreed with the improvements made to ensure that ONDCP programs are run in an efficient and effective manner.

The Subcommittee on Criminal Justice, Drug Policy, and Human Resources conducted a series of hearings regarding the reauthorization of the Office and its programs. On March 5, 2003, the Subcommittee held a hearing to review general issues related to reauthorization and received testimony from Director Walters. On March 27, 2003, the Subcommittee held a hearing with respect to the National Youth Anti Drug Media Campaign at which it received testimony from Representative Rob Portman, ONDCP Chief of Staff Chris Marston, Partnership for a Drug Free America President Steve Pasierb, Mr. David McConnaughey of Ogilvy and Mather, and Ms. Peggy Conlon, President of the Ad Council.

On April 8, 2003 the Subcommittee held a hearing on the High Intensity Drug Trafficking Areas program and the Counterdrug Technology Assessment Center at which it received testimony from ONDCP Deputy Director for State and Local Affairs Scott Burns, Drug Enforcement Administration Chief of Operations Roger Guevara, and several state and local law enforcement officials.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title, references, table of contents

This first section designates the bill as the “Office of National Drug Control Policy Reauthorization Act of 2003” and notes that the legislation amends and repeals in part the Office of National Drug Control Policy Reauthorization Act of 1998.

Section 2. Definitions

This section clarifies the definition of various terms related to drug control defined in the Act, which also affect the responsibilities of certain Deputy Directors within the Office. The term “demand reduction” is amended to include “interventions for drug abuse and dependence” and “international drug control coordination and cooperation” with respect to drug demand reduction activities. Domestic law enforcement activities are redefined as part of “State and local Affairs” instead of “supply reductions”. The term “international drug control” within “supply reduction” is defined more explicitly to include interdiction, source country programs, and law enforcement outside the United States.

Section 3. Appointment and duties of Director and Deputy Director

Section 3 makes amendments to the specific duties of the Director and Deputy Director of National Drug Control Policy. These

changes apply to budget and drug certification processes along with other duties of the Director and Deputy Director. Existing law is amended to provide that any “officer or employee” may serve as the Director in the absence of the Director. The change clarifies that politically appointed officers may serve as the Acting Director. Additionally, the term “Federal departments and agencies engaged in drug enforcement” is changed to “national drug control program agencies” to conform to the term already defined in the statute.

Outlined in this section are the duties of the Director pertaining to budget certification processes. The Director is prohibited from certifying the adequacy of any drug control program budget request that (1) fails to adequately compensate for transfers of drug enforcement resources to non-drug related activities; (2) requests funding for border activities that do not adequately address drug interdiction; (3) requests funding for drug treatment activities that do not provide result and accountability measures; (4) requests funding for drug treatment activities that do not adequately support and enhance federal drug treatment programs and capacity; or (5) request for funding for Department of Education drug control programs that do not follow reporting requirements concerning expedited consideration of student loan applications from improperly denied students.

In three instances, the bill adds requirements for authorizing committees for the Office to receive notification whenever the Director exercises certain authorities with respect to federal drug control budgets and funding. Additionally, the Director’s authority to issue Fund Control Notices is clarified to extend to all drug control program agencies.

The Director’s authority to participate in the annual drug certification process is clarified to include the recently amended certification process. In addition, the Director is required to submit a report to the President each year providing the an assessment of whether major drug transit or production countries are fully cooperating with the United States, and whether certain procedures provided for in the amended law with respect to countries not fully cooperating should be applied. The Director is also required to transmit the report to the Secretary of State and authorizing committees for the Office.

The Director’s authority to appoint the United States Interdiction Coordinator independently of the position of Counternarcotics Office at the Department of Homeland Security is clarified, so long as the appointee does not head any other federal department, agency, or subagency involved in narcotics interdiction.

A new requirement for a South American Heroin Strategy was established in this reauthorization Act. This provision requires the Director to provide Congress with a comprehensive strategy that addresses the increased threat from South America heroin, and particular Colombian heroin. The strategy should include opium eradication efforts to eliminate the problem at the source to prevent it from reoccurring before the heroin enters the stream of commerce, interdiction and precursor controls, along with demand reduction and treatment. The strategy should also ensure the maintenance at current levels of efforts to eradicate coca in Colombia and should assess the level of additional funding and resources

necessary to simultaneously address both threats. The report is due no more than 90 days after enactment.

Section 4. Coordination with other agencies

This section provides for a number of required reports from Federal departments on drug control issues to the Director and authorizing committees for the Office. The Secretaries of Agriculture and Interior are required to submit an assessment on illegal drug cultivation on public lands. The Attorney General is required to submit a report on arrests, prosecutions, and seizures related to drugs. The Secretary of Homeland Security is required to submit a report on drug seizures and air and maritime patrol hours dedicated to drug supply reduction. The Secretary of Defense is required to submit a report on air and maritime patrol hours dedicated to drug supply reduction.

Section 5. National Drug Control Strategy

This section significantly revises the process and content for the National Drug Control Strategy. Existing requirements for a five-year strategy followed by annual updates, each containing extensive specific information mandated by statute, are eliminated and replaced. The bill provides for submission of an annual strategy that maintains the principles but not the detailed requirements of previous law to enhance the flexibility of the Director and the responsiveness of the process to emerging conditions. The Director is also required to annually submit a description of a performance measurement system for the National Drug Control Strategy and drug control program agencies.

Under the revised process, the Strategy must include (1) comprehensive goals for reducing drug use; (2) annual objectives and specific targets to accomplish and evaluate progress toward reduction in drug use; (3) a strategy to reduce the availability and purity of illegal drugs; (4) an assessment of federal effectiveness in accomplishing the previous year's strategy; (5) notification of budget priorities expected to significantly change over the next five years; (6) a review of international, state and local, and private sector drug control activities to ensure coordination; (7) statistical data deemed appropriate by the Director to demonstrate and assess drug trends (including a standardized assessment of the effectiveness of drug treatment programs); and (8) a supplement reviewing the activities and progress of each individual drug control program agency during the previous year.

