

OFFICE OF NATIONAL DRUG CONTROL POLICY
REAUTHORIZATION ACT OF 2005

MARCH 3, 2006.—Ordered to be printed

Mr. BARTON of Texas, from the Committee on Energy and
Commerce, submitted the following

R E P O R T

[To accompany H.R. 2829]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, having considered the same, report thereon with an amendment and without recommendation.

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AMENDMENT

The amendment (stated in terms of the text reported on November 18, 2005 by the Committee on Government Reform; H. Rept. 109-315, part 1) is as follows:

Strike Title II and amend the table of contents accordingly.

PURPOSE AND SUMMARY

Title II of H.R. 2829, as reported by the Committee on Government Reform, established minimum standards for the testing of steroids and other performance-enhancing substances by professional sports leagues. H.R. 2829 required the Office of National Drug Control Policy (ONDCP) to issue regulations requiring certain professional sports organizations adopt uniform minimum testing and enforcement provisions for steroid and other performance-enhancing drugs programs. Additionally, H.R. 2829 required certain reports by the sports leagues and by the ONDCP. The regulations include provisions for the timing and frequency of testing athletes, the substances tested, and penalties for athletes who violate the policies.

BACKGROUND AND NEED FOR LEGISLATION

Athletics have played an important role in the cultural development and identity of the United States. America's enthusiasm for participation in sports is exceeded only by its enthusiasm as spectators. Sports at the collegiate, Olympic, and professional levels have evolved since the latter half of the twentieth century into a profitable industry for many of the industry participants. Nowhere is this more apparent than at the highest level of competition: professional sports.

The average annual player's salary in the most popular professional team sports is over \$1 million, with the highest paid athletes earning as much as \$20 million per season in salary. Additionally, endorsement opportunities for individual professional athletes often produce substantial financial gains. A plethora of media outlets now exist to provide non-stop coverage and broadcast of major professional sports, including sport-specific mediums. In total, the professional sports and related industries are multi-billion dollar enterprises.

Most sports experts believe the media attention and riches afforded to top athletes contribute to the temptation facing many athletes to use performance-enhancing substances for a competitive advantage. The prospect of earning millions of dollars can outweigh the risk, if any, of being caught using illegal or prohibited performance-enhancing substances.

Although the financial rewards in the modern sports era are greater than at any time in history, they are not the sole reason for doping in sports. In fact, the history of athletic doping, particularly through the use of stimulants, has been traced to the earliest days of the Olympics. Of greater relevance to the history of modern doping is the increased acceptance of testosterone and steroid use, along with other substances and techniques, by some athletes for their physiological benefits in the latter half of the twentieth century. Steroid use by Olympic athletes is reported to have been widespread beginning as early as the 1960's, and naturally began to find its way into professional sports.

To combat doping, the Olympic movement created the World Anti-Doping Agency (WADA) in 1999 to implement and enforce testing policies for Olympic sports. In the United States, the U.S. Anti-Doping Agency performs the testing for Olympic athletes.

Some professional sports, including professional tennis, follow the WADA code for prohibited substances and penalties.

Other professional sports associations and their players have responded similarly to the growing awareness of doping and implemented anti-drug testing programs during the past two decades. However, not all programs test for the same performance-enhancing substances, test using strict protocols including frequency of testing, nor do they enforce violations with significant penalties—if at all. Some professional sports associations do not even test for steroids and other performance-enhancing substances. While these provisions have historically been the subject of negotiation between the players and the sports associations, many of the programs are considered by experts to be deficient, particularly in regard to the penalties imposed on a player for violating the policy.

The integrity of professional sports is diminished because there are inconsistent and inadequate testing policies among the various leagues. Recent allegations and admissions by current and former athletes of regarding their use of steroids have undermined the credibility of some sports and their testing programs, and cast a wider doubt about the prevalence of doping by professional athletes. More importantly, the effect of the disparate policies—including those that do not even test for certain illegal substances nor punish athletes for taking the substances—is to promote the perception that the use of such substances by some professional athletes is at best tolerated and at worst encouraged.

Such an effect contributes to the serious problem of youths increasingly using performance-enhancing substances, such as illegal steroids. Based on the May 2004 Centers for Disease Control report, there are more than 800,000 high school students who have used or are currently using anabolic steroids. There is no doubt that youths often seek to emulate sports idols, particularly in the professional ranks. Absent rigorous testing and penalties for professional athletes who use performance-enhancing substances, there is a clear message sent to youths that deterrence is not a priority.

The Committee's concern is the diminished value of the positive qualities of sport and the adverse health consequences of performance-enhancing substances for individuals.

In order to examine these issues more closely, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing with the Subcommittee on Health on steroid use on Thursday, March 10, 2005. The hearing was entitled "Steroids in Sports: Cheating the System and Gambling Your Health." The Subcommittees received testimony from: Congressman Jim Ryun; Don Hooton, Taylor Hooton Foundation; Dr. Linn Goldberg, Oregon Health & Science University; Robert Kanaby, Executive Director, National Federation of State High School Associations; Sandra Worth, Head Athletic Trainer, University of Maryland, on behalf of the National Athletic Trainers Association; Dr. Charles Yesalis, Pennsylvania State University; Dr. Ralph Hale, Chairman, United States Anti-Doping Agency; Adolpho Birch, Counsel for Labor Relations, National Football League; Frank Coonelly, Senior Vice President, Major League Baseball; Mary E. Wilfert, Chief Liaison, Committee on Competitive Safeguards and Medical Aspects of Sports, The National Collegiate Athletic Association.

