

AMENDMENTS

2006—Pub. L. 109-469, § 301, amended section generally. Prior to amendment, section related to the High Intensity Drug Trafficking Areas Program.

Subsec. (q). Pub. L. 109-469, § 302(c), added subsec. (q).

FINDINGS

Pub. L. 109-469, title III, § 302(b), Dec. 29, 2006, 120 Stat. 3524, provided that: “Congress finds the following:

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

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

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

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

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

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

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

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

COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS

Pub. L. 106-310, div. B, title XXXVI, § 3624, Oct. 17, 2000, 114 Stat. 1232, provided that:

“(a) IN GENERAL.—

“(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

“(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

“(1) \$15,000,000 for fiscal year 2000; and

“(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

“(c) APPOINTMENT OF FUNDS.—

“(1) FACTORS IN APPOINTMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

“(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

“(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

“(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

“(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

“(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

“(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).”

FUNDING FOR HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

Pub. L. 106-58, title III, Sept. 29, 1999, 113 Stat. 448, provided in part: “That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area (HIDTA) shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations”.

§ 1707. 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) Chief Scientist

There shall be at the head of the Center the Chief Scientist, who shall be appointed by the Director from among individuals qualified and

distinguished in the area of science, medicine, engineering, or technology.

(c) Research and development responsibilities

The Director, acting through the Chief Scientist, shall—

(1) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, local, and tribal drug supply reduction agencies, including—

- (A) advanced surveillance, tracking, and radar imaging;
- (B) electronic support measures;
- (C) communications;
- (D) data fusion, advanced computer systems, and artificial intelligence; and
- (E) chemical, biological, radiological (including neutron and electron), and other means of detection;

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

- (A) improving treatment through neuroscientific advances;
- (B) improving the transfer of biomedical research to the clinical setting; and
- (C) in consultation with the National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness and availability of drug treatment;

(3) make a priority ranking of such needs identified in paragraphs (1) and (2) according to fiscal and technological feasibility, as part of a National Counterdrug Research and Development Program;

(4) oversee and coordinate counterdrug technology initiatives with related activities of other Federal civilian and military departments;

(5) provide support to the development and implementation of the national drug control performance measurement system established under subsection (c) of section 1705 of this title; and

(6) pursuant to the authority of the Director of National Drug Control Policy under section 1703 of this title, submit requests to Congress for the reprogramming or transfer of funds appropriated for counterdrug technology research and development.

(d) Limitation on authority

The authority granted to the Director under this section shall not extend to the awarding of contracts, management of individual projects, or other operational activities.

(e) Assistance and support to the 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 counterdrug technology assessment.

(f) Technology transfer program

(1) Program

The Chief Scientist, with the advice and counsel of experts from State, local, and tribal law enforcement agencies, shall be responsible to the Director for coordination and implementation of a counterdrug technology transfer program.

(2) Purpose

The purpose of the Technology Transfer Program shall be for the Counterdrug Technology Assessment Center to transfer technology and associated training directly to State, local, and tribal law enforcement agencies.

(3) Priority of receipts

Transfers shall be made in priority order based on—

- (A) the need of potential recipients for such technology;
- (B) the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and
- (C) the ability and willingness of potential recipients to evaluate transferred technology.

(4) Agreement authority

The Director may enter into an agreement with the Secretary of Homeland Security to transfer technology with both counterdrug and homeland security applications to State, local, and tribal law enforcement agencies on a reimbursable basis.

(5) 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.

(Pub. L. 105-277, div. C, title VII, § 708, Oct. 21, 1998, 112 Stat. 2681-687; Pub. L. 109-469, title IV, § 401, Dec. 29, 2006, 120 Stat. 3525.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 2010, see section 1712 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-469, §401(a), amended subsec. (b) generally. Prior to amendment, text read as follows: “There shall be at the head of the Center the Director of Technology, 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.”

Subsec. (c). Pub. L. 109-469, §401(b)(1)(B), added subsec. (c) and struck out former subsec. (c) which related to additional responsibilities of the Director of National Drug Control Policy.

Subsec. (d). Pub. L. 109-469, §401(c), which directed insertion of “, the Secretary of Homeland Security,” after “The Secretary of Defense”, could not be executed because the words “The Secretary of Defense” did not appear subsequent to amendment by Pub. L. 109-469, §401(b)(1). See below.

Pub. L. 109-469, §401(b)(1)(B), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 109-469, §401(b)(2), amended subsec. (e) generally. Prior to amendment, text read as follows: “The Secretary of Defense 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.”

Pub. L. 109-469, §401(b)(1)(A), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 109-469, §401(b)(3), added subsec. (f).

§ 1708. National youth anti-drug media campaign

(a) In general

The Director shall conduct a national youth anti-drug media campaign (referred to in this chapter¹ 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) Subject to the availability of appropriations, 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 Senate and of the House of Representatives 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 by April 20 of each year 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;

¹ See References in Text note below.