The Director is required to continue consultation with appropriate outside individuals and entities in developing the strategy, as under existing law. The bill restates provisions of existing law relating to the Director's authority with respect to the El Paso Intelligence Center and the National Drug Intelligence Center, and adds a new provision allowing the Director to make recommendations regarding research at the National Institutes of Health supporting the National Drug Control Strategy. The Director is also required to annually submit a description of a performance measurement system for the National Drug Control Strategy and drug control program agencies.

Section 6. High Intensity Drug Trafficking Areas

This section addresses the High Intensity Drug Trafficking Areas (HIDTA) program, adding several new provisions to the existing statutory authorization for the program, which contains limited guidance. The Secretary of Homeland Security is added as an official the Director is required to consult before designating a HIDTA.

The criteria for designating HDTAs are modified to require consideration of whether (1) the area is a major center for illegal drug production, manufacturing, importation or distribution for the United States; (2) 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) drug-related production, manufacturing, importation, or distribution centered in the area is having a harmful impact in other areas of the United States; and (4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area. Specific criteria are included for evaluating whether an area is a major center for drug traffic as compared to other areas of the United States, including the quantity of drug production, transit, arrests, and prosecutions in the area.

The Director is prohibited from designating any county adjacent to the Mexican land border in any HIDTA other than the Southwest Border HIDTA. The Director is given authority to remove an area or portion of an area from designation as a HIDTA using the same factors governing designation of a HIDTA. Furthermore, the bill requires review of each existing HIDTA to determine whether it continues to warrant designation and removal of any HIDTA no longer warranting designation.

Funding for individual HDTAs must be allocated as follows: 30 percent to the seven HDTAs (excluding the Southwest Border) the Director determines have the greatest impact on reducing overall drug traffic in the United States; 25 percent to the nine HDTAs (excluding the Southwest Border) the Director determines have the next greatest impact on reducing overall drug traffic in the United States; 20 percent in the Southwest Border HIDTA; 10 percent in the remaining HDTAs, and 15 percent to be allocated by the Director on a discretionary basis considering the impact on reducing overall drug traffic in the United States.

The bill restates current law regarding the Director's authority to reassign federal personnel to HDTAs and otherwise increase federal assistance. The Director is prohibited from expending funds for drug prevention or drug treatment programs in any HIDTA except the Baltimore/Washington HIDTA. The Director is authorized to permit HIDTA assistance to investigations related to terrorism, but is required to ensure that such assistance remains incidental and that significant resources of the program are not redirected to activities exclusively related to terrorism. A representative of the Drug Enforcement Administration must be included in the Intelligence Support Center of each HIDTA.

The HIDTA program is authorized at \$230 million in fiscal year 2004, \$240 million in Fiscal Years 2005 and 2006, and \$250,000,000 in Fiscal Years 2007 and 2008.

Section 7. Funding for Certain High Intensity Drug Trafficking Areas

This section may be referred to as the “Dawson Family Community Protection Act.” It includes findings expressing the sense of Congress regarding the firebombing of the Dawson family home in October, 2002, the need for cooperation of citizens in law enforcement, and the need for initiatives aimed at improving community safety and encouraging cooperation to counter illegal drug traffic. The Director is directed to ensure that at least \$1 million in HIDTA funding is used in areas with severe neighborhood safety and illegal drug distribution problems to ensure neighborhood safety and combat illegal drug trafficking.

Section 8. Counterdrug Technology Assessment Center

Section 8 contains provisions relating to the Counterdrug Technology Assessment Center. The title of “Director of Technology” within ONDCP is changed to “Chief Scientist.” Explicit authority is added for the Chief Scientist to oversee and coordinate a technology transfer program to state and local law enforcement. The Chief Scientist is also required to give priority in transferring technologies most likely to assist in drug interdiction and border enforcement to agencies in southwest border areas and northern border areas with significant traffic in illegal drugs. The Substance Abuse and Mental Health Administration is included in the list of agencies to be consulted with respect to technology research related to drug treatment.

Section 9. Repeals

This section repeals certain provisions of existing law. The President’s Council on Counternarcotics is abolished. A requirement of existing law for specific reports related to drug interdiction is repealed; the duties are restated in revised form in other sections of the bill.

Section 10. National Youth Anti-Drug Campaign

Section 10 contains provisions relating to the National Youth Anti-Drug Media Campaign. The bill restates existing law authorizing the Media Campaign. The purpose of the Campaign is restated as “reducing and preventing illicit drug abuse among young people in the United States delivered through mass media advertising”

Authorization to use funds for creative and talent costs is narrowed to provide that the Director shall use donated creative services wherever possible and may only use funds for creative services for advertising responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost, or intended to reach a minority, ethnic or other special audience that cannot be obtained at no cost. Funding for creative services is limited to \$1 million per fiscal year, unless the Director demonstrates and the Appropriations Committee approves increased funding for urgent needs, which may not exceed \$2 million.

The Director is required to test all advertisements to ensure they are effective and meet industry-accepted standards. The requirement can be waived for advertisements making up no more than 10 percent of the airtime and print space of the campaign. The Di-

rector is also required to designate an independent entity to evaluate the effectiveness of the campaign using certain specified data. This independent entity is also required to ensure the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use by youth and such other measures of evaluation as the Director determines are appropriate.

The bill requires that 77 percent of the amounts appropriated for the media campaign must be used for the purchase of advertising time and space. The limit changes to 82 percent when less than \$125 million is appropriated for the program and 72 percent when more than \$195 million is appropriated for the program. The bill prohibits funding for advertising not containing a primary message intended to prevent illicit drug use or intended to promote support for the media campaign or private sector contributions to the media campaign. In addition to the existing prohibition on expenditure of campaign funds for partisan political activity, the bill prohibits express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal. The appearance of certain elected and politically appointed officials in Media Campaign advertising is also prohibited.

The Director is required to ensure that 70% of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign. The limit changes to 85% in any fiscal year in which less than \$125 million is appropriated to the media campaign. In addition, the Director is required to ensure that no-cost match advertising that does not directly relate to substance abuse prevention include a clear anti-drug message, which is not required to be the primary message of the match advertising.

The bill provides that the Partnership for a Drug-Free America shall serve as the primary outside strategic advisor to the campaign and be responsible for coordinating donations of creative and other services to the campaign, except those funded under authorities provided elsewhere in the bill. The Director shall inform the Partnership of the strategic goals of the campaign and consider advice from the Partnership on campaign strategy.