While the Subcommittee on Commerce, Trade, and Consumer Protection did not hold any hearings on H.R. 2829, the Subcommittee held two days of legislative hearing on H.R. 1862, the Drug Free Sports Act, on May 18 and 19, 2005. The Subcommittee received testimony from: Frank Shorter, former Chairman of the United States Anti-Doping Agency; Donald Garber, Commissioner, Major League Soccer; Robert Foose, Executive Director, Major League Soccer Players Union; Allan H. (Bud) Selig, Commissioner, Major League Baseball; Donald Fehr, Executive Director, Major League Baseball Players Association; Gary Bettman, Commissioner, National Hockey League; Robert Goodenow, Executive Director, National Hockey League Players Association; David Stern, Commissioner, National Basketball Association; William Hunter, Executive Director, National Basketball Players Association; Paul Tagliabue, Commissioner, National Football League; and Gene Upshaw, Executive Director, National Football League Players Association.

Following these hearings, on Wednesday, May 25, 2005, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and approved H.R. 1862, the Drug Free Sports Act, for full Committee consideration, amended, by voice vote, a quorum being present. H.R. 1862 was superseded by H.R. 3084, which was marked up on Wednesday, June 29, 2005, by the full Committee, and H.R. 3084 was ordered favorably reported to the House, amended, by a roll call vote of 38 yeas and 2 nays, a quorum being present.

The Committee filed a report on H.R. 3084 (H. Rpt. 109-210, Part I) on July 28, 2005, which reflects the legislative position of the Committee on Energy and Commerce with regards to legislation relating to steroids.

The Committee does not waive its jurisdiction over Title I of the bill, as it received a referral of the bill upon introduction prior to the inclusion of Title II by the Committee on Government Reform. Accordingly, the Committee on Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On Thursday, February 16, 2006, the full Committee met in open markup session to consider H.R. 2829, as reported by the Committee on Government Reform, and ordered H.R. 2829 reported to the House, amended, without recommendation, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 2829 reported.

A motion by Mr. Barton to order H.R. 2829 reported to the House, amended, without recommendation, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005 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 2010.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 2, 2006.

Hon. JOE BARTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 2829, a bill to reauthorize the Office of National Drug Control Policy Act.

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

Sincerely,

DONALD B. MARRON, *Acting Director.*

Enclosure.

H.R. 2829—A bill to reauthorize the Office of National Drug Control Policy Act

Summary: H.R. 2829 would reauthorize operations of the Office of National Drug Control Policy (ONDCP) and programs administered by that office through 2010. Major programs administered by

that office include the High-Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, and the Counterdrug Technology Assessment Center.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2829 would cost about \$2.6 billion over the 2007–2011 period. Of this total, about \$1.9 billion would result from amounts specifically authorized for the National Youth Anti-Drug Media Campaign and High-Intensity Drug Trafficking Areas.

By reauthorizing ONDCP's authority to accept and spend gifts, enacting H.R. 2829 could affect direct spending and revenues, but CBO estimates that any such impact would be negligible.

H.R. 2829 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs incurred by state, local, or tribal entities would result from participating in a voluntary federal program.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2829 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—					
	2006	2007	2008	2009	2010	2011
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for ONDCP:						
Budget Authority ²	479	0	0	0	0	0
Estimated Outlays	484	196	36	11	0	0
Proposed Changes:						
High-Intensity Drug Trafficking Areas:						
Authorization Level	0	290	290	300	300	0
Estimated Outlays	0	73	247	278	299	225
National Youth Anti-Drug Media Campaign:						
Authorization Level	0	195	210	210	210	0
Estimated Outlays	0	176	209	210	210	21
Other Federal Drug Control Programs:						
Estimated Authorization Level	0	97	98	100	102	0
Estimated Outlays	0	81	94	98	100	14
Counterdrug Technology Assessment Center:						
Estimated Authorization Level	0	31	31	32	32	0
Estimated Outlays	0	29	31	32	32	2
Office of National Drug Control Policy:						
Estimated Authorization Level	0	28	29	30	30	0
Estimated Outlays	0	24	28	30	30	5
Other Provisions:						
Estimated Authorization Level	0	7	7	7	7	0
Estimated Outlays	0	6	7	7	7	0
Total Proposed Changes:						
Estimated Authorization Level	0	647	665	679	681	0
Estimated Outlays	0	387	614	654	676	267
Total Spending Under H.R. 2829 for ONDCP:						
Estimated Authorization Level ^a	479	647	665	679	681	0
Estimated Outlays	484	583	650	665	676	267

^a The 2006 level is the amount appropriated for that year for programs administered by the Office of National Drug Control Policy.

Note: Components may not sum to totals because of rounding.

Basis of Estimate: For this estimate, CBO assumes that the bill will be enacted during fiscal year 2006, 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 reauthorize all the programs of ONDCP through 2010. The current authorization for ONDCP expired at the end of fiscal year 2003 (although the office continued to receive funding in 2004, 2005, and 2006). Based on information from ONDCP and historical spending patterns of the agency, CBO estimates that these authorizations, if funded beginning in fiscal year 2007, would result in outlays of about \$387 million in 2007 and about \$2.6 billion over the 2007–2011 fiscal year.

