

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) lead the national drug control effort, including coordinating with the National Drug Control Program Agencies;

(2) coordinate and oversee the implementation of the national drug control policy, including the National Drug Control Strategy;

(3) assess and certify the adequacy of National Drug Control Programs and the budget for those programs;

(4) evaluate the effectiveness of national drug control policy efforts, including the National Drug Control Program Agencies' program,<sup>1</sup> by developing and applying specific goals and performance measurements and monitoring the agencies' program-level spending;

(5) identify and respond to emerging drug threats related to illicit drug use;

(6) administer the Drug-Free Communities Program, the High-Intensity<sup>2</sup> Drug Trafficking Areas Program, and other grant programs directly authorized to be administered by the Office in furtherance of the National Drug Control Strategy; and

(7) facilitate broad-scale information sharing and data standardization among Federal, State, and local entities to support the national drug control efforts.

### (b) Repealed. Pub. L. 115–271, title VIII, § 8222(1), Oct. 24, 2018, 132 Stat. 4142

### (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

(2) personnel of the Office.

### (d) Office of National Drug Control Policy Gift Fund

#### (1) Establishment

There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 1703(c) of this title.

### (2) Contributions

The Office may accept, hold, and administer contributions to the Fund.

### (3) Use of amounts deposited

Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

### (4) Ethics guidelines

The Director shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this subsection because the acceptance of the gift or donation would—

(A) reflect unfavorably upon the ability of the Director or the Office, or any employee of the Office, to carry out responsibilities or official duties under this chapter<sup>3</sup> in a fair and objective manner; or

(B) compromise the integrity or the appearance of integrity of programs or services provided under this chapter<sup>3</sup> or of any official involved in those programs or services.

### (5) Registry of gifts

The Director shall maintain a list of—

(A) the source and amount of each gift or donation accepted by the Office; and

(B) the source and amount of each gift or donation accepted by a contractor to be used in its performance of a contract for the Office.

### (6) Report to Congress

The Director shall include in the annual assessment under section 1705(g) of this title a copy of the registry maintained under paragraph (5).

(Pub. L. 105–277, div. C, title VII, §§ 703, 715, Oct. 21, 1998, 112 Stat. 2681–672, 2681–693; Pub. L. 109–469, title I, § 102, title VI, § 602, title XI, § 1120, Dec. 29, 2006, 120 Stat. 3505, 3533, 3548; Pub. L. 115–271, title VIII, §§ 8202(a), (b)(2), 8217(a), (b), 8222(1), Oct. 24, 2018, 132 Stat. 4110, 4119, 4142.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(4), was so in the original, but probably should have been a reference to “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. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

#### AMENDMENTS

2018—Pub. L. 115–271, § 8202(b)(2), repealed Pub. L. 105–277, § 715. See 1998 Amendment note below.

Pub. L. 115–271, § 8202(a), revived and restored this section as in effect on Sept. 29, 2003, and as amended by Pub. L. 109–469 and Pub. L. 112–166. See Reauthorization of the Office of National Drug Control Policy note set out under section 1701 of this title.

Subsec. (a). Pub. L. 115–271, § 8217(a)(4), struck out concluding provisions which read as follows: “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 prevent-

<sup>1</sup> So in original. Probably should be “programs.”.

<sup>2</sup> So in original. Probably should be “High Intensity”.

<sup>3</sup> See References in Text note below.

ing 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.”

Subsec. (a)(1). Pub. L. 115-271, §8217(a)(1), added par. (1) and struck out former par. (1) which read as follows: “develop national drug control policy.”

Subsec. (a)(2). Pub. L. 115-271, §8217(a)(2), inserted before semicolon at end “, including the National Drug Control Strategy”.

Subsec. (a)(4) to (7). Pub. L. 115-271, §8217(a)(3), (4), added pars. (4) to (7) and struck out former par. (4) which read as follows: “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.”

Subsec. (b). Pub. L. 115-271, §8222(1), struck out subsec. (b) which related to Director of National Drug Control Policy and Deputy Directors.

Subsec. (d)(4) to (6). Pub. L. 115-271, §8217(b), added pars. (4) to (6).

2006—Pub. L. 109-469, §602, amended Pub. L. 105-277, §715, which provided for the repeal of this section. See 1998 Amendment note below.

Subsec. (a). Pub. L. 109-469, §1120, inserted concluding provisions.