The bill also restates provision of current law requiring certain information on local treatment resources to be included in media campaign advertising where feasible.

Congress makes several findings regarding marijuana use by America's youth. The Director is authorized to emphasize prevention of youth marijuana use in advertising and activities otherwise authorized in this section.

The bill requires an annual report to Congress on the performance of the media campaign. The media campaign is authorized at \$195 million in Fiscal Years 2004 and 2005, \$210 million in Fiscal Years 2006 through 2008.

Section 11. Authorization of appropriations

Section 11 authorizes appropriations for ONDCP activities through fiscal year 2008. Except activities otherwise specified, such sums as are necessary are authorized to be appropriated for fiscal years 2004 through 2008.

Section 12. Extension of termination date

Section 12 extends the sunset date for the Office of National Drug Control Policy to September 30, 2008.

EXPLANATION OF AMENDMENTS

The provisions of the substitute are explained in this report.

COMMITTEE CONSIDERATION

Criminal Justice, Drug Policy, and Human Resources Subcommittee Chairman Mark Souder (IN) and Government Reform Committee Chairman Tom Davis (VA) introduced H.R. 2086 on May 14, 2003. The bill was referred to the Government Reform Committee, the Judiciary Committee, the Energy and Commerce Committee, and the Permanent Select Committee on Intelligence.

On Thursday, May 15, 2003, the Criminal Justice, Drug Policy, and Human Resources Subcommittee approved the bill by voice vote and adopted three amendments offered by Subcommittee Ranking Member Elijah Cummings (MD). The first two amendments would require the ONDCP Director to only certify budget requests that are greater than the amounts appropriated for the current fiscal year, specifically for the Substance Abuse Prevention and Treatment Block Grant program, or any successor program, and the Targeted Capacity Expansion grant program. The third amendment adopted by the Subcommittee would require the Department of Education to develop a plan to provide appropriate redress for applicants for any federal grant, loan, or work assistance who were falsely denied because they were convicted of a drug related offense occurring before they applied for such federal assistance.

On June 5, 2003, the Committee on Government Reform met in open session to consider H.R. 2086 along with one other bill. The Committee favorably approved the bill as amended by voice vote and reported it to the House of Representatives.

At the full committee business meeting, an amendment in the nature of a substitute offered by Criminal Justice, Drug Policy and Human Resources Subcommittee Chairman Mark Souder (IN) was approved by voice vote. Ranking Member Henry A. Waxman (CA) offered an amendment that would have given the Director of ONDCP the discretion to decide whether to oppose efforts to legalize federally controlled substances. Currently, the Director is required to actively oppose such efforts. The amendment was rejected by voice vote. Representative Carolyn Maloney (NY) offered and then agreed to withdraw an amendment that would have directed the ONDCP to submit its advertisements from the National Youth Anti-Drug Media Campaign to Congress 30 days before releasing them to the public.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of each bill to the legislative branch. This benefits of this bill apply equally to employees of the the legislative branch.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(2) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of the report.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 2086. The constitutional authority to enact this law lies within the General Welfare and Necessary and Proper clauses of Article I, Section Eight of the United States Constitution.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2086. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2086 from the Director of Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 2003.

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 2086—Office of National Drug Control Policy Reauthorization Act of 2003

Summary: H.R. 2086 would reauthorize the Office of National Drug Control Policy (ONDCP) and programs administered by that office through 2008. Major programs, most of which are currently authorized through 2003, include the High Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, and the Counterdrug Technology Assessment Center.

In total, CBO estimates that the bill would authorize the appropriation of \$573 million in 2004. CBO estimates that implementing H.R. 2086 would cost \$2.5 billion over the 2004–2008 period, assuming appropriation of the necessary amounts.

By reauthorizing ONDCP's authority to accept and spend gifts, enacting H.R. 2086 could affect direct spending and revenues, but CBO estimates that any such impact would be negligible.

H.R. 2086 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2086 is shown in the following table. The costs of this legislation fall within budget functions 750 (administration of justice) and 800 (general government).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	521	0	0	0	0	0
Estimated Outlays	355	284	79	11	0	0
Proposed Changes:						
High Intensity Drug Trafficking Areas:						
Authorization Level	0	230	240	240	250	250
Estimated Outlays	0	58	198	227	242	249
National Youth Anti-Drug Media Campaign:						
Authorization Level	0	195	195	210	210	210
Estimated Outlays	0	59	156	200	207	210
Other Federal Drug Control Programs:						
Estimated Authorization Level	0	73	75	76	78	80
Estimated Outlays	0	22	59	75	76	78
Office of National Drug Control Policy:						
Estimated Authorization Level	0	26	27	28	28	29

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
Estimated Outlays	0	22	26	27	27	28
Counterdrug Technology Assessment Center:						
Estimated Authorization Level	0	49	50	51	52	53
Estimated Outlays	0	45	50	51	52	53
Total Proposed Changes:						
Estimated Authorization Level	0	573	587	605	618	622
Estimated Outlays	0	206	489	580	604	618
Total Spending Under H.R. 2086:						
Estimated Authorization Level	521	573	587	605	618	622
Estimated Outlays	355	490	568	591	604	618

¹ The 2003 level is the amount appropriated for that year for programs administered by the Office of National Drug Control Policy.
Notes.—Components may not sum to totals because of rounding.

Basis of Estimate: For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2003, that the necessary amounts will be provided each year, and that spending will follow historical patterns for the ONDCP and its programs.

Spending subject to appropriation

The bill would authorize the appropriation of \$230 million in fiscal year 2004, \$240 million annually over the 2005–2006 period, and \$250 million annually over the 2007–2008 period for the High Intensity Drug Trafficking Areas program. In addition, H.R. 2086 would authorize the appropriation of \$195 for each of fiscal years 2004 and 2005 and \$210 million annually over the 2006–2008 period for the National Youth Anti-Drug Media Campaign program. CBO estimates that implementing those programs over the 2004–2008 period would cost \$1.8 billion.

