

TIONAL DRUG CONTROL POLICY” in blue letters, all within a white border edged in gold and inscribed “EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES” in blue letters.

This design is appropriate for the Office of National Drug Control Policy. The dark blue in this seal is suggested by the Seal of the President and denotes the direct organizational link of the Office of National Drug Control Policy with the Presidential office. The Arms of the United States refer to the entire Nation and represent the involvement in drug control policies that are necessary to assist the President in his role as Chief Executive of the United States.

SEC. 2. The seal shall be of the design that is attached hereto and made a part of this order.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 2850-4.

§ 1502. Appointment and duties of Director, Deputy Directors, and Associate Director

(a) Appointment

(1) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each serve at the pleasure of the President. No person shall serve as Director, a Deputy Director, or Associate Director while serving in any other position in the Federal Government.

(3), (4) Omitted

(b) Responsibilities

The Director shall—

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

(2) annually promulgate the National Drug Control Strategy in accordance with section 1504 of this title;

(3) coordinate and oversee the implementation by National Drug Control Program agen-

cies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

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

(A) changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement; and

(B) the allocation of personnel to and within such departments and agencies;

to implement the policies, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

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

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

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

(8) provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(c) National Drug Control Program budget

(1) The Director shall develop for each fiscal year, with the advice of the program managers of departments and agencies with responsibilities under the National Drug Control Program, a consolidated National Drug Control Program budget proposal to implement the National Drug Control Strategy, and shall transmit such budget proposal to the President and to the Congress.

(2) Each Federal Government program manager, agency head, and department head with responsibilities under the National Drug Control Strategy shall transmit the drug control budget request of the program, agency, or department to the Director at the same time as such request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to the Congress under section 1105(a) of title 31.

(3) The Director shall—

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

(B) certify in writing as to the adequacy of such request in whole or in part to implement the objectives of the National Drug Control Strategy for the year for which the request is submitted and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative

or funding level that would make the request adequate; and

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

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

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

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

(B) The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request.

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

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

(d) Powers of Director

In carrying out the responsibilities established under subsection (b) of this section, the Director may—

(1) select, appoint, employ, and fix compensation of up to 75 and such additional officers and employees as may be necessary to carry out the functions of the Office of National Drug Control Policy under this title;¹

(2) request the head of a department or agency or program to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department or agency in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5 relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5;

(5) accept and use donations of property from Federal, State, and local government agencies;

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations;

(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, transfer funds appropriated to a National Drug Control Program agency account to a different National Drug Control Program agency account in an amount that does not exceed 2 percent of the amount appropriated to either account, upon advance approval of the Committees on Appropriations of each House of Congress; and

(9) in order to ensure compliance with the National Drug Control Program, issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f)¹ of this section.

(e) Personnel detailed to the Office

(1) Notwithstanding any provision of chapter 43 of title 5, the Director shall perform the evaluation of the performance of any employee detailed to the Office of National Drug Control Policy for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2)(A) Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office of National Drug Control Policy.

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

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

(D) The aggregate amount paid during any fiscal year to an employee detailed to the Office of National Drug Control Policy as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(f) Funds control notices

(1) A funds control notice may direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated by—

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

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

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

(3) In the case of a violation of paragraph (2) by an officer or employee of a National Drug

¹ See References in Text note below.

Control Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

(f)² Prohibition on political campaigning

A Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such an official is not prohibited by this subsection from making contributions to individual candidates.

(Pub. L. 100-690, title I, §1003, Nov. 18, 1988, 102 Stat. 4182; Pub. L. 103-322, title IX, §§90201, 90202, 90207, Sept. 13, 1994, 108 Stat. 1990, 1991, 1995.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This title, referred to in subsec. (d)(1), is title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, which enacted this chapter, repealed sections 1103, 1111 to 1114, 1116, and 1201 to 1204 of this title, amended section 1115 of this title, sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees, section 1105 of Title 31, Money and Finance, and section 402 of Title 50, War and National Defense, enacted provisions set out as notes under section 1501 of this title and section 509 of Title 28, Judiciary and Judicial Procedure, and repealed provisions set out as notes under section 1201 of this title. For complete classification of title I to the Code, see Tables.

