

Subsec. (s). Pub. L. 115-271, § 8209, added subsec. (s). 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.

Pub. L. 109-469, § 301, amended section generally. Prior to amendment, section related to the High Intensity Drug Trafficking Areas Program.

Subsec. (q). Pub. L. 109-469, § 302(c), added subsec. (q). 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 L. 109-469, § 602, which provided for the repeal of this section effective Sept. 30, 2010, was repealed by Pub.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.

#### FINDINGS

Pub. L. 109-469, title III, § 302(b), Dec. 29, 2006, 120 Stat. 3524, provided that: "Congress finds the following:

"(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification to police about persistent drug distribution activity in their East Baltimore City neighborhood.

"(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

"(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

"(4) In all phases of counternarcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

"(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

"(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

"(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

"(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with tribal, local, State, and Federal law enforcement efforts to combat illegal drug trafficking."

#### COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS

Pub. L. 106-310, div. B, title XXXVI, § 3624, Oct. 17, 2000, 114 Stat. 1232, provided that:

"(a) IN GENERAL.—

"(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

"(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, lab-

oratory technicians, chemists, investigative assistants, and drug-prevention specialists.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) \$15,000,000 for fiscal year 2000; and

"(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

"(c) APPORTIONMENT OF FUNDS.—

"(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

"(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

"(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

"(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

"(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

"(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

"(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

"(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a)."

#### FUNDING FOR HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

Pub. L. 106-58, title III, Sept. 29, 1999, 113 Stat. 448, provided in part: "That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area (HIDTA) shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations".

#### § 1707. Repealed. Pub. L. 115-271, title VIII, § 8222(3), Oct. 24, 2018, 132 Stat. 4143

Section, Pub. L. 105-277, div. C, title VII, §§ 708, 715, Oct. 21, 1998, 112 Stat. 2681-687, 2681-693; Pub. L. 109-469, title IV, § 401, title VI, § 602, Dec. 29, 2006, 120 Stat. 3525, 3533; Pub. L. 115-271, title VIII, § 8202(a), (b)(2), Oct. 24, 2018, 132 Stat. 4110, related to Counter-Drug Technology Assessment Center.

**§ 1708. Emerging Threats Committee, plan, and media campaign**

**(a) Emerging Threats Coordinator<sup>1</sup>**

The Director shall designate or appoint a United States Emerging and Continuing Threats Coordinator to perform the duties of that position described in this section and such other duties as may be determined by the Director. The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

**(b) Emerging Threats Committee**

**(1) In general**

The Emerging Threats Committee shall—

(A) monitor evolving and emerging drug threats in the United States;

(B) identify and discuss evolving and emerging drug trends in the United States using the criteria required to be established under paragraph (6);

(C) assist in the formulation of and oversee implementation of any plan described in subsection (d);

(D) provide such other advice to the Coordinator and Director concerning strategy and policies for emerging drug threats and trends as the Committee determines to be appropriate; and

(E) disseminate and facilitate the sharing with Federal, State, local, and Tribal officials and other entities as determined by the Director of pertinent information and data relating to—

(i) recent trends in drug supply and demand;

(ii) fatal and nonfatal overdoses;

(iii) demand for and availability of evidence-based substance use disorder treatment, including the extent of the unmet treatment need, and treatment admission trends;

(iv) recent trends in drug interdiction, supply, and demand from State, local, and Tribal law enforcement agencies; and

(v) other subject matter as determined necessary by the Director.

**(2) Chairperson**

The Director shall designate one of the members of the Emerging Threats Committee to serve as Chairperson.

**(3) Members**

The Director shall appoint other members of the Committee, which shall include—

(A) representatives from National Drug Control Program Agencies or other agencies;

(B) representatives from State, local, and Tribal governments; and

(C) representatives from other entities as designated by the Director.

**(4) Meetings**

The members of the Emerging Threats Committee shall meet, in person and not through

any delegate or representative, not less frequently than once per calendar year, before June 1. At the call of the Director or the Chairperson, the Emerging Threats Committee may hold additional meetings as the members may choose.

**(5) Contract, agreement, and other authority**

The Director may award contracts, enter into interagency agreements, manage individual projects, and conduct other activities in support of the identification of emerging drug threats and in support of the development, implementation, and assessment of any Emerging Threat Response Plan.

**(6) Criteria to identify emerging drug threats**

Not later than 180 days after the date on which the Committee first meets, the Committee shall develop and recommend to the Director criteria to be used to identify an emerging drug threat or the termination of an emerging drug threat designation based on information gathered by the Committee, statistical data, and other evidence.

**(c) Designation**

**(1) In general**

The Director, in consultation with the Coordinator, the Committee, and the head of each National Drug Control Program Agency, may designate an emerging drug threat in the United States.

**(2) Standards for designation**

The Director, in consultation with the Coordinator, shall promulgate and make publicly available standards by which a designation under paragraph (1) and the termination of such designation may be made. In developing such standards, the Director shall consider the recommendations of the committee and other criteria the Director considers to be appropriate.

**(3) Public statement required**

The Director shall publish a public written statement on the portal of the Office explaining the designation of an emerging drug threat or the termination of such designation and shall notify the appropriate congressional committees of the availability of such statement when a designation or termination of such designation has been made.

**(d) Plan**

**(1) Public availability of plan**

Not later than 90 days after making a designation under subsection (c), the Director shall publish and make publicly available an Emerging Threat Response Plan and notify the President and the appropriate congressional committees of such plan's availability.

**(2) Timing**

Concurrently with the annual submissions under section 1705(g) of this title, the Director shall update the plan and report on implementation of the plan, until the Director issues the public statement required under subsection (c)(3) to terminate the emerging drug threat designation.

<sup>1</sup> So in original. Probably should be "Emerging and Continuing Threats Coordinator".