In addition, H.R. 2086 would authorize the appropriation of such sums as necessary to operate other federal drug control programs, ONDCP, and the Counterdrug Technology Assessment Center through fiscal year 2008. The current authorization for ONDCP expires at the end of fiscal year 2003.

Because the bill does not specify funding levels, CBO estimated the cost of continuing to operate other federal drug control programs, ONDCP, and the Counterdrug Technology Assessment Center by adjusting 2003 funding for anticipated inflation. On that basis, we estimate that implementing those programs over the 2001–2008 period would cost \$690 million.

Revenues and direct spending

H.R. 2086 would reauthorize ONDCP to accept donations of real and personal property. Gifts are classified in the budget as revenues, and spending of such sums would constitute direct spending. According to ONDCP, it has not received any gifts in recent years and does not expect to receive any under this authority. Hence, CBO estimates that additional revenues and direct spending under H.R. 2086 would be negligible.

Intergovernmental and private-sector impact: H.R. 2086 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Matthew Pickford and Mark Grabowicz; Impact on State, local, and tribal governments: Victoria Head Hall; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998

* * * * *

TITLE VII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

* * * * *

SEC. 702. DEFINITIONS.

In this title:

(1) DEMAND REDUCTION.—The term “demand reduction” means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) * * *

* * * * *

(F) drug-free workplace programs; [and]

(G) drug testing[.];

(H) *interventions for drug abuse and dependence; and*

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

* * * * *

(9) OFFICE.—Unless the context clearly [implicates] *indicates* otherwise, the term “Office” means the Office of National Drug Control Policy established under section 703(a).

(10) STATE AND LOCAL AFFAIRS.—The term “State and local affairs” means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) * * *

(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[.]; *and*

(D) *domestic drug law enforcement, including law enforcement directed at drug users.*

(11) SUPPLY REDUCTION.—The term “supply reduction” means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the avail-

ability or use of drugs in the United States and abroad, including—

- (A) international drug control (*including source country programs, and law enforcement outside the United States*);
- (B) foreign and domestic drug intelligence; and
- (C) interdiction[; and].
- [(D) domestic drug law enforcement, including law enforcement directed at drug users.]

SEC. 703. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) * * *

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) * * *

* * * * *

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through [(G)] (H) of section 702(1);

* * * * *

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through [(C)] (D) of section 702(10) [and subparagraph (D) of section 702(11)].

* * * * *

SEC. 704. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—

(1) * * *

* * * * *

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the Office of the Deputy Director is vacant, the Director shall designate such other [permanent employee] *officer or employee* of the Office to serve as the *acting* Director, if the Director is absent or unable to serve.

* * * * *

(b) RESPONSIBILITIES.—The Director—

(1) * * *

* * * * *

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

* * * * *

(12) shall ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical

use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

(A) * * *

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

[(13)] shall require each National Drug Control Program agency to submit to the Director on an annual basis (beginning in 1999) an evaluation of progress by the agency with respect to drug control program goals using the performance measures for the agency developed under section 706(c), including progress with respect to—

[(A)] success in reducing domestic and foreign sources of illegal drugs;

[(B)] success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

[(C)] success in reducing violent crime associated with drug use in the United States;

[(D)] success in reducing the negative health and social consequences of drug use in the United States; and

[(E)] implementation of drug treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs;

[(14)] shall submit to the Appropriations committees and the authorizing committees of jurisdiction of the House of Representatives and the Senate on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

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

[(B)] the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency developed under section 706(c); and

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

(A) * * *

* * * * *

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) * * *

* * * * *

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) * * *

* * * * *

(C) SPECIFIC REQUESTS.—*The Director shall not confirm the adequacy of any budget request that—*

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

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

(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091 (r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.

[(C)] (D) AGENCY RESPONSE.—

(i) * * *

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(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives *and the authorizing committees of Congress for the Office* at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

[(D)] (E) CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) * * *

(ii) CERTIFICATION.—The Director—

(I) * * *

(II) based on the review under subclause (I), if the Director concludes that the budget submission

of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) * * *

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives *and the authorizing committees of Congress for the Office* a copy of—

(aaa) * * *

* * * * *

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding **[\$5,000,000]** *\$1,000,000* that is included in the National Drug Control Program budget unless the request has been approved by the Director.

* * * * *

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) * * *

* * * * *

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

(A) * * *

* * * * *

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities **[have been authorized by Congress;]** *authorized by law;* and

* * * * *

(9) *notwithstanding any other provision of law*, issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program **[Strategy; and]** *Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;*

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 **[(22 U.S.C. 2291j).]** *(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–l);*

(11) *not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing Committees of Congress for the Office, that—*

(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

(12) appoint a United States Interdiction Coordinator under subsection (i).

* * * * *

(i) **UNITED STATES INTERDICTION COORDINATOR.**—

(1) **IN GENERAL.**—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

(2) **APPOINTMENT.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

(B) **LIMITATION.**—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).

SEC. 705. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS.

(a) **ACCESS TO INFORMATION.**—

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

(A) drug [abuse] control; or

* * * * *

[(3) **ILLEGAL DRUG CULTIVATION.**—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.]

(3) *REQUIRED REPORTS.*—

(A) *SECRETARIES OF THE INTERIOR AND AGRICULTURE.*—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

(B) *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 information on the geographic areas of such seizures; and

(ii) the number of air and maritime patrol hours undertaken by each component of the Department primarily dedicated to drug supply reduction missions.

(D) *SECRETARY OF DEFENSE.*—The Secretary of Defense 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 of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

* * * * *

[SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

[(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

[(1) TIMING.—Not later than February 1, 1999, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 5 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

[(2) CONTENTS.—

[(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

[(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

[(ii) annual, quantifiable, and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year of the period beginning on the date on which the National Drug Control Strategy is submitted;

[(iii) 5-year projections for program and budget priorities; and

[(iv) a review of international, State, 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.

[(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

[(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

[(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

[(i) 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;

[(V) private citizens and organizations with experience and expertise in supply reduction; and

[(VI) appropriate representatives of foreign governments;

[(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy; and

[(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy.