Pub. L. 109-469, §102(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to establishment of Office of National Drug Control Policy.

Subsec. (b). Pub. L. 109-469, §102(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to Director and Deputy Directors of National Drug Control Policy.

1998—Pub. L. 105-277, §715, as amended by Pub. L. 109-469, §602, which provided for the repeal of this section effective Sept. 30, 2010, was repealed by Pub. L. 115-271, §8202(b)(2). See former section 1712 of this title.

#### GIFTS TO OFFICE OF NATIONAL DRUG CONTROL POLICY

Pub. L. 115-141, div. E, title II, Mar. 23, 2018, 132 Stat. 549, provided in part: “That the Office [of National Drug Control Policy] is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 115-31, div. E, title II, May 5, 2017, 131 Stat. 340.

Pub. L. 114-113, div. E, title II, Dec. 18, 2015, 129 Stat. 2436.

Pub. L. 113-235, div. E, title II, Dec. 16, 2014, 128 Stat. 2344.

Pub. L. 113-76, div. E, title II, Jan. 17, 2014, 128 Stat. 195.

Pub. L. 112-74, div. C, title II, Dec. 23, 2011, 125 Stat. 895.

Pub. L. 111-117, div. C, title II, Dec. 16, 2009, 123 Stat. 3170.

Pub. L. 111-8, div. D, title II, Mar. 11, 2009, 123 Stat. 641.

Pub. L. 110-161, div. D, title II, Dec. 26, 2007, 121 Stat. 1983.

Pub. L. 109-115, div. A, title V, Nov. 30, 2005, 119 Stat. 2475.

Pub. L. 108-447, div. H, title III, Dec. 8, 2004, 118 Stat. 3249.

Pub. L. 108-199, div. F, title III, Jan. 23, 2004, 118 Stat. 324.

Pub. L. 108-7, div. J, title III, Feb. 20, 2003, 117 Stat. 446.

Pub. L. 107-67, title III, Nov. 12, 2001, 115 Stat. 530.

Pub. L. 106-554, §1(a)(3) [title III], Dec. 21, 2000, 114 Stat. 2763, 2763A-139.

Pub. L. 106-58, title III, Sept. 29, 1999, 113 Stat. 447.

Pub. L. 105-277, div. A, §101(h) [title III], Oct. 21, 1998, 112 Stat. 2681-480, 2681-496.

Pub. L. 105-61, title III, Oct. 10, 1997, 111 Stat. 1293.

Pub. L. 104-208, div. A, title I, §101(f) [title III], Sept. 30, 1996, 110 Stat. 3009-314, 3009-329.

Pub. L. 104-52, title III, Nov. 19, 1995, 109 Stat. 479.

Pub. L. 103-329, title III, Sept. 30, 1994, 108 Stat. 2394.

Pub. L. 103-123, title III, Oct. 28, 1993, 107 Stat. 1237.

Pub. L. 102-393, title III, Oct. 6, 1992, 106 Stat. 1741.

Pub. L. 102-141, title III, Oct. 28, 1991, 105 Stat. 847.

Pub. L. 101-509, title III, Nov. 5, 1990, 104 Stat. 1402.

Pub. L. 101-136, title III, Nov. 3, 1989, 103 Stat. 793.

#### EX. ORD. NO. 12911. SEAL FOR OFFICE OF NATIONAL DRUG CONTROL POLICY

Ex. Ord. No. 12911, Apr. 25, 1994, 59 F.R. 21121 [22121], provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. There is approved for the Office of National Drug Control Policy in the Executive Office of the President an official seal described as follows:

On a blue disc the Arms of the United States proper above a curved gold scroll inscribed “OFFICE OF NATIONAL DRUG CONTROL POLICY” in blue letters, all within a white border edged in gold and inscribed “EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES” in blue letters.

This design is appropriate for the Office of National Drug Control Policy. The dark blue in this seal is suggested by the Seal of the President and denotes the direct organizational link of the Office of National Drug Control Policy with the Presidential office. The Arms of the United States refer to the entire Nation and represent the involvement in drug control policies that are necessary to assist the President in his role as Chief Executive of the United States.

SEC. 2. The seal shall be of the design that is attached hereto and made a part of this order.

WILLIAM J. CLINTON.



#### § 1703. Appointment and duties of Director and Deputy Directors

##### (a) Appointment

##### (1) In general

##### (A) Director

##### (i) In general

There shall be at the head of the Office a Director who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5.