High-Intensity Drug Trafficking Areas. Section 109 would authorize the appropriation of \$290 million for fiscal years 2007 and 2008 and \$300 million a year for 2009 and 2010 for the High-Intensity Drug Trafficking Areas program. This program coordinates drug-control efforts among local, state, and federal law enforcement agencies. Assuming appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$73 million in fiscal year 2007 and \$1.1 billion over the 2007–2011 period.

National Youth Anti-Drug Media Campaign. Section 112 would authorize the appropriation of \$195 million in fiscal year 2007 and \$210 million a year for the 2008–2010 period for the National Youth Anti-Drug Media Campaign (NYADMC) program. NYADMC delivers anti-drug messages through mass communications to help prevent and reduce youth drug use. Assuming appropriations of the specified amounts, CBO estimates that implementing this provision would cost \$176 million in 2007 and about \$825 million over the 2007–2011 period.

Other Federal Drug Control Programs. H.R. 2829 would authorize the appropriation of such sums as necessary to operate other federal drug-control programs (excluding NYADMC) through fiscal year 2010. Those include the Drug-Force Communities program, National Drug Court Institute, and the U.S. Anti-Doping Agency. Based on the level of funding for 2006, information from ONDCP, and adjusting for anticipated inflation, CBO estimates that implementing the programs would cost about \$81 million in 2007 and \$387 million over the 2007–2011 period.

Counterdrug Technology Assessment Center. The legislation would authorize the appropriation of such sums as necessary to operate the Counterdrug Assessment Center. The center coordinates counterdrug research and development activities for the federal government. Because the bill did not specify funding levels, CBO estimated the costs by adjusting 2006 funding for anticipated inflation. On that basis, we estimate that operation of the center would cost \$29 million in 2007 and \$126 million over the 2007–2011 period.

Office of National Drug Control Policy. H.R. 2829 would authorize the appropriation of such sums as necessary for ONDCP. The office establishes policies, priorities, and objectives for federal drug-control programs. Assuming appropriation of the necessary amounts, CBO estimates that these activities would cost \$24 million in 2007 and \$115 million over the 2007–2011 period. This estimate is based on historical spending patterns and assumes that the appropriation for 2006 would be adjusted for anticipated inflation.

Other Provisions. Section 106 would require ONDCP to produce a biannual plan to increase the coordination among federal agencies working to combat illegal drug use. Based on information from

ONDCP, CBO estimates that completing such plans would cost \$3 million a year.

Section 113 would amend the responsibilities and authorities of the United States Interdiction Coordinator. Based within the ONDCP, the U.S. Interdiction Coordinator would be responsible for coordinating efforts to prevent drugs from entering the United States. Based on information from ONDCP and the Department of Homeland Security, CBO estimates that increased staffing levels and new reporting requirements necessary under the bill would cost \$2 million annually.

The legislation includes other provisions that would establish new reporting requirements and procedures for preparing budget requests for ONDCP. CBO estimates that those provisions would cost \$2 million annually.

Revenues and direct spending

H.R. 2829 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. 2829 would be negligible.

Intergovernmental and private-sector impact: H.R. 2829 contains no intergovernmental or private-sector mandates as defined in UMRA; any cost incurred by state, local, or tribal entities would result from participating in a voluntary federal program.

Previous CBO estimates: On August 5, 2005, CBO transmitted a cost estimate for H.R. 2829 as ordered reported by the House Committee on Government Reform on June 16, 2005. On July 7, 2005, CBO transmitted a cost estimate for H.R. 2565, a bill to reauthorize the Office of National Drug Control Policy Act and to establish minimum drug-testing standards for major professional sports leagues, as ordered reported by the House Committee on Government Reform on May 26, 2005.

H.R. 2829 and H.R. 2565 are similar; all three bills would reauthorize ONDCP and programs administered through that office. However, the three pieces of legislation would authorize varying amounts for various activities over different time periods. CBO's cost estimates for the three bills reflect those differences.

Estimate prepared by: Federal Costs: Matthew Pickford and Mark Grabowicz. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Craig Cammarata.

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The Committee deleted Title II, the Clean Sports Act, from H.R. 2829 as reported by the Committee on Government Reform. A complete section-by-section analysis of H.R. 2829 can be found in H. Rept. 109–315, Part 1, as filed by the Committee on Government Reform.

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 ACT REAUTHORIZATION ACT OF 1998

SEC. 701. SHORT TITLE.

This title may be cited as the “Office of National Drug Control Policy Reauthorization Act of 1998”.

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[.], *including the testing of employees;*

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

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

* * * * *

(6) NATIONAL DRUG CONTROL PROGRAM.—The term “National Drug Control Program” means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the Na-

tional Drug Control Strategy, *including any activities involving supply reduction, demand reduction, or State and local affairs.*

(7) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term “National Drug Control Program [Agency] *agency*” means any agency that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the [National Foreign Intelligence Program,] *National Intelligence Program*, the Joint Military Intelligence Program, or Tactical Intelligence and Related Activities, unless such agency has been designated—

(A) * * *

* * * * *

(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 *National Drug Control Program agencies* and 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[.];

(D) *domestic drug law enforcement, including domestic drug interdiction and law enforcement directed at drug users; and*

(E) *coordination and enhancement of Federal, State, and local law enforcement initiatives to gather, analyze, and disseminate information and intelligence relating to drug control among domestic law enforcement agencies.*

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

(A) international drug control, *including—*

(i) *law enforcement outside the United States; and*

(ii) *source country programs, including economic development programs primarily intended to reduce the production or trafficking of illicit drugs;*

[(B) foreign and domestic drug intelligence;]

(B) *facilitating and enhancing the sharing of foreign and domestic information and law enforcement intelligence relating to drug production and trafficking among National Drug Control Program agencies, and between those agencies and foreign law enforcement agencies; and*

(C) interdiction[; and].

