

(3) Discovery with respect to a biomaterials supplier

A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 1604(d) of this title or the failure to establish the applicable elements of section 1604(d) of this title solely to the extent permitted by the applicable Federal or State rules for discovery against non-parties.

(e) Dismissal with prejudice

An order granting a motion to dismiss or for summary judgment pursuant to this section shall be entered with prejudice, except insofar as the moving defendant may be rejoined to the action as provided in section 1606 of this title.

(f) Manufacturer conduct of litigation

The manufacturer of an implant that is the subject of an action covered under this chapter shall be permitted to conduct litigation on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section on behalf of such supplier if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such litigation or to conduct such litigation.

(Pub. L. 105-230, §6, Aug. 13, 1998, 112 Stat. 1526.)

§ 1606. Subsequent impleader of dismissed biomaterials supplier

(a) Impleading of dismissed defendant

A court, upon motion by a manufacturer or a claimant within 90 days after entry of a final judgment in an action by the claimant against a manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this chapter if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement at trial, or as part of a claim for contribution or indemnification, and the court finds based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court finds, based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) Standard of liability

Notwithstanding any preliminary finding under subsection (a) of this section, a biomaterials supplier who has been impleaded into an action covered by this chapter, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a) of this section; and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable State or Federal law other than this chapter.

(c) Discovery

Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier at any time prior to grant of a motion for impleader beyond that allowed under section 1605 of this title.

(Pub. L. 105-230, §7, Aug. 13, 1998, 112 Stat. 1528.)

CHAPTER 22—NATIONAL DRUG CONTROL POLICY

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§ 1701. Definitions

In this chapter:

(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) drug abuse education;
- (B) drug abuse prevention;
- (C) drug abuse treatment;
- (D) drug abuse research;

- (E) drug abuse rehabilitation;
- (F) drug-free workplace programs;
- (G) drug testing, including the testing of employees;
- (H) interventions for drug abuse and dependence;
- (I) international drug control coordination and cooperation with respect to activities described in this paragraph; and
- (J) international drug abuse education, prevention, treatment, research, rehabilitation activities, and interventions for drug abuse and dependence.

(2) Director

The term “Director” means the Director of National Drug Control Policy.

(3) Drug

The term “drug” has the meaning given the term “controlled substance” in section 802(6) of this title.

(4) Drug control

The term “drug control” means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction.

(5) Fund

The term “Fund” means the fund established under section 1702(d) of this title.

(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 National Drug Control Strategy, including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs.

(7) National Drug Control Program agency

The term “National Drug Control Program 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 Intelligence Program, the Joint Military Intelligence Program or Tactical Intelligence and Related Activities, or (for purposes of section 1703(d) of this title) an agency that is described in section 530C(a) of title 28, unless such agency has been designated—

- (A) by the President; or
- (B) jointly by the Director and the head of the agency.

(8) National Drug Control Strategy

The term “National Drug Control Strategy” means the strategy developed and submitted to Congress under section 1705 of this title.

(9) Office

Unless the context clearly indicates otherwise, the term “Office” means the Office of National Drug Control Policy established under section 1702(a) of this title.

(10) State, local, and tribal affairs

The term “State, local, and tribal affairs” means domestic activities conducted by a Na-

tional Drug Control Program agency that are intended to reduce the availability and use of illegal drugs, including—

(A) coordination and enhancement of Federal, State, local, and tribal law enforcement drug control efforts;

(B) coordination and enhancement of efforts among National Drug Control Program agencies and State, local, and tribal demand reduction and supply reduction agencies;

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

(D) other coordinated and joint initiatives among Federal, State, local, and tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs.

(11) Supply reduction

The term “supply reduction” means any activity or program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of illegal drugs in the United States or abroad, including—

(A) law enforcement outside the United States;

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

(C) activities to control international trafficking in, and availability of, illegal drugs, including—

(i) accurate assessment and monitoring of international drug production and interdiction programs and policies; and

(ii) coordination and promotion of compliance with international treaties relating to the production, transportation, or interdiction of illegal drugs;

(D) activities to conduct and promote international law enforcement programs and policies to reduce the supply of drugs; and

(E) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program agencies, relating to the production and trafficking of drugs in the United States and in foreign countries.

(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, local, or tribal 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.

(Pub. L. 105-277, div. C, title VII, § 702, Oct. 21, 1998, 112 Stat. 2681-670; Pub. L. 109-469, title I, § 101, Dec. 29, 2006, 120 Stat. 3503.)