[(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

[(4) SPECIFIC TARGETS.—The targets in the National Drug Control Strategy shall include the following:

[(A) Reduction of unlawful drug use to 3 percent of the population of the United States or less by December 31, 2003 (as measured in terms of overall illicit drug use during the past 30 days by the National Household Survey),

and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

[(B) Reduction of adolescent unlawful drug use (as measured in terms of illicit drug use during the past 30 days by the Monitoring the Future Survey of the University of Michigan or the National PRIDE Survey conducted by the National Parents' Resource Institute for Drug Education) to 3 percent of the adolescent population of the United States or less by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003st.

[(C) Reduction of the availability of cocaine, heroin, marijuana, and methamphetamine in the United States by 80 percent by December 31, 2003.

[(D) Reduction of the respective nationwide average street purity levels for cocaine, heroin, marijuana, and methamphetamine (as estimated by the interagency drug flows assessment led by the Office of National Drug Control Policy, and based on statistics collected by the Drug Enforcement Administration and other National Drug Control Program agencies identified as relevant by the Director) by 60 percent by December 31, 2003, and achievement of at least 20 percent of each such reduction during each of 1999, 2000, 2001, 2002, and 2003.

[(E) Reduction of drug-related crime in the United States by 50 percent by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003, including—

[(i) reduction of State and Federal unlawful drug trafficking and distribution;

[(ii) reduction of State and Federal crimes committed by persons under the influence of unlawful drugs;

[(iii) reduction of State and Federal crimes committed for the purpose of obtaining unlawful drugs or obtaining property that is intended to be used for the purchase of unlawful drugs; and

[(iv) reduction of drug-related emergency room incidents in the United States (as measured by data of the Drug Abuse Warning Network on illicit drug abuse), including incidents involving gunshot wounds and automobile accidents in which illicit drugs are identified in the bloodstream of the victim, by 50 percent by December 31, 2003.

[(5) FURTHER REDUCTIONS IN DRUG USE, AVAILABILITY, AND CRIME.—Following the submission of a National Drug Control Strategy under this section to achieve the specific targets described in paragraph (4), the Director may formulate a strategy for additional reductions in drug use and availability and drug-related crime beyond the 5-year period covered by the National Drug Control Strategy that has been submitted.

[(b) ANNUAL STRATEGY REPORT.—

[(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit

to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

[(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

[(i) an assessment of drug use and availability in the United States; and

[(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

[(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

[(C) an assessment of the manner in which the budget proposal submitted under section 704(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

[(D) measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

[(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

[(i) 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, probationers, and juvenile delinquents; and

[(III) drug use in the workplace and the productivity lost by such use;

[(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

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

[(II) the amount of marijuana, cocaine, heroin, and precursor chemicals entering the United States;

[(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

[(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized;

[(V) the number of cocaine and methamphetamine processing laboratories destroyed domestically and in other countries;

[(VI) changes in the price and purity of heroin and cocaine, changes in the price of methamphetamine, and changes in tetrahydrocannabinol level of marijuana;

[(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;

[(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

[(I) the burden 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;

[(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;

[(iv) 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 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; and

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

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

[(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

[(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

[(B) if a new President or Director takes office.

[(3) 1999 STRATEGY REPORT.—With respect to the Strategy report required to be submitted by this subsection on February 1, 1999, the President shall prepare the report using such information as is available for the period covered by the report.

[(c) PERFORMANCE MEASUREMENT SYSTEM.—

[(1) SENSE OF CONGRESS.—It is the sense of Congress that—

[(A) the targets described in subsection (a) are important to the reduction of overall drug use in the United States;

[(B) the President should seek to achieve those targets during the 5 years covered by the National Drug Control Strategy required to be submitted under subsection (a);

[(C) the purpose of such targets and the annual reports to Congress on the progress towards achieving the targets is to allow for the annual restructuring of appropriations by the Appropriations Committees and authorizing committees of jurisdiction of Congress to meet the goals described in this Act;

[(D) the performance measurement system developed by the Director described in this subsection is central to the National Drug Control Program targets, programs, and budget; and

[(E) the Congress strongly endorses the performance measurement system for establishing clear outcomes for reducing drug use nationwide during the next five years, and the linkage of this system to all agency drug control programs and budgets receiving funds scored as drug control agency funding.

[(2) SUBMISSION TO CONGRESS.—Not later than February 1, 1999, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

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

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

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

[(D) evaluates in detail the implementation by each National Drug Control Program agency of program activities supporting the National Drug Control Strategy;

[(E) monitors consistency between the drug-related goals and objectives of the 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; and

[(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

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

[(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

[(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

[(3) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (2) shall be included in each report submitted under subsection (b).

[SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

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

[(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each applicable State, 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 Areas Program;

[(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

[(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas;

[(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

[(c) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

[(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

[(2) 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) drug-related activities in the area are having a harmful impact in other areas of the country; and

[(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

[(d) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the High Intensity Drug Trafficking Pro-

gram are expended for the establishment or expansion of drug treatment programs.】

SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

(a) *TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.*—

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

(2) *CONTENTS.*—

(A) *IN GENERAL.*—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy; and

(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

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

(vi) a review of international, State, 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;

(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of

the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

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

(C) *SELECTION OF DATA AND INFORMATION.*—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

(i) *the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and*

(ii) *the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.*

(3) *PROCESS FOR DEVELOPMENT AND SUBMISSION.*—

(A) *CONSULTATION.*—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) *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;*

(V) *private citizens and organizations with experience and expertise in supply reduction;*

(VI) *private citizens and organizations with experience and expertise in law enforcement; and*

(VII) *appropriate representatives of foreign governments;*

(ii) *with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;*

(iii) *with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and*

(iv) *may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.*

(B) *RECOMMENDATIONS.*—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

(C) *INCLUSION IN STRATEGY.*—*The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).*

(4) *SUBMISSION OF REVISED STRATEGY.*—*The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—*

(A) *at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or*

(B) *if a new President or Director takes office.*

(b) *PERFORMANCE MEASUREMENT SYSTEM.*—*Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.*

SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) *ESTABLISHMENT.*—*There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the “Program”).*

(b) *PURPOSES.*—*The purposes of the Program are the following:*

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

(2) *To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.*

(c) *DESIGNATION.*—*The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.*

(d) *FACTORS FOR CONSIDERATION.*—

(1) *IN GENERAL.*—*In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—*

(A) *the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;*

(B) *State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;*

(C) *drug-related production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and*

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

(2) *CONSIDERATIONS.*—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

- (A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;
- (B) the quantity of illicit drugs produced in the area;
- (C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;
- (D) the degree to which the area is a center for the activities of national drug trafficking organizations; and
- (E) such other criteria as the Director considers appropriate.