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

(12) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*Except where otherwise provided, the term “appropriate congressional committees” means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.*

(13) *LAW ENFORCEMENT.*—*The term “law enforcement” or “drug law enforcement” means all efforts by a Federal, State, or local government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.*

SEC. 703. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) *ESTABLISHMENT OF OFFICE.*—*There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—*

- (1) develop national drug control policy;
- (2) coordinate and oversee the implementation of that national drug control policy;
- (3) assess and certify the adequacy of national drug control programs and the budget for those programs; and
- [(4) evaluate the effectiveness of the national drug control programs.]

(4) evaluate the effectiveness of the national drug control policy and the National Drug Control Program agencies’ programs, by developing and applying specific goals and performance measurements.

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

(b) *DIRECTOR AND DEPUTY DIRECTORS.*—

- (1) *DIRECTOR.*—*There shall be at the head of the Office a Director of National Drug Control Policy, who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code.*

* * * * *

- (3) *OTHER DEPUTY DIRECTORS.*—*There shall be in the [Office—] Office the following additional Deputy Directors—*

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

(B) a Deputy Director for Supply Reduction, [who shall] who shall have substantial experience and expertise in drug interdiction operations and other supply reduction activities, and who shall serve as the United States Interdiction

Coordinator and be responsible for the activities described in subparagraphs (A) through (C) of section 702(11); and (C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through ~~[(C)]~~ (E) of section 702(10) ~~and subparagraph (D) of section 702(11)]~~, and sections 707 and 708 of this Act.

* * * * *

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;

* * * * *

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

* * * * *

(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) * * *

* * * * *

(14) shall submit to the ~~Appropriations committees and the authorizing committees of jurisdiction of the House of Representatives and the Senate~~ *appropriate congressional com-*

mittees 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) 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) developing a single interagency clearinghouse for the dissemination of research and information by such agencies to State and local governments and nongovernmental agencies involved in demand reduction.]

(C) supporting the substance abuse information clearinghouse administered by the Administrator of the Substance Abuse and Mental Health Services Administration and established in section 501(d)(16) of the Public Health Service Act by—

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

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

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

(17) shall seek the support and commitment of State and local officials in the formulation and implementation of the National Drug Control Strategy;

(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local and regional drug trafficking and production threats; and

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

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) RESPONSIBILITIES OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) * * *

* * * * *

(C) CONTENT OF DRUG CONTROL BUDGET REQUESTS.—A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand

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

(2) NATIONAL DRUG CONTROL PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency—

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

* * * * *

(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;

(vii) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 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;

(vii) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 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;

(viii) requests funding for the operations and management of the Department of Homeland Security that does not include a specific request for funds for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).

[(C)] (D) AGENCY RESPONSE.—

(i) * * *

* * * * *

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives *and the appropriate congressional committees* at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, 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 appropriate congressional committees* 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 appropriate congressional committees 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 Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1); and*

(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 appropriate congressional committees, 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 (22 U.S.C. 2291(e));*

(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 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), as provided in section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1), is warranted with respect to countries the Director assesses have not cooperated fully.

* * * * *

(f) FUND CONTROL NOTICES.—

(1) * * *

* * * * *

(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

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

(g) INAPPLICABILITY TO CERTAIN PROGRAMS.—The provisions of this section shall not apply to the [National Foreign Intelligence Program] *National Intelligence Program*, the Joint Military Intelligence Program, and Tactical Intelligence and Related Activities unless the agency that carries out such program is designated as a National Drug Control Program agency by the President or jointly by the Director and the head of the agency.

(h) CONSTRUCTION.—Nothing in this Act shall be construed as derogating the authorities and responsibilities of the [Director of Central Intelligence] *Director of National Intelligence or the Director of the Central Intelligence Agency* contained in sections 104 and 504 of the National Security Act of 1947 or any other law.

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

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

(2) PROTECTION OF INTELLIGENCE INFORMATION.—

(A) IN GENERAL.—The authorities conferred on the Office and the Director by this title shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The [Director of Central Intelligence] *Director of National Intelligence* shall prescribe such regulations as may be necessary to protect in-

formation provided pursuant to this title regarding intelligence sources and methods.

(B) DUTIES OF DIRECTOR.—The [Director of Central Intelligence] *Director of National Intelligence and the Director of the Central Intelligence Agency* shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

[(3) 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, the appropriate congressional committees, the Committee on Agriculture and the Committee on Resources of the House of Representatives, and the Committee on Agriculture and the Committee on Energy and Natural Resources of the Senate, 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 appropriate congressional committees 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) seizures of drugs by each component of the Department of Justice 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, the appropriate congressional committees, and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, information for the preceding year regarding—*

(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

(ii) the number of air and maritime patrol hours undertaken by each component of that 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, the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate, 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.