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 text, was in the original “this title”, meaning title VII of div. C of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-670, which is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out below and Tables.

CODIFICATION

The repeal of this chapter and of the amendments made by this chapter, effective Sept. 30, 2003, by section 1712 of this title, as in effect on Sept. 30, 2003, has not been given effect in the Code, to reflect the probable intent of Congress, because of the amendment to section 1712 of this title by Pub. L. 109-469 which substituted “September 30, 2010” for “September 30, 2003” as the effective date of the repeal.

AMENDMENTS

2006—(1)(G). Pub. L. 109-469, § 101(a)(2), substituted “, including the testing of employees;” for period at end.

Par. (1)(H) to (J). Pub. L. 109-469, § 101(a)(1), (3), added subpars. (H) to (J).

Par. (6). Pub. L. 109-469, § 101(b), inserted “, including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs” before period at end.

Par. (7). Pub. L. 109-469, § 101(c), in introductory provisions, substituted “National Intelligence Program,” for “National Foreign Intelligence Program,” and inserted “or (for purposes of section 1703(d) of this title) an agency that is described in section 530C(a) of title 28,” after “Related Activities.”

Par. (9). Pub. L. 109-469, § 101(d), substituted “indicates” for “implicates”.

Par. (10). Pub. L. 109-469, § 101(e), amended par. (10) generally. Prior to amendment, text defined the term “State and local affairs”.

Par. (11). Pub. L. 109-469, § 101(f), amended par. (11) generally. Prior to amendment, text defined the term “supply reduction”.

Pars. (12), (13). Pub. L. 109-469, § 101(g), added pars. (12) and (13).

CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-469, § 1(a), Dec. 29, 2006, 120 Stat. 3502, provided that: “This Act [enacting sections 1708a, 1714, 2001 to 2003, and 2011 to 2014 of this title, amending this section, sections 823, 1524, 1532, 1702 to 1708, 1710 to 1712 of this title, and section 458 of Title 6, Domestic Security, repealing sections 1509, 1709, and 1801 to 1804 of this title, enacting provisions set out as notes under this section, sections 1532, 1705, 1706, and 2001 of this title, and section 112 of Title 32, National Guard, amending provisions set out as a note under section 1521 of this title, and repealing provisions set out as a note under section 1801 of this title] may be cited as the ‘Office of National Drug Control Policy Reauthorization Act of 2006.’”

Pub. L. 109-469, title III, § 302(a), Dec. 29, 2006, 120 Stat. 3524, provided that: “This section [amending section 1706 of this title and enacting provisions set out as a note under section 1706 of this title] may be cited as the ‘Dawson Family Community Protection Act.’”

SHORT TITLE

Pub. L. 105-277, div. C, title VII, § 701, Oct. 21, 1998, 112 Stat. 2681-670, provided that: “This title [enacting this chapter, amending section 1509 of this title, sections 5312 to 5314 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] may be cited as the ‘Office of National Drug Control Policy Reauthorization Act of 1998.’”

MODEL ACTS

Pub. L. 109-469, title XI, § 1105, Dec. 29, 2006, 120 Stat. 3541, provided that:

“(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall provide for or shall enter into an agreement with a non-profit corporation that is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and exempt from tax under section 501(a) of such Code to—

“(1) advise States on establishing laws and policies to address alcohol and other drug issues, based on the model State drug laws developed by the President’s Commission on Model State Drug Laws in 1993; and

“(2) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in the alcohol and drug abuse problems in the State involved.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection [probably should be “section”] \$1,500,000 for each of fiscal years 2007 through 2011.”

EX. ORD. NO. 13165. WHITE HOUSE TASK FORCE ON DRUG USE IN SPORTS AND UNITED STATES REPRESENTATIVE ON THE BOARD OF THE WORLD ANTI-DOPING AGENCY

Ex. Ord. No. 13165, Aug. 9, 2000, 65 F.R. 49469, as amended by Ex. Ord. No. 13286, § 11, Feb. 28, 2003, 68 F.R. 10622, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Office of National Drug Control [Policy] Reauthorization Act of 1998, (21 U.S.C. 1701 *et seq.*), and in order to develop recommendations for Federal agency actions to address the use of drugs in sports, in particular among young people, it is hereby ordered as follows:

SECTION 1. *Policy.* The use of drugs in sports has reached a level that endangers not just the legitimacy of athletic competition but also the lives and health of athletes—from the elite ranks to youth leagues. The National Household Survey on Drug Abuse issued in 1999 found that in just 1 year’s time the rate of steroid use among young people rose roughly 50 percent among both sexes and across all age groups. It is the policy of my Administration to take the steps needed to help eliminate illicit or otherwise banned drug use and doping in sports at the State, national, and international level.