Subsection (f) of this section, referred to in subsec. (d)(9), probably means the subsec. (f) added by section 90201(c)(2) of Pub. L. 103-322.

Level III of the Executive Schedule, referred to in subsec. (e)(2)(D), is set out in section 5314 of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 1003 of Pub. L. 100-690. Subsec. (a)(3) of section 1003 amended section 402 of Title 50, War and National Defense, and subsec. (a)(4) of section 1003 amended sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (b)(8). Pub. L. 103-322, §90201(b), added par. (8).

Subsec. (c)(3)(B). Pub. L. 103-322, §90201(d), inserted “in whole or in part” after “adequacy of such request” and substituted “and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request adequate;” for the semicolon after “the request is submitted”.

Subsec. (c)(5) to (8). Pub. L. 103-322, §90201(a), added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

Subsec. (d)(1). Pub. L. 103-322, §90207, which directed the amendment of section “1008(d)(1) of the National Narcotics Leadership Act of 1988” by substituting “up to 75 and such additional” for “such”, was executed by making the substitution in subsec. (d)(1) of this section, which is section 1003 of the National Narcotics Leadership Act of 1988, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 103-322, §90201(c)(1)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States drug control policy;”.

Subsec. (d)(8), (9). Pub. L. 103-322, §90201(c)(1)(B)–(D), added pars. (8) and (9).

Subsec. (f). Pub. L. 103-322, §90202, added subsec. (f) relating to prohibition on political campaigning.

Pub. L. 103-322, §90201(c)(2), added subsec. (f) relating to funds control notices.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

RESOURCES FOR CERTAIN DRUG CONTROL ACTIVITIES

Section 4803 of Pub. L. 100-690, directed Director of National Drug Control Policy to review the drug control problem and make recommendations for additional resources for the problem, prior to repeal by Pub. L. 102-583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

OPPOSITION TO LEGALIZATION AND PUBLIC AWARENESS

Sections 5011 and 5012 of Pub. L. 100-690 provided that: “SEC. 5011. SENSE OF THE CONGRESS OPPOSING LEGALIZATION OF DRUGS.

“The Congress finds that legalization of illegal drugs, on the Federal or State level, is an unconscionable surrender in a war in which, for the future of our country and the lives of our children, there can be no substitute for total victory.

“SEC. 5012. PUBLIC AWARENESS CAMPAIGN.

“The Director of National Drug Control Policy shall within 90 days after confirmation by the Senate develop a program to inform the American public of the provisions of this Act [see Short Title note set out under section 1501 of this title] pertaining to penalties for the use or possession of illegal drugs.”

UNITED STATES POLICY FOR A DRUG-FREE AMERICA BY 1995

Section 5251 of Pub. L. 100-690 provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) approximately 37 million Americans used an illegal drug in the past year and more than 23 million Americans use illicit drugs at least monthly, including more than 6 million who use cocaine;

“(2) half of all high school seniors have used illegal drugs at least once, and over 25 percent use drugs at least monthly;

“(3) illicit drug use adds enormously to the national cost of health care and rehabilitation services;

“(4) illegal drug use can result in a wide spectrum of extremely serious health problems, including disruption of normal heart rhythm, small lesions of the heart, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, and pulmonary damage, and in the most serious instances, heart attack, stroke, and sudden death;

“(5) approximately 25 percent of all victims of AIDS acquired the disease through intravenous drug use;

“(6) over 30,000 people were admitted to emergency rooms in 1986 with drug-related health problems, including nearly 10,000 for cocaine alone;

“(7) there is a strong link between teenage suicide and use of illegal drugs;

²So in original. Probably should be “(g)”.