(b) CERTIFICATION OF POLICY CHANGES TO DIRECTOR.—

(1) * * *

(2) EXCEPTION.—If prior notice of a proposed change under paragraph (1) is not practicable—

(A) * * *

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control [Program.] Strategy.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director, [in] on a reimbursable basis, such administrative support services as the Director may request.

* * * * *

[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 achieve-

ment 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 Program 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 the following:

(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 quantifiable objectives 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 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.*

(v) *A general review of the status of, and trends in, international, State, and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.*

(vi) *A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, and local government agencies.*

(vii) *An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit 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 nondependent and dependent illicit drug use;

(II) illicit drug use in the workplace and the productivity lost by such use; and

(III) illicit drug use by arrestees, probationers, and parolees.

(viii) *An assessment of the reduction of illicit drug availability, as measured by—*

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

(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

(III) the number of illicit drug manufacturing laboratories seized and destroyed and 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 and other drugs; and

(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

(ix) *An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—*

(I) the burden illicit drug users place on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

(II) the annual national health care cost of illicit drug use; and

(III) the extent of illicit drug-related crime and criminal activity.

(x) *A general review of the status of, and trends in, of drug treatment in the United States, by assessing—*

(I) public and private treatment utilization; and

(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

(xi) *A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.*

(xii) *A summary of the efforts made by Federal agencies to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—*

(I) screening chemicals for potential therapeutic value;

(II) developing promising compounds;

(III) conducting clinical trials;

(IV) seeking, where appropriate, Food and Drug Administration approval for drugs to treat addiction;

(V) marketing, where appropriate, the drug for the treatment of addiction;

(VI) urging physicians, where appropriate, to use the drug in the treatment of addiction; and

(VII) encouraging, where appropriate, insurance companies to reimburse the cost of the drug for the treatment of addiction.

(xiii) *Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.*

(xiv) *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, including community- and faith-based 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 National 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) **COMMITMENT TO SUPPORT STRATEGY.**—In satisfying the requirements of subparagraph (A)(i), the Director shall ensure, to the maximum extent possible, that State and local officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy.

(C) **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.

(D) *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, as part of the National Drug Control Strategy, a description of a national drug control performance measurement system that—*

(1) *develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, drug availability, and the consequences of drug use;*

(2) *describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;*

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

(4) *evaluates the contribution of demand reduction and supply reduction activities implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;*

(5) *monitors consistency of drug-related goals and objectives among the National Drug Control Program agencies and ensures that each agency's goals, objectives, and budgets support and are fully consistent with the National Drug Control Strategy; and*

(6) *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—*

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

(B) *the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use; and*

(C) *the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and*

(7) *identifies the actions the Director shall take to correct any inadequacies, deficiencies, or limitations identified in the assessment described in paragraph (6).*

(c) *MODIFICATIONS.*—*A description of any modifications made during the preceding year to the national drug performance meas-*

urement system described in subsection (b) shall be included in each report submitted under subsection (a).

SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—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”).

(2) PURPOSE.—The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

(b) 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. 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 are appropriated for the 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; and

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

(c) PETITIONS FOR DESIGNATION.—The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

(d) 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 significant 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 significant harmful impact in the area, and 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.

(e) ORGANIZATION OF HIGH INTENSITY DRUG TRAFFICKING AREAS.—

(1) EXECUTIVE BOARD AND OFFICERS.—To be eligible for funds appropriated under this section, each high intensity drug trafficking area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

(2) RESPONSIBILITIES.—The Executive Board of a high intensity drug trafficking area shall be responsible for—

(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

(B) managing the funds of the high intensity drug trafficking area;

(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

(3) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership or region of a high intensity drug trafficking area, if that area's, region's or partnership's Executive Board does not apportion an equal number of votes between representatives of participating Federal agencies and representatives of participating State and local agencies. Where it is impractical for a equal number of representatives of Federal agencies and State and local agencies to attend a meeting of an Executive Board in person, the Executive Board may use a system of proxy votes or weighted votes to achieve the voting balance required by this paragraph.

(4) NO AGENCY RELATIONSHIP.—The eligibility requirements of this section are intended to ensure the responsible use of Federal funds. Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government.

(f) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the Program are expended for the establishment or expansion of drug treatment or drug use prevention programs.

(g) COUNTERTERRORISM 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, espe-

cially but not exclusively with respect to such investigations and activities that are also 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, except on a temporary basis under extraordinary circumstances, as determined by the Director.

(h) *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.

(i) *ANNUAL HIDTA PROGRAM BUDGET SUBMISSIONS.*—As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a budget justification that includes the following:

(1) The amount requested for each high intensity drug trafficking area with supporting narrative descriptions and rationale for each request.

(2) A detailed justification for each funding request that explains the reasons for the requested funding level, how such funding level was determined based on a current assessment of the drug trafficking threat in each high intensity drug trafficking area, how such funding will ensure that the goals and objectives of each such area will be achieved, and how such funding supports the National Drug Control Strategy.

(j) *EMERGING THREAT RESPONSE FUND.*—

(1) *IN GENERAL.*—The Director may expend up to 10 percent of the amounts appropriated under this section on a discretionary basis, to respond to any emerging drug trafficking threat in an existing high intensity drug trafficking area, or to establish a new high intensity drug trafficking area or expand an existing high intensity drug trafficking area, in accordance with the criteria established under paragraph (2).