(e) *SOUTHWEST BORDER.*—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

(f) *REMOVAL FROM DESIGNATION.*—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

(g) *AUTHORITY OF THE DIRECTOR.*—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 Program, in accordance with subsection (h);
- (2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and
- (3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

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

(1) *30 PERCENT SET ASIDE.*—The Director shall expend no less than 30 percent of the amounts appropriated under this section in the seven high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the greatest impact on reducing overall drug traffic in the United States.

(2) *25 PERCENT SET ASIDE.*—The Director shall expend no less than 25 percent of the amounts appropriated under this section in nine other high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the next greatest impact on reducing overall drug traffic in the United States.

(3) *SOUTHWEST BORDER AREA.*—

(A) *20 PERCENT SET ASIDE.*—The Director shall expend no less than 20 percent of the amounts appropriated under

this section in the Southwest Border high intensity drug trafficking area.

(B) *REALLOCATION WITHIN AREA.*—*The executive committee of the Southwest Border high intensity drug trafficking area may reallocate up to five percent of the total funds allocated to that area among its components, with the approval of the Director.*

(4) *REMAINING AREAS.*—*The Director shall expend no less than 10 percent of the amounts appropriated under this section in the remaining high intensity drug trafficking areas.*

(5) *DISCRETIONARY EXPENDITURES.*—

(A) *IN GENERAL.*—*In addition to the amounts allocated under paragraphs (1) through (4) the Director may expend 15 percent of the amounts appropriated under this section on a discretionary basis.*

(B) *CONSIDERATION OF IMPACT.*—*In allocating funds under this paragraph, the Director shall consider—*

- (i) the impact of activities funded on reducing overall drug traffic in the United States;*
- (ii) performance measures of effectiveness; and*
- (iii) such other criteria as the Director considers appropriate.*

(6) *SPECIFIC PURPOSES.*—

(A) *IN GENERAL.*—*The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least \$1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.*

(B) *REQUIRED USES.*—*The funds used under subparagraph (A) shall be used—*

- (i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and*
- (ii) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.*

(i) *USE OF FUNDS.*—

(1) *LIMITATION.*—*No funds appropriated for the Program shall be expended for drug prevention or drug treatment programs.*

(2) *LIMITATION ON APPLICABILITY.*—*Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.*

(j) *TERRORISM ACTIVITIES.*—

(1) *ASSISTANCE AUTHORIZED.*—*The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.*

(2) *LIMITATION.*—*The Director shall ensure—*

(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

(k) **BOARD REPRESENTATION.**—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

(l) **ROLE OF DRUG ENFORCEMENT ADMINISTRATION.**—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

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

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

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

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

SEC. 708. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) * * *

(b) **[DIRECTOR OF TECHNOLOGY.—]***CHIEF SCIENTIST.*—There shall be at the head of the Center the **[Director of Technology,]** *Chief Scientist*, who 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) IN GENERAL.—The Director, acting through the Director of Technology shall—

[(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug 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) improving treatment through neuroscientific advances;

[(ii) improving the transfer of biomedical research to the clinical setting; and

[(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining 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 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

[(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.]

(c) *ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.*—

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

(A) *identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, 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 (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—*

(i) *improving treatment through neuroscientific advances;*

(ii) *improving the transfer of biomedical research to the clinical setting; and*

(iii) *in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of tech-*

nology 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) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) PRIORITIES IN TRANSFERRING TECHNOLOGY.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

(3) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense, *the Secretary of Homeland Security*, and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

[SEC. 709. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS.

[(a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

[(b) MEMBERSHIP.—

[(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

[(A) 1 shall be the President, who shall serve as Chairman of the Council;

[(B) 1 shall be the Vice President;

[(C) 1 shall be the Secretary of State;

[(D) 1 shall be the Secretary of the Treasury;

[(E) 1 shall be the Secretary of Defense;

[(F) 1 shall be the Attorney General;

[(G) 1 shall be the Secretary of Transportation;

[(H) 1 shall be the Secretary of Health and Human Services;

[(I) 1 shall be the Secretary of Education;

[(J) 1 shall be the Representative of the United States of America to the United Nations;

[(K) 1 shall be the Director of the Office of Management and Budget;

[(L) 1 shall be the Chief of Staff to the President;

[(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

[(N) 1 shall be the Director of Central Intelligence;

[(O) 1 shall be the Assistant to the President for National Security Affairs;

[(P) 1 shall be the Counsel to the President;

[(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

[(R) 1 shall be the National Security Adviser to the Vice President.

[(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

[(c) FUNCTIONS.—The Council shall advise and assist the President in—

[(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

[(2) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

[(d) ADMINISTRATION.—

[(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

[(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

[(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

[(A) cooperate with the Council in carrying out the functions of the Council under this section; and

[(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.]

SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) *IN GENERAL.*—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

(b) *USE OF FUNDS.*—

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

(A) *The purchase of media time and space.*

(B) *Creative and talent costs.*

(C) *Advertising production costs.*

(D) *Testing and evaluation of advertising.*

(E) *Evaluation of the effectiveness of the media campaign.*

(F) *The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.*

(G) *Partnerships with community, civic, and professional groups and government organizations related to the media campaign.*

(H) *Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.*

(I) *Operational and management expenses.*

(2) *SPECIFIC REQUIREMENTS.—*

(A) *CREATIVE SERVICES.—*

(i) *In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—*

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) *No more than \$1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to \$2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committee on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.*

(B) *TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.*

(C) *EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—*

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

(I) the “Monitoring the Future Study” published by the Department of Health and Human Services;

(II) *the Attitude Tracking Study published by the Partnership for a Drug Free America;*

(III) *the National Household Survey on Drug Abuse; and*

(IV) *other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and*

(ii) *ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.*

(3) *PURCHASE OF ADVERTISING TIME AND SPACE.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the media campaign, subject to the following exceptions:*

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

(B) *In any fiscal year for which more than \$195,000,000 is appropriated under this section, not less than 72 percent shall be used for advertising production costs and the purchase of advertising time and space for the media campaign.*

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

(d) *PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:*

(1) *To supplant current antidrug community-based coalitions.*

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

(3) *For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.*

(4) *To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.*

(5) *To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.*

(6) *To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.*

(e) *MATCHING REQUIREMENT.—*

(1) *IN GENERAL.—Amounts made available under subsection*

(b) *shall be matched by an equal amount of non-Federal funds*

for the media campaign, or be matched with in-kind contributions of the same value.

