

REPEAL OF SECTION

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

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (a)(2)(A), is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§401 et seq.) of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified principally to chapter 44 (§3001 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2006—Subsec. (a)(1)(A). Pub. L. 109-469, §104(1), struck out “abuse” after “drug”.

Subsec. (a)(2)(A). Pub. L. 109-469, §104(2), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (a)(2)(B). Pub. L. 109-469, §104(3), substituted “Director of National Intelligence and the Director of the Central Intelligence Agency” for “Director of Central Intelligence”.

Subsec. (a)(3). Pub. L. 109-469, §104(4), amended par. (3) generally. Prior to amendment, text read as follows: “The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.”

Subsec. (b)(2)(B). Pub. L. 109-469, §104(5), substituted “Strategy” for “Program”.

Subsec. (c). Pub. L. 109-469, §104(6), substituted “on” for “in”.

§ 1705. Development, submission, implementation, and assessment of National Drug Control Strategy

(a) Timing, contents, and process for development and submission of National Drug Control Strategy

(1) Timing

Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for the year to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of, and reducing the demand for, illegal drugs.

(2) Contents

(A) In general

The National Drug Control Strategy submitted under paragraph (1) shall include the following:

(i) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States.

(ii) Annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year beginning on the date on which the National Drug Control Strategy is submitted.

(iii) A 5-year projection for program and budget priorities.

(iv) A review of international, State, local, and private sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government.

(v) An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit drug use, and treatment availability, which assessment shall include—

(I) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of nondependent and dependent illicit drug use;

(II) illicit drug use in the workplace and the productivity lost by such use; and

(III) illicit drug use by arrestees, probationers, and parolees.

(vi) An assessment of the reduction of illicit drug availability, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

(III) the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized and other drugs; and

(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

(vii) An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—

(I) the burden illicit drug users placed on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

(II) the annual national health care cost of illicit drug use; and

(III) the extent of illicit drug-related crime and criminal activity.

(viii) A determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment utilization; and

(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

(ix) A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.

(x) A summary of the efforts made to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—

(I) screening chemicals for potential therapeutic value;

- (II) developing promising compounds;
- (III) conducting clinical trials;
- (IV) seeking Food and Drug Administration approval for drugs to treat addiction;
- (V) marketing the drug for the treatment of addiction;
- (VI) urging physicians to use the drug in the treatment of addiction; and
- (VII) encouraging insurance companies to reimburse the cost of the drug for the treatment of addiction.

(xi) An assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy.

(xii) A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, local, and tribal government agencies.

(xiii) Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children of substance abusers), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

(xiv) A supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

(B) Classified information

Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(C) Selection of data and information

In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

- (i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and
- (ii) the inclusion of data and information to permit a standardized and uniform as-

essment of the effectiveness of drug treatment programs in the United States.

(3) Process for development and submission

In developing and effectively implementing the National Drug Control Strategy, the Director—

(A) shall consult with—

- (i) the heads of the National Drug Control Program agencies;
- (ii) Congress;
- (iii) State, local, and tribal officials;
- (iv) private citizens and organizations, including community and faith-based organizations with experience and expertise in demand reduction;
- (v) private citizens and organizations with experience and expertise in supply reduction; and
- (vi) appropriate representatives of foreign governments;

(B) in satisfying the requirements of subparagraph (A), shall ensure, to the maximum extent possible, that State, local, and tribal officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy;

(C) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to support or implement the National Drug Control Strategy; and

(D) with the concurrence of the Director of National Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to support or implement the National Drug Control Strategy.

(b) Submission of revised strategy

The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

- (1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or
- (2) if a new President or Director takes office.

(c) Performance measurement system

Not later than February 1 of each year, the Director shall submit to Congress as part of the National Drug Control Strategy, a description of a national drug control performance measurement system, that—

- (1) develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, availability, and the consequences of drug use;
- (2) describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;
- (3) identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;
- (4) evaluates the contribution of demand reduction and supply reduction activities as de-

defined in section 1701 of this title implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;

(5) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency's goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(A) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use;

(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

(D) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of this subsection.