SEC. 2. *Establishment of a White House Task Force on Drug Use in Sports.* (a) There is established a White House Task Force on Drug Use in Sports (Task Force). The Task Force shall comprise the co-vice chairs of the White House Olympic Task Force (the “Olympic Task Force Vice Chairs”), and representatives designated by the Office of National Drug Control Policy, the Department of Health and Human Services, the Department of Labor, the President’s Council on Physical Fitness and Sports, the Office of Management and Budget, the National Security Council, the Department of State, the Department of the Treasury, the Department of Education, the Department of Justice, the Department of Transportation, the Department of Homeland Security, the National Institute on Drug Abuse, and the Sub-

stance Abuse and Mental Health Services Administration.

(b) The Task Force shall develop recommendations for the President on further executive and legislative actions that can be undertaken to address the problem of doping and drug use in sports. In developing the recommendations, the Task Force shall consider, among other things: (i) the health and safety of America's athletes, in particular our Nation's young people; (ii) the integrity of honest athletic competition; and (iii) the views and recommendations of State and local governments, the private sector, citizens, community groups, and nonprofit organizations, on actions to address this threat. The Task Force, through its Chairs, shall submit its recommendations to the President.

(c) The Director of the Office of National Drug Control Policy (the Director), the Secretary of the Department of Health and Human Services, and the Olympic Task Force Vice Chairs or their designees shall serve as the Task Force Chairs.

(d) To the extent permitted by law and at the request of the Chairs, agencies shall cooperate with and provide information to the Task Force.

SEC. 3. *Participation in the World Anti-Doping Agency.*
(a) As part of my Administration's efforts to address the problem of drug use in sports, the United States has played a leading role in the formation of a World Anti-Doping Agency (WADA) by the Olympic and sports community and the nations of the world. Through these efforts, the United States has been selected to serve as a governmental representative on the board of the WADA. This order will authorize the Director to serve as the United States Government's representative on the WADA board.

(b) Pursuant to 21 U.S.C. 1701 *et seq.*, the Director, or in his absence his designee, is hereby authorized to take all necessary and proper actions to execute his responsibilities as United States representative to the WADA.

(c) To assist the Director in carrying out these responsibilities as the United States Government representative to the WADA and to the extent permitted by law, Federal employees may serve in their official capacity, *inter alia*, on WADA Committees or WADA advisory committees, serving as experts to the WADA.

§ 1702. 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 the 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 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 of National Drug Control Policy and Deputy Directors

(1) Director

There shall be a Director of National Drug Control Policy who shall head the Office (referred to in this chapter as the "Director") and shall hold the same rank and status as the head of an executive department listed in section 101 of title 5.

(2) Deputy Director

There shall be a Deputy Director of National Drug Control Policy who shall report directly to the Director (referred to in this chapter as the "Deputy Director").

(3) Other Deputy Directors

(A) In general

There shall be a Deputy Director for Demand Reduction, a Deputy Director for Supply Reduction, and a Deputy Director for State, Local, and Tribal Affairs.

(B) Reporting

The Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall report directly to the Deputy Director of the Office of National Drug Control Policy.

(C) Deputy Director for Demand Reduction

The Deputy Director for Demand Reduction shall be responsible for the activities in subparagraphs (A) through (H) of section 1701(1)¹ of this title.

(D) Deputy Director for Supply Reduction

The Deputy Director for Supply Reduction shall—

- (i) have substantial experience and expertise in drug interdiction and other supply reduction activities; and
- (ii) be responsible for the activities in subparagraphs (A) through (C) in section 1701(11) of this title.

(E) Deputy Director for State, Local, and Tribal Affairs

The Deputy Director for State, Local, and Tribal Affairs shall be responsible for the activities—

- (i) in subparagraphs (A) through (D) of section 1701(10) of this title;
- (ii) in section 1706 of this title, the High Intensity Drug Trafficking Areas Program; and
- (iii) in section 1707 of this title, the Counterdrug Technology Assessment Center.

(c) Access by Congress

The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

- (1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

¹ See References in Text note below.