(2) *NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.*—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than \$125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

(3) *NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.*—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

(f) *FINANCIAL AND PERFORMANCE ACCOUNTABILITY.*—The Director shall cause to be performed—

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

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

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

(h) *REPORT TO CONGRESS.*—The Director shall submit on an annual basis a report to Congress that describes—

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

(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

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

(j) *PREVENTION OF MARIJUANA USE.*—

(1) *FINDINGS.*—The Congress finds the following:

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

(B) *Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.*

(C) *Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.*

(D) *Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.*

(E) *Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.*

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

(G) *Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.*

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

(I) *Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.*

(J) *Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.*

(2) **EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.**—*In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.*

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

* * * * *

[SEC. 711. DRUG INTERDICTION.

[(a) DEFINITION.—In this section, the term “Federal drug control agency” means—

- [(1)** the Office of National Drug Control Policy;
- [(2)** the Department of Defense;
- [(3)** the Drug Enforcement Administration;
- [(4)** the Federal Bureau of Investigation;
- [(5)** the Immigration and Naturalization Service;
- [(6)** the United States Coast Guard;
- [(7)** the United States Customs Service; and
- [(8)** any other department or agency of the Federal Government that the Director determines to be relevant.

[(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit

to Congress and to each Federal drug control program agency a report, which shall include—

[(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

[(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

[(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

[(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

[(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

[(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

[(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

[(c) BUDGET PROCESS.—

[(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, at the same time as each annual drug control budget request is submitted by the Federal drug control agency to the Director under section 704(c)(1), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

[(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 704(c)(2), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).]

* * * * *

SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, *except activities for which amounts are otherwise specifically authorized by this title*, to remain available until expended, such sums

as may be necessary for each of fiscal years [1999 through 2003] 2004 through 2008.

SEC. 715. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) IN GENERAL.—Except as provided in subsection (b), effective on [September 30, 2003, this title and the amendments made by this title are repealed] *September 30, 2008, this title is repealed.*

* * * * *

**SECTION 6073 OF THE ASSET FORFEITURE
AMENDMENTS ACT OF 1988**

[SEC. 6073. 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)(8) of title 28, United States Code, and section 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.]

DRUG-FREE MEDIA CAMPAIGN ACT OF 1998

[SEC. 101. SHORT TITLE.

 【This subtitle may be cited as the “Drug-Free Media Campaign Act of 1998”.

[SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

 【(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the “Director”) shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the United States.

 【(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle under section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

[SEC. 103. USE OF FUNDS.

【(a) AUTHORIZED USES.—

 【(1) IN GENERAL.—Amounts made available to carry out this subtitle for the support of the national media campaign may only be used for—

 【(A) the purchase of media time and space;

 【(B) talent reuse payments;

 【(C) out-of-pocket advertising production costs;

 【(D) testing and evaluation of advertising;

 【(E) evaluation of the effectiveness of the media campaign;

 【(F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

 【(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

 【(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programming, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

 【(2) ADVERTISING.—In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

 【(b) PROHIBITIONS.—None of the amounts made available under section 105 may be obligated or expended—

 【(1) to supplant current antidrug community based coalitions;

 【(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

 【(3) for partisan political purposes; or

 【(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appro-

priations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

[(c) MATCHING REQUIREMENT.—Amounts made available under section 105 should be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

[SEC. 104. REPORTS TO CONGRESS.

[(The Director shall—

[(1) submit to Congress on an annual basis a report on the activities for which amounts made available under section 105 have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

[(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

[SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

[(There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subtitle \$195,000,000 for each of fiscal years 1999 through 2002.)]

ADDITIONAL VIEWS OF HENRY A. WAXMAN

H.R. 2086 addresses the crucial issue of drug policy. Drug use is an enormous problem in our nation, ruining lives, filling our prisons, and sometimes terrorizing our communities. This Office of National Drug Control Policy (ONDCP) reauthorization legislation can help reduce the use of illegal drugs.

Although I support H.R. 2086, as it passed out of the Government Reform Committee, I want to highlight one of my remaining concerns. The bill does not address the requirement in existing law that mandates that the Director oppose efforts to legalize medical marijuana. I am opposed to marijuana use. However, we at the federal level should not be dictating to the states whether or not they should support the use of marijuana for medical purposes.

There are many drugs causing havoc in our society: crack, heroin, cocaine, and ecstasy to name a few. Compared to these genuine threats, the use of medical marijuana by persons dying of cancer is just a distraction. Yet because conservatives don't like the idea of medical marijuana, they want to force the drug czar to redirect federal resources away from fighting crack and heroin to combat medical marijuana.

I offered an amendment during full Committee markup which would have allowed the Director to take actions to oppose any attempts to legalize the medical use of marijuana or other schedule I substances. Under my amendment, these actions by the Director would have been discretionary instead of mandatory. Unfortunately, my amendment did not pass. Therefore, the Director must continue to take time out of his busy agenda to oppose attempts to legalize the medical use of marijuana.

The Director has many important responsibilities. He must coordinate drug policy across agencies, advise the President, develop strategies to interdict shipments of cocaine and heroin, figure out how to get hard-core drug addicts into treatment, and run a massive public education campaign to keep kids from using drugs. And the list goes on and on.

Instead of harping on cancer patients trying to find some relief from excruciation pain, we need to focus our prevention efforts on the major drug problems in the nation, such as stopping children from using cocaine, meth, heroin, and other lethal drugs. This bill is preoccupied with marijuana, and that's dangerous and short-sighted.