(d) Modifications

A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (c) shall be included in each report submitted under subsection (b).

(Pub. L. 105-277, div. C, title VII, § 706, Oct. 21, 1998, 112 Stat. 2681-681; Pub. L. 109-469, title II, §§ 201, 202, Dec. 29, 2006, 120 Stat. 3513, 3517.)

REPEAL OF SECTION

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

AMENDMENTS

2006—Pub. L. 109-469, § 201, amended section generally. Prior to amendment, section related to development, submission, implementation, and assessment of National Drug Control Strategy.

Subsecs. (c), (d). Pub. L. 109-469, § 202, added subsecs. (c) and (d).

REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY

Pub. L. 109-469, title XI, § 1110, Dec. 29, 2006, 120 Stat. 3543, provided that:

“(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Dec. 29, 2006], and every 2 years thereafter, the Director of National Drug Control Policy shall submit to the Congress a Southwest Border Counternarcotics Strategy.

“(b) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

“(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

“(2) state the specific roles and responsibilities of the relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

“(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

“(c) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

“(1) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

“(2) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

“(d) CONSULTATION WITH OTHER AGENCIES.—The Director shall issue the Southwest Border Counternarcotics Strategy in consultation with the heads of the relevant National Drug Control Program agencies.

“(e) LIMITATION.—The Southwest Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

“(f) REPORT TO CONGRESS.—The Director shall provide a copy of the Southwest Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

“(g) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Southwest Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the strategy.”

REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY

Pub. L. 109-469, title XI, § 1110A, as added by Pub. L. 111-356, § 2, Jan. 4, 2011, 124 Stat. 3976, provided that:

“(a) DEFINITIONS.—In this section, the terms ‘appropriate congressional committees’, ‘Director’, and ‘National Drug Control Program agency’ have the meanings given those terms in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701).

“(b) STRATEGY.—Not later than 180 days after the date of enactment of this section [Jan. 4, 2011], and every 2 years thereafter, the Director, in consultation with the head of each relevant National Drug Control Program agency and relevant officials of States, local governments, tribal governments, and the governments of other countries, shall develop a Northern Border Counternarcotics Strategy and submit the strategy to—

“(1) the appropriate congressional committees (including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives);

“(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Indian Affairs of the Senate; and

“(3) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Natural Resources of the House of Representatives.

“(c) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

“(1) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

“(2) state the specific roles and responsibilities of each relevant National Drug Control Program agency for implementing the strategy;

“(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement the strategy; and

“(4) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

“(d) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

“(1) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

“(2) recommendations for additional assistance, if any, needed by tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

“(e) LIMITATION.—

“(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall not change the existing agency authorities and this section shall not be construed to amend or modify any law governing interagency relationships.

“(2) LEGITIMATE TRADE AND TRAVEL.—The Northern Border Counternarcotics Strategy shall be designed to promote, and not hinder, legitimate trade and travel.

“(f) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—

“(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall be submitted in unclassified form and shall be available to the public.

“(2) ANNEX.—The Northern Border Counternarcotics Strategy may include an annex containing any classified information or information the public disclosure of which, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency.”

§ 1706. High Intensity Drug Trafficking Areas Program

(a) Establishment

(1) In general

There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the “Program”).

(2) Purpose

The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

(A) facilitating cooperation among Federal, State, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing law enforcement intelligence sharing among Federal, State, local, and tribal law enforcement agencies;

(C) providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

(b) Designation

(1) In general

The Director, in consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

(2) Activities

After making a designation under paragraph (1) and in order to provide Federal assistance to the area so designated, the Director may—

(A) obligate such sums as are appropriated for the Program;

(B) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(C) take any other action authorized under section 1703 of this title to provide increased Federal assistance to those areas; and

(D) coordinate activities under this section (specifically administrative, recordkeeping, and funds management activities) with State, local, and tribal officials.

(c) Petitions for designation

The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

(d) Factors for consideration

In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution;

(2) State, local, and tribal law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a significant harmful impact in the area, and in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.