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

(A) the impact of activities funded on reducing overall drug traffic in the United States, or minimizing the probability that an emerging drug trafficking threat will spread to other areas of the United States; and

(B) such other criteria as the Director considers appropriate.

(k) *EVALUATION.*—

(1) *INITIAL REPORT.*—Not later than 90 days after the date of the enactment of this subsection, the Director shall, after consulting with the Executive Boards of each designated high intensity drug trafficking area, submit a report to Congress that describes, for each designated high intensity drug trafficking area—

(A) the specific purposes for the high intensity drug trafficking area;

(B) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area;

(C) the measurements that will be used to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals; and

(D) the reporting requirements needed to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals.

(2) **EVALUATION OF HIDTA PROGRAM AS PART OF NATIONAL DRUG CONTROL STRATEGY.**—For each designated high intensity drug trafficking area, the Director shall submit, as part of the annual National Drug Control Strategy report, a report that—

(A) describes—

(i) the specific purposes for the high intensity drug trafficking area; and

(ii) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area; and

(B) includes an evaluation of the performance of the high intensity drug trafficking area in accomplishing the specific long-term and short-term goals and objectives identified under paragraph (1)(B).

(1) **ASSESSMENT OF DRUG ENFORCEMENT TASK FORCES IN HIGH INTENSITY DRUG TRAFFICKING AREAS.**—Not later than 180 days after the date of enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

(1) assessing the number and operation of all federally funded drug enforcement task forces within each high intensity drug trafficking area; and

(2) describing—

(A) each Federal, State, and local drug enforcement task force operating in the high intensity drug trafficking area;

(B) how such task forces coordinate with each other, with any high intensity drug trafficking area task force, and with investigations receiving funds from the Organized Crime and Drug Enforcement Task Force;

(C) what steps, if any, each such task force takes to share information regarding drug trafficking and drug production with other federally funded drug enforcement task forces in the high intensity drug trafficking area;

(D) the role of the high intensity drug trafficking area in coordinating the sharing of such information among task forces;

(E) the nature and extent of cooperation by each Federal, State, and local participant in ensuring that such information is shared among law enforcement agencies and with the high intensity drug trafficking area;

(F) the nature and extent to which information sharing and enforcement activities are coordinated with joint terrorism task forces in the high intensity drug trafficking area; and

(G) any recommendations for measures needed to ensure that task force resources are utilized efficiently and effec-

tively to reduce the availability of illegal drugs in the high intensity drug trafficking areas.

(m) **ASSESSMENT OF INTELLIGENCE SHARING IN HIGH INTENSITY DRUG TRAFFICKING AREAS—PROGRAM.**—Not later than 180 days after the date of the enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

(1) evaluating existing and planned intelligence systems supported by each high intensity drug trafficking area, or utilized by task forces receiving any funding under the Program, including the extent to which such systems ensure access and availability of intelligence to Federal, State, and local law enforcement agencies within the high intensity drug trafficking area and outside of it;

(2) the extent to which Federal, State, and local law enforcement agencies participating in each high intensity drug trafficking area are sharing intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

(3) the measures needed to improve effective sharing of information and intelligence regarding drug trafficking and drug production among Federal, State, and local law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

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

(1) \$280,000,000 for fiscal year 2006;

(2) \$290,000,000 for each of fiscal years 2007 and 2008; and

(3) \$300,000,000 for each of fiscal years 2009 and 2010.

(o) **SPECIFIC PURPOSES.**—

(1) **IN GENERAL.**—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least \$5,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

(2) **REQUIRED USES.**—The funds used under paragraph (1) shall be used—

(A) 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

(B) 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. 708. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) **ESTABLISHMENT.**—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the “Center”). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug technology research and development organization of the United States Government.

(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 inter-agency 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 Counterdrug Research and Development Program;

(D) oversee and coordinate counterdrug 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 established under subsection (b) of section 706;

(F) with the advice and counsel of experts from State and local law enforcement agencies, oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

(G) 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 counterdrug technology research and development.

(2) *PRIORITIES IN TRANSFERRING TECHNOLOGY.*—

(A) *IN GENERAL.*—The Chief Scientist shall give priority, in transferring technology under paragraph (1)(F), based on the following criteria:

- (i) the need of potential recipients for such technology;

- (ii) *the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and*
- (iii) *the ability and willingness of potential recipients to evaluate transferred technology.*

(B) **INTERDICTION AND BORDER DRUG LAW ENFORCEMENT TECHNOLOGIES.**—*The Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border drug law 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 direct management of individual projects or other operational activities.*

(4) **REPORT.**—*On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the following:*

(A) *The number of requests received during the previous 12 months, including the identity of each requesting agency and the type of technology requested.*

(B) *The number of requests fulfilled during the previous 12 months, including the identity of each recipient agency and the type of technology transferred.*

(C) *A summary of the criteria used in making the determination on what requests were funded and what requests were not funded, except that such summary shall not include specific information on any individual requests.*

(D) *A general assessment of the future needs of the program, based on expected changes in threats, expected technologies, and likely need from potential recipients.*

(E) *An assessment of the effectiveness of the technologies transferred, based in part on the evaluations provided by the recipients, with a recommendation whether the technology should continue to be offered through the program.*

(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 youth anti-drug media campaign (referred to in this subtitle as the “national media campaign”) in accordance with this section for the purposes of—*

(1) preventing drug abuse among young people in the United States;

(2) increasing awareness of adults of the impact of drug abuse on young people; and

(3) encouraging parents and other interested adults to discuss with young people the dangers of illegal drug use.