HENRY A. WAXMAN.

ADDITIONAL VIEWS OF MR. CUMMINGS

There is no greater problem in America than drug abuse, and the Office of National Drug Control Policy plays a vital role in shaping and coordinating our nation's policies and programs relating to illegal drugs. The High-Intensity Drug Trafficking Areas (HIDTA) program, the National Youth Anti-Drug Media Campaign ("media campaign"), and the Counter-Drug Technology Assessment Center (CTAC) also have important functions in our national drug control strategy. H.R. 2086 proposes to reauthorize the office and these important programs and I support the bill as reported by the Committee.

As reported, H.R. 2086 includes H.R. 1599, the Dawson Family Community Protection Act, legislation I introduced earlier this year with subcommittee Chairman Souder. H.R. 1599 would ensure funding for HIDTA initiatives aimed at increasing community safety and encouraging witness cooperation in drug-ravaged areas. I appreciate the majority's cooperation in including H.R. 1599's provisions in this reauthorization package.

With respect to the media campaign, I am pleased that H.R. 2086, as reported by the Committee, maintains the existing prohibition on partisan political use of the media campaign. Further, it bars the use of media campaign funds to support advocacy against, or in favor of, any clearly identified candidate, ballot initiative, or legislative or regulatory proposal, even if the candidate or measure is not party affiliated. These provisions reflect a bipartisan agreement that the media campaign should stay out of the business of influencing elections or legislative or regulatory proposals involving "medical marijuana" or other extraneous issues. The campaign should focus solely on the goal of youth drug use prevention. I regret that we did not take the additional step, proposed in the defeated amendment by Mr. Waxman, to make the Director's opposition to legalization efforts discretionary rather than mandatory under ONDCP's authorizing statute.

I am also disappointed that three amendments that I offered, and that were adopted in subcommittee with Chairman Souder's support, are diluted in the version of H.R. 2086 that the Committee reported out. Two amendments would have prohibited the Director from certifying as adequate any budget request by the Department of Health and Human Services unless the request provided for an increase in funding for the Substance Abuse Prevention and Treatment Block Grant and the Targeted Capacity Expansion program, respectively. As modified in full Committee, the reported provision requires the Director to determine that the request is adequate to "support and enhance federal drug treatment programs and capacity."

I believe our national drug control strategy should include a firm commitment to supporting the existing federal drug treatment in-

frastructure, by maintaining funding for the Block Grant and the Targeted Capacity Expansion program. States across the nation are suffering through fiscal crises, and many states are being forced to consider cutbacks in state funding for drug treatment programs. Maintaining and expanding access to treatment on demand, despite this economic trend, is vital. Treatment is critical not only for those who suffer from dependency and addiction, but also for the communities in which drug dependent people live. Studies show that expanding treatment access reduces the incidence of criminal and other negative behaviors associated with drug dependency.

As the Administration begins to devote substantial federal funding to a major new state voucher-based treatment initiative, we should be vigilant to ensure that any new initiatives augment, and do not undermine or erode, the existing infrastructure upon which treatment programs around the country rely.

A third amendment of mine adopted in Subcommittee sought to require the Department of Education to submit, with its FY 2005 budget request, a plan for providing "appropriate redress" for federal student aid applicants denied assistance by reason of a prior drug conviction. The provision was modified in full Committee, so that the scope of the regulated plan would be expressly limited to providing for "expedited consideration" of applications by this class of applicants.

I categorically opposed the so-called "drug-free student loan" provision in the Higher Education Act, but it is particularly troubling that it is being implemented so as to deny federal student aid to applicants on the basis of mistakes committed in the past. My amendment as reported would ensure that applications submitted by persons who have been denied student aid because of a past drug-related conviction receive priority treatment by the Department of Education.

My provision is meaningless, however, if enforcement of the provision does not change. If an outright appeal of the drug-free student loan provision is not possible, we should at least limit the application of the provision to the class of people Mr. Souder says he intended to target when he authored the provision: students who are convicted of a drug offense while receiving student aid. Unfortunately, jurisdictional limitations were an obstacle to amending the Higher Education Act in the Committee. It is my hope that the Republican leadership of the House will allow us to amend the Higher Education Act in the context of this legislation as it proceeds to the House floor.

ELIJAH E. CUMMINGS.

ADDITIONAL VIEWS OF CONGRESSWOMAN CAROLYN B.
MALONEY

I support H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003. As policymakers, we must do all we can to steer our children away from drugs and to work towards a safer and drug-free nation.

H.R. 2086 is important legislation and I applaud the work of Chairman Davis, Ranking Member Waxman, Chairman Souder and Ranking Member Cummings in addressing many of the concerns of Committee members regarding H.R. 2086 and in crafting a bipartisan bill. However, I want to comment on one issue.

The bill does not include language requiring the Director of the Office of National Drug Control Policy (ONDCP) to share with this Committee, and the Senate committee of jurisdiction, copies of ONDCP media campaign advertisements 30 days prior to public release of the ads. I offered an amendment in markup that would have added this straightforward, good government requirement to the bill.

H.R. 2086 authorizes ONDCP for five years, including approximately \$200 million a year for the Office of National Drug Control Policy's media campaign. As the oversight committee for ONDCP, it is better for this Committee to have more information versus less regarding this national media campaign.

We should be informed about the content of the advertisement prior to their release, as was required by the Committee during the Census 2000 media campaign. The Committee should, at the very least, be able to receive copies of the ads authorized by this legislation prior to their public distribution. We are the people's representatives and we have a responsibility to be knowledgeable about the work of Federal agencies under our jurisdiction, particularly this program which has been controversial in the past. If included in the bill, my amendment would have given us an additional formal tool.

During the markup, I was asked to withdraw my amendment with the understanding that my concerns could be addressed in report language. I appreciate the Majority including report language, however, I am disappointed that the report language ultimately included in the Committee Report does not instruct ONDCP to provide copies of the advertisements to the Chairman and Ranking Member, nor does it instruct ONDCP to give this Committee prior notification regarding the airing of new advertisements. My original language was not onerous, therefore I am surprised by the concerns of the Majority.

CAROLYN B. MALONEY.