

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.

(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

(i) 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

Subject to the availability of appropriations, 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 72 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 82 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 or if the Director determines that another entity is more appropriate, subject to the requirements of subsection (b)(2)(A).

If the Director determines that another entity is more appropriate under clause (ii)(IV), the Director shall notify Congress, through the committees of jurisdiction in the House and Senate, in writing, not less than 30 days prior to contracting with a party other than the Partnership for a Drug-Free America.

(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 anti-drug community-based coalitions.

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

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

(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of

Schedule C of title 5, Code of Federal Regulations.

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

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

(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 anti-drug 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 254d of title 41; and

(2) an audit to determine whether the costs of the national media campaign are allowable under section 256 of title 41.

(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 5 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 4 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) Prevention of methamphetamine abuse and other emerging drug abuse threats

(1) Requirement to use 10 percent of funds for methamphetamine abuse prevention

The Director shall ensure that, of the amounts appropriated under this section for the national media campaign for a fiscal year, not less than 10 percent shall be expended solely for the activities described in subsection (b)(1) with respect to advertisements specifically intended to reduce the use of methamphetamine.

(2) Authority to use funds for other drug abuse upon certification that methamphetamine abuse fell during fiscal year 2007

With respect to fiscal year 2008 and any fiscal year thereafter, if the Director certifies in writing to Congress that domestic methamphetamine laboratory seizures (as reported to the El Paso Intelligence Center of the Drug Enforcement Administration) decreased to at least 75 percent of the 2006 level, or the Director has documented a highly, statistically significant increase in a specific drug, from a baseline determined by locally collected data, that can be defined as a local drug crisis, the Director may apply paragraph (1)(A) for that fiscal year with respect to advertisements specifically intended to reduce the use of such other drugs.

(I) 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 2007 and 2008 and \$210,000,000 for each of fiscal years 2009 through 2011.

(Pub. L. 105-277, div. C, title VII, § 709, Oct. 21, 1998, 112 Stat. 2681-688; Pub. L. 109-469, title V, § 501(a), Dec. 29, 2006, 120 Stat. 3527.)

REPEAL OF SECTION

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

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this subtitle" and was translated as reading "this title", meaning title VII of Pub. L. 105-277, div. C, Oct. 21, 1998, 112 Stat. 2681-670, which is classified principally to this chapter, to reflect the probable intent of Congress. Title VII does not contain subtitles. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

AMENDMENTS

2006—Pub. L. 109-469 amended section catchline and text generally. Prior to amendment, section related to the President's Council on Counter-Narcotics.

EX. ORD. NO. 12992. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 12992, Mar. 15, 1996, 61 F.R. 11287, as amended by Ex. Ord. No. 13023, §§ 2, 3, Nov. 6, 1996, 61 F.R. 57767; Ex. Ord. No. 13284, § 8, Jan. 23, 2003, 68 F.R. 4076, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established the President's Drug Policy Council ("Council").

SEC. 2. *Membership.* The Council shall comprise the:

(a) President, who shall serve as Chairman of the Council;

(b) Vice President;

(c) Secretary of State;

(d) Secretary of the Treasury;

(e) Secretary of Defense;

(f) Attorney General;

(g) Secretary of the Interior;

(h) Secretary of Agriculture;

(i) Secretary of Health and Human Services;

(j) Secretary of Housing and Urban Development;

(k) Secretary of Transportation;

(l) Secretary of Education;

(m) Secretary of Veterans Affairs;

(n) Secretary of Homeland Security;

(o) Representative of the United States of America to the United Nations;

(p) Director of the Office of Management and Budget;

(q) Chief of Staff to the President;

(r) Director of National Drug Control Policy;

(s) Director of Central Intelligence;

(t) Assistant to the President for National Security Affairs;

(u) Counsel to the President;

(v) Chairman, Joint Chiefs of Staff;

(w) National Security Advisor to the Vice President; and

(x) Assistant to the President for Domestic Policy.

As applicable, the Council shall also comprise such other officials of the departments and agencies as the President may, from time to time, designate.

SEC. 3. *Meetings of the Council.* The President, or upon his direction, the Vice President, may convene meetings of the Council. The President shall preside over meetings of the Council, provided that in his absence, the Vice President will preside. The Council will meet at least quarterly.

SEC. 4. *Functions.* (a) The functions of the Council are to 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 concerning implementation of the President's national drug control strategy.

(b) The Director of National Drug Control Policy will continue to be the senior drug control policy official in the executive branch and the President's chief drug control policy spokesman.

(c) In matters affecting national security interests, the Director of National Drug Control Policy shall work in conjunction with the Assistant to the President for National Security Affairs.

SEC. 5. *Administration.* (a) The Council may utilize established or ad hoc committees, task forces, or inter-agency groups chaired by the Director of National Drug Control Policy or his representative, in carrying out its functions under this order.

(b) The staff of the Office of National Drug Control Policy, 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.

(c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

EX. ORD. NO. 13023. EXPANDING AND CHANGING NAME OF PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 13023, Nov. 6, 1996, 61 F.R. 57767, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to change the name of the "President's Council on Counter-Narcotics" to the "President's Drug Policy Council" and to make the Secretaries of the Interior, Agriculture, Health and Human Services, Housing and Urban Development, Education, Veterans Affairs, and the Assistant to the President for Domestic Policy, permanent members of the Council, it is hereby ordered as follows:

SECTION 1. The Council established by Executive Order 12992 [set out above] shall henceforth be called the "President's Drug Policy Council."

[SECS. 2, 3. Amended Ex. Ord. No. 12992, set out above.]

WILLIAM J. CLINTON.

§ 1708a. Annual report requirement

(a) In general

On or before February 1 of each year, the Director shall submit a report to Congress that describes—