(b) *USE OF FUNDS.—*

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

(A) *The purchase of media time and space, including the strategic planning for, and accounting of, such purchases.*

(B) *Creative and talent costs, consistent with paragraph (2)(A).*

(C) *Advertising production costs.*

(D) *Testing and evaluation of advertising.*

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

(F) *The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee to enter into contracts to carry out activities authorized by this section.*

(G) *Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national 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 (including creative services provided by the Partnership for a Drug-Free America) 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; or

(III) the Director determines that the Partnership for a Drug-Free America is unable to provide, pursuant to subsection (d)(2)(B).

(ii) *No more than \$1,500,000 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 national 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 national 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 national 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 national media campaign.

(C) *EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national 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 national media campaign is evaluated in a manner that enables consideration of whether the national 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 national media campaign, subject to the following exceptions:*

(A) In any fiscal year for which less than \$125,000,000 is appropriated for the national 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 national 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 national media campaign.

(c) ADVERTISING.—In carrying out this section, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(d) DIVISION OF RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

(1) IN GENERAL.—The Director, in consultation with the Partnership for a Drug-Free America, shall determine the overall purposes and strategy of the national media campaign.

(2) *RESPONSIBILITIES.*—

(A) *DIRECTOR.*—*The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in subsection (a), and shall approve—*

- (i) the strategy of the national media campaign;*
- (ii) all advertising and promotional material used in the national media campaign; and*
- (iii) the plan for the purchase of advertising time and space for the national media campaign.*

(B) *THE PARTNERSHIP FOR A DRUG-FREE AMERICA.*—*The Director shall request that the Partnership for a Drug-Free America—*

- (i) develop and recommend strategies to achieve the goals of the national media campaign, including addressing national and local drug threats in specific regions or States, such as methamphetamine and ecstasy;*
- (ii) create all advertising to be used in the national media campaign, except advertisements that are—*

(I) provided by other nonprofit entities pursuant to subsection (f);

(II) intended to respond to high-priority or emergent campaign needs that cannot timely be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America;

(III) intended to reach a minority, ethnic, or other special audience that cannot be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America; or

(IV) any other advertisements that the Director determines that the Partnership for a Drug-Free America is unable to provide.

(C) *MEDIA BUYING CONTRACTOR.*—*The Director shall enter into a contract with a media buying contractor to plan and purchase advertising time and space for the national media campaign. The media buying contractor shall not provide any other service or material, or conduct any other function or activity which the Director determines should be provided by the Partnership for a Drug-Free America.*

(e) *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 Fed-*

eral 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.

(f) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Amounts made available under subsection (b) for media time and space shall be matched by an equal amount of non-Federal funds for the national 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 national media campaign, except that in any fiscal year in which less than \$125,000,000 is appropriated to the national 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 national 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 consistent with the purposes of the national media campaign includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

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

(1) audits and reviews of costs of the national 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 to determine whether the costs of the national media campaign are allowable under section 306 of such Act (41 U.S.C. 256).

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

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

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national 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 national 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 cannabis products 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 2006 and 2007 and \$210,000,000 for each of fiscal years 2008 through 2010.*

* * * * *

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.]

(a) UNITED STATES INTERDICTION COORDINATOR.—

(1) IN GENERAL.—*The Deputy Director for Supply Reduction in the Office shall serve as the United States Interdiction Coordinator, and shall perform the duties of that position described in paragraph (2) and such other duties as may be determined by the Director with respect to coordination of efforts to interdict illicit drugs from entering the United States.*

(2) RESPONSIBILITIES.—*The United States Interdiction Coordinator shall be responsible to the Director for—*

(A) *coordinating the interdiction activities of the National Drug Control Program agencies to ensure consistency with the National Drug Control Strategy;*

(B) *on behalf of the Director, developing and issuing, on or before March 1 of each year and in accordance with paragraph (3), a National Interdiction Command and Control Plan to ensure the coordination and consistency described in subparagraph (A);*

(C) *assessing the sufficiency of assets committed to illicit drug interdiction by the relevant National Drug Control Program agencies; and*

(D) advising the Director on the efforts of each National Drug Control Program agency to implement the National Interdiction Command and Control Plan.

(3) STAFF.—The Director shall assign such permanent staff of the Office as he considers appropriate to assist the United States Interdiction Coordinator to carry out the responsibilities described in paragraph (2), and may also, at his discretion, request that appropriate National Drug Control Program agencies detail or assign staff to the Office of Supply Reduction for that purpose.

(4) NATIONAL INTERDICTION COMMAND AND CONTROL PLAN.—

(A) PURPOSES.—The National Interdiction Command and Control Plan shall—

(i) set forth the Government's strategy for drug interdiction;

(ii) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

(iii) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

(B) CONSULTATION WITH OTHER AGENCIES.—The United States Interdiction Coordinator shall issue the National Interdiction Command and Control Plan in consultation with the other members of the Interdiction Committee described in subsection (b).

(C) LIMITATION.—The National Interdiction Command and Control Plan shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

(D) REPORT TO CONGRESS.—On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees, to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate, which shall include—

(i) a copy of that year's National Interdiction Command and Control Plan;

(ii) information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas of such seizures; and

(iii) information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas in which such patrol hours took place.

