

“(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).”

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, \$9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which \$3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).”

#### NATIONAL DRUG INTELLIGENCE CENTER

Pub. L. 108-487, title I, §104(e), Dec. 23, 2004, 118 Stat. 3942, provided that:

“(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a) [118 Stat. 3941], \$42,322,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

“(2) TRANSFER OF FUNDS.—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

“(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

“(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 108-177, title I, §104(e), Dec. 13, 2003, 117 Stat. 2602.

Pub. L. 107-306, title I, §104(e), Nov. 27, 2002, 116 Stat. 2387.

Pub. L. 107-108, title I, §104(e), Dec. 28, 2001, 115 Stat. 1396.

Pub. L. 106-567, title I, §104(e), Dec. 27, 2000, 114 Stat. 2834.

Pub. L. 106-120, title I, §104(e), Dec. 3, 1999, 113 Stat. 1609.

Pub. L. 105-272, title I, §104(e), Oct. 20, 1998, 112 Stat. 2398.

Pub. L. 105-107, title I, §104(e), Nov. 20, 1997, 111 Stat. 2250.

Pub. L. 104-293, title I, §104(d), Oct. 11, 1996, 110 Stat. 3464.

Pub. L. 103-139, title VIII, §8056, Nov. 11, 1993, 107 Stat. 1452, provided that: “During the current fiscal year and thereafter, there is established, under the direction and control of the Attorney General, the National Drug Intelligence Center, whose mission it shall be to coordinate and consolidate drug intelligence from all national security and law enforcement agencies, and produce information regarding the structure, membership, finances, communications, and activities of drug trafficking organizations: *Provided*, That funding for the operation of the National Drug Intelligence Center, including personnel costs associated therewith, shall be provided from the funds appropriated to the Department of Defense.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 102-396, title IX, §9078, Oct. 6, 1992, 106 Stat. 1919.

### § 874. Advisory committees

The Attorney General may from time to time appoint committees to advise him with respect to preventing and controlling the abuse of controlled substances. Members of the committees may be entitled to receive compensation at the rate of \$100 for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the committees, members of the committees shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5.

(Pub. L. 91-513, title II, §504, Oct. 27, 1970, 84 Stat. 1272.)

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, and advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 875. Administrative hearings

#### (a) Power of Attorney General

In carrying out his functions under this subchapter, the Attorney General may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

#### (b) Procedures applicable

Except as otherwise provided in this subchapter, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5 of title 5.

(Pub. L. 91-513, title II, §505, Oct. 27, 1970, 84 Stat. 1272.)

### § 876. Subpenas

#### (a) Authorization of use by Attorney General

In any investigation relating to his functions under this subchapter with respect to controlled substances, listed chemicals, tableting machines, or encapsulating machines, the Attorney General may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing; except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpoena. Witnesses summoned

under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

**(b) Service**

A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

**(c) Enforcement**

In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

(Pub. L. 91-513, title II, §506, Oct. 27, 1970, 84 Stat. 1272; Pub. L. 100-690, title VI, §6058, Nov. 18, 1988, 102 Stat. 4319.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690 inserted “listed chemicals, tableting machines, or encapsulating machines,” after “with respect to controlled substances.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100-690, set out as a note under section 802 of this title.

**§ 877. Judicial review**

All final determinations, findings, and conclusions of the Attorney General under this subchapter shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

(Pub. L. 91-513, title II, §507, Oct. 27, 1970, 84 Stat. 1273.)

**§ 878. Powers of enforcement personnel**

(a) Any officer or employee of the Drug Enforcement Administration or any State, tribal,

or local law enforcement officer designated by the Attorney General may—

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this subchapter; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5.

(Pub. L. 91-513, title II, §508, Oct. 27, 1970, 84 Stat. 1273; Pub. L. 96-132, §16(b), Nov. 30, 1979, 93 Stat. 1049; Pub. L. 99-570, title I, §1869, Oct. 27, 1986, 100 Stat. 3207-55; Pub. L. 99-646, §86, Nov. 10, 1986, 100 Stat. 3620; Pub. L. 111-211, title II, §232(d), July 29, 2010, 124 Stat. 2278.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211 inserted “, tribal,” after “State” in introductory provisions.

1986—Pub. L. 99-570 and Pub. L. 99-646 amended section substantially identically designating existing provisions as subsec. (a) and adding subsec. (b), with the exception of the amendment of subsec. (a) for which Pub. L. 99-570 directed the insertion of “or (with respect to offenses under this subchapter or subchapter II of this chapter) any State or local law enforcement officer” and Pub. L. 99-646 directed the insertion of “or any State or local law enforcement officer”, the latter of which was executed to reflect the probable intent of Congress.

1979—Pub. L. 96-132 substituted “Drug Enforcement Administration” for “Bureau of Narcotics and Dangerous Drugs”.

**§ 879. Search warrants**

A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge or United States magistrate judge issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

(Pub. L. 91-513, title II, §509, Oct. 27, 1970, 84 Stat. 1274; Pub. L. 93-481, §3, Oct. 26, 1974, 88 Stat. 1455; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1974—Pub. L. 93-481 struck out designation “(a)” before “A search warrant”, and struck out subsec. (b) which permitted officers authorized to execute search warrants to break open and enter premises under certain circumstances and which required that such officers identify themselves and give reasons and authority for their entry after such entry.

CHANGE OF NAME

“United States magistrate judge” substituted in text for “United States magistrate” pursuant to section 321