“(8) 10 to 15 percent of all highway fatalities involve drug use;

“(9) illegal drug use is prevalent in the workplace and endangers fellow workers, national security, public safety, company morale, and production;

“(10) it is estimated that 1 of every 10 American workers have their productivity impaired by substance abuse;

“(11) it is estimated that drug users are 3 times as likely to be involved in on-the-job accidents, are absent from work twice as often, and incur 3 times the average level of sickness costs as non-users;

“(12) the total cost to the economy of drug use is estimated to be over \$100,000,000,000 annually;

“(13) the connection between drugs and crime is also well-proven;

“(14) the use of illicit drugs affects moods and emotions, chemically alters the brain, and causes loss of control, paranoia, reduction of inhibition, and unprovoked anger;

“(15) drug-related homicides are increasing dramatically across the Nation;

“(16) 8 of 10 men arrested for serious crimes in New York City test positive for cocaine use;

“(17) illicit drug use is responsible for a substantially higher tax rate to pay for local law enforcement protection, interdiction, border control, and the cost of investigation, prosecution, confinement, and treatment;

“(18) substantial increases in funding and resources have been made available in recent years to combat the drug problem, with spending for interdiction, law enforcement, and prevention programs up by 100 to 400 percent and these programs are producing results—

“(A) seizures of cocaine are up from 1.7 tons in 1981 to 70 tons in 1987;

“(B) seizures of heroin are up from 460 pounds in 1981 to 1,400 pounds in 1987;

“(C) Drug Enforcement Administration drug convictions doubled between 1982 and 1986; and

“(D) the average sentence for Federal cocaine convictions rose by 35 percent during this same period;

“(19) despite the impressive rise in law enforcement efforts, the supply of illegal drugs has increased in recent years;

“(20) the demand for drugs creates and sustains the illegal drug trade; and

“(21) winning the drug war not only requires that we do more to limit supply, but that we focus our efforts to reduce demand.

“(b) DECLARATION.—It is the declared policy of the United States Government to create a Drug-Free America by 1995.”

NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995

Section 7604 of Pub. L. 100-690 provided for establishment of a Commission, to be chaired by the Director of the Office of National Drug Control Policy, which was to develop a proposed uniform code of State laws representing measured responses to achieve a Drug-Free America by 1995, and to submit its proposed uniform code to the Governors of the 50 States and the Mayor of the District of Columbia within 6 months after appointment of the Commission's members. It was the sense of Congress that the Governors and the Mayor convene State conferences for a Drug-Free America by 1995 to consider the proposed uniform code and make recommendations thereon.

EX. ORD. NO. 12880. NATIONAL DRUG CONTROL PROGRAM

Ex. Ord. No. 12880, Nov. 16, 1993, 58 F.R. 60989, provided:

The Office of National Drug Control Policy has the lead responsibility within the Executive Office of the President to establish policies, priorities, and objectives for the Nation's drug control program, with the

goal of reducing the production, availability, and use of illegal drugs. All lawful and reasonable means must be used to ensure that the United States has a comprehensive and effective National Drug Control Strategy.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Narcotics Leadership Act of 1988, as amended (21 U.S.C. 1501 *et seq.*), and in order to provide for the effective management of the drug abuse policies of the United States, it is hereby ordered as follows:

SECTION 1. GENERAL PROVISIONS. (a) Because the United States considers the operations of international criminal narcotics syndicates as a national security threat requiring an extraordinary and coordinated response by civilian and military agencies involved in national security, the Director of the Office of National Drug Control Policy (Director), in his role as the principal adviser to the National Security Council on national drug control policy (50 U.S.C. 402(f)), shall provide drug policy guidance and direction in the development of related national security programs.

(b) The Director shall provide oversight and direction for all international counternarcotics policy development and implementation, in coordination with other concerned Cabinet members, as appropriate.

(c) An Interagency Working Group (IWG) on international counternarcotics policy, chaired by the Department of State, shall develop and ensure coordinated implementation of an international counternarcotics policy. The IWG shall report its activities and differences of views among agencies to the Director for review, mediation, and resolution with concerned Cabinet members, and if necessary, by the President.