(E) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the report described in subparagraph (D) that involves information clas-

sified under criteria established by an Executive order, or the public disclosure of which, as determined by the United States Interdiction Coordinator or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the plan.

(b) INTERDICTION COMMITTEE.—

(1) IN GENERAL.—The Interdiction Committee shall meet to—

(A) discuss and resolve issues related to the coordination, oversight and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy;

(B) review the annual National Interdiction Command and Control Plan, and provide advice to the Director and the United States Interdiction Coordinator concerning that plan; and

(C) provide such other advice to the Director concerning drug interdiction strategy and policies as the committee determines is appropriate.

(2) MEMBERSHIP.—The membership of the Interdiction Committee shall consist of—

(A) the Commissioner of the bureau of Customs and Border Protection at the Department of Homeland Security;

(B) the Assistant Secretary of the bureau of Immigration and Customs Enforcement at the Department of Homeland Security;

(C) the Commandant of the United States Coast Guard;

(D) the Director of the Office of Counternarcotics Enforcement at the Department of Homeland Security;

(E) the Administrator of the Drug Enforcement Administration;

(F) the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs;

(G) the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict;

(H) the Deputy Director for Supply Reduction of the Office of National Drug Control Policy, acting in his role as the United States Interdiction Coordinator;

(I) the director of the Crime and Narcotics Center of the Central Intelligence Agency;

(J) the Deputy Director for State and Local Affairs of the Office of National Drug Control Policy;

(K) the Chief of the National Guard Bureau's Counterdrug Program; and

(L) such additional persons as may be determined by the Director.

(3) CHAIRMAN.—The Director shall designate one of the members of the Interdiction Committee to serve as chairman.

(4) MEETINGS.—The members of the Interdiction Committee shall meet, in person and not through any delegate or representative, at least once per calendar year, prior to March 1. At the call of either the Director or the current chairman, the Interdiction Committee may hold additional meetings, which shall be

attended by the members either in person, or through such delegates or representatives as they may choose.

(5) REPORT.—Not later than September 30 of each year, the chairman of the Interdiction Committee shall submit a report to the Director and to the appropriate congressional committees describing the results of the meetings and any significant findings of the Committee during the previous 12 months. Any content of such a report that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director, the chairman, or any member, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

* * * * *

SEC. 712. ESTABLISHMENT OF SPECIAL FORFEITURE FUND.

[Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

[(1) in subsection (b)—

[(A) by striking “section 524(c)(9)” and inserting “section 524(c)(8)”]; and

[(B) by striking “section 9307(g)” and inserting “section 9703(g)”]; and

[(2) in subsection (e), by striking “strategy” and inserting “Strategy”.]

SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

(a) REQUIREMENT.—Each advertisement or other communication paid for by the Office, either directly or through a contract awarded by the Office, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by the Office.

(b) ADVERTISEMENT OR OTHER COMMUNICATION.—In this section, the term “advertisement or other communication” includes—

(1) an advertisement disseminated in any form, including print or by any electronic means; and

(2) a communication by an individual in any form, including speech, print, or by any electronic means.

* * * * *

SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this [title,] 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] 2006 through 2010.

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.

[(b) EXCEPTION.—Subsection (a) does not apply to section 713 or the amendments made by that section.]

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DRUG-FREE MEDIA CAMPAIGN ACT OF 1998

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

[Subtitle A—National Youth Anti-Drug Media Campaign

[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 Appropriations 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.]

SECTION 878 OF THE HOMELAND SECURITY ACT OF 2002

SEC. 878. OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

(a) * * *

* * * * *

(c) **LIMITATION ON CONCURRENT EMPLOYMENT.**—[Except as provided in subsection (d), the] *The* Director of the Office of Counternarcotics Enforcement shall not be employed by, assigned to, or serve as the head of, any other branch of the Federal Government, any State or local government, or any subdivision of the Department other than the Office of Counternarcotics Enforcement.

[(d) **ELIGIBILITY TO SERVE AS THE UNITED STATES INTERDICTION COORDINATOR.**—The Director of the Office of Counternarcotics Enforcement may be appointed as the United States Interdiction Coordinator by the Director of the Office of National Drug Control Policy, and shall be the only person at the Department eligible to be so appointed.]

[(e)] *(d)* **RESPONSIBILITIES.**—The Secretary shall direct the Director of the Office of Counternarcotics Enforcement—

(1) * * *

* * * * *

[(f)] (e) SAVINGS CLAUSE.—Nothing in this section shall be construed to authorize direct control of the operations conducted by the Directorate of Border and Transportation Security, the Coast Guard, or joint terrorism task forces.

[(g)] (f) REPORTS TO CONGRESS.—

(1) * * *

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SECTION 464P OF THE PUBLIC HEALTH SERVICE ACT

MEDICATION DEVELOPMENT PROGRAM

SEC. 464P. (a) * * *

* * * * *

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1992, and each December 31 thereafter, the Director of the Institute shall submit to the Office of National Drug Control Policy established [(under section 1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501))] *under section 703 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1702)* a report, in accordance with paragraph (3), that describes the objectives and activities of the program assisted under this section.

(2) NATIONAL DRUG CONTROL STRATEGY.—The Director of National Drug Control Policy shall incorporate, by reference or otherwise, each report submitted under this subsection in the National Drug Control Strategy submitted the following February 1 [(under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504))] *under section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705)*.

* * * * *

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.】