(d) A coordinator for drug interdiction shall be designated by the Director to ensure that assets dedicated by Federal drug program agencies for interdiction are sufficient and that their use is properly integrated and optimized. The coordinator shall ensure that interdiction efforts and priorities are consistent with overall U.S. international counternarcotics policy.

(e) The Director shall examine the number and structure of command/control and drug intelligence centers operated by drug control program agencies involved in international counter-narcotics and suggest improvements to the current structure for consideration by the President and concerned members of the Cabinet.

(f) The Director, utilizing the services of the Drugs and Crime Data Center and Department of Justice Clearinghouse, shall assist in coordinating and enhancing the dissemination of statistics and studies relating to anti-drug abuse policy.

(g) The Director shall provide advice to agencies regarding ways to achieve efficiencies in spending and improvements to interagency cooperation that could enhance the delivery of drug control treatment and prevention services to the public. The Director may request agencies to provide studies, information, and analyses in support of this order.

SEC. 2. GOALS, DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL DRUG CONTROL PROGRAM. (a) *Budget Matters.* (1) In addition to the budgetary authorities and responsibilities provided to the Director by statute, 21 U.S.C. 1502, for those agency budget requests that are not certified as adequate to implement the objectives of the National Drug Control Strategy, the Director shall include in such certifications initiatives or funding levels that would make such requests adequate.

(2) The Director shall provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program. The recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(b) *Measurement of National Drug Control Strategy Outcomes.* (1) The National Drug Control Strategy shall include long-range goals for reducing drug use and the consequences of drug use in the United States, includ-

ing burdens on hospital emergency rooms, drug use among arrestees, the extent of drug-related crime, high school dropout rates, the number of infants exposed annually to illicit drugs in utero, national drug abuse treatment capacity, and the annual national health care costs of drug use.

(2) The National Drug Control Strategy shall also include an assessment of the quality of techniques and instruments to measure current drug use and supply and demand reduction activities, and the adequacy of the coverage of existing national drug use instruments and techniques to measure the total illicit drug user population and groups at-risk for drug use.

(3) The Director shall coordinate an effort among the relevant drug control program agencies to assess the quality, access, management, effectiveness, and standards of accountability of drug abuse treatment, prevention, education, and other demand reduction activities.

(c) *Provision of Reports.* To the extent permitted by law, heads of departments and agencies with responsibilities under the National Drug Control Program shall make available to the Office of National Drug Control Policy, appropriate statistics, studies, and reports, pertaining to Federal drug abuse control.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1504, 1505 of this title.

§ 1502a. Transferred

CODIFICATION

Section, Pub. L. 100-690, title I, §1003A, as added Pub. L. 101-510, div. A, title X, §1011, Nov. 5, 1990, 104 Stat. 1633, and amended, which related to the Counter-Drug Technology Assessment Center, was renumbered section 1008 of Pub. L. 100-690 by Pub. L. 103-322, title IX, §90204(c)(2), (3), Sept. 13, 1994, 108 Stat. 1994, and is classified to section 1505 of this title.

§ 1503. Coordination with executive branch departments and agencies

(a) Access to information

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

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

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

(b) Certification of policy changes by Director

(1) The head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of such department or agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the department or agency

head in writing whether such change is consistent with the National Drug Control Strategy.

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

(c) General Services Administration

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

(Pub. L. 100-690, title I, §1004, Nov. 18, 1988, 102 Stat. 4184.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the Anti-Drug Abuse Act of 1988. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The National Security Act of 1947, referred to in subsec. (a)(2)(A), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50, War and National Defense, and Tables.

§ 1504. Development and submission of National Drug Control Strategy

(a) Development and submission of National Drug Control Strategy

(1) Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy. Any part of such strategy that involves information properly classified under criteria established by an Executive order shall be presented to the Congress separately.

(2) The National Drug Control Strategy submitted under paragraph (1) shall—

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

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

(C) describe the balance between resources devoted to supply reduction and demand reduction; and

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

(3)(A) In developing the National Drug Control Strategy, the Director shall consult with—

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

(ii) the Congress;

(iii) State and local officials;