

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

(a) Emerging Threats Coordinator¹

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.

¹ So in original. Probably should be "Emerging and Continuing Threats Coordinator".

(3) Contents of an emerging threat response plan

The Director shall include in the plan required under this subsection—

(A) a comprehensive strategic assessment of the emerging drug threat, including the current availability of, demand for, and effectiveness of evidence-based prevention, treatment, and enforcement programs and efforts to respond to the emerging drug threat;

(B) comprehensive, research-based, short- and long-term, quantifiable goals for addressing the emerging drug threat, including for reducing the supply of the drug designated as the emerging drug threat and for expanding the availability and effectiveness of evidence-based substance use disorder treatment and prevention programs to reduce the demand for the emerging drug threat;

(C) performance measures pertaining to the plan's goals, including quantifiable and measurable objectives and specific targets;

(D) the level of funding needed to implement the plan, including whether funding is available to be reprogrammed or transferred to support implementation of the plan or whether additional appropriations are necessary to implement the plan;

(E) an implementation strategy for the media campaign under subsection (f), including goals as described under subparagraph (B) of this paragraph and performance measures, objectives, and targets, as described under subparagraph (C) of this paragraph; and

(F) any other information necessary to inform the public of the status, progress, or response of² an emerging drug threat.

(4) Implementation

(A) In general

Not later than 120 days after the date on which a designation is made under subsection (c), the Director, in consultation with the President, the appropriate congressional committees, and the head of each National Drug Control Program Agency, shall issue guidance on implementation of the plan described in this subsection to the National Drug Control Program Agencies and any other relevant agency determined to be necessary by the Director.

(B) Coordinator's responsibilities

The Coordinator shall—

(i) direct the implementation of the plan among the agencies identified in the plan, State, local, and Tribal governments, and other relevant entities;

(ii) facilitate information-sharing between agencies identified in the plan, State, local, and Tribal governments, and other relevant entities; and

(iii) monitor implementation of the plan by coordinating the development and implementation of collection and reporting systems to support performance measure-

ment and adherence to the plan by agencies identified in³ plan, where appropriate.

(C) Reporting

Not later than 180 days after the date on which a designation is made under subsection (c) and in accordance with subparagraph (A), the head of each agency identified in the plan shall submit to the Coordinator a report on implementation of the plan.

(e) Evaluation of media campaign

Upon designation of an emerging drug threat, the Director shall evaluate whether a media campaign would be appropriate to address that threat.

(f) National anti-drug media campaign

(1) In general

The Director shall, to the extent feasible and appropriate, conduct a national anti-drug media campaign (referred to in this chapter⁴ as the "national media campaign") in accordance with this subsection for the purposes of—

(A) preventing substance abuse among people in the United States;

(B) educating the public about the dangers and negative consequences of substance use and abuse, including patient and family education about the characteristics and hazards of substance abuse and methods to safeguard against substance use, to include the safe disposal of prescription medications;

(C) supporting evidence-based prevention programs targeting the attitudes, perception, and beliefs of persons concerning substance use and intentions to initiate or continue such use;

(D) encouraging individuals affected by substance use disorders to seek treatment and providing such individuals with information on—

(i) how to recognize addiction issues;

(ii) what forms of evidence-based treatment options are available; and

(iii) how to access such treatment;

(E) combating the stigma of addiction and substance use disorders, including the stigma of treating such disorders with medication-assisted treatment therapies; and

(F) informing the public about the dangers of any drug identified by the Director as an emerging drug threat as appropriate.

(2) Use of funds

(A) In general

Amounts made available to carry out this subsection for the national media campaign may only be used for the following:

(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

(ii) Creative and talent costs, consistent with subparagraph (B)(i).

(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

²So in original.

³So in original. The word "the" probably should appear.

⁴See References in Text note below.

(iv) Testing and evaluation of advertising.

(v) Evaluation of the effectiveness of the national media campaign.

(vi) Costs of contracts to carry out activities authorized by this subsection.

(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(ix) Operational and management expenses.

(B) Specific requirements

(i) Creative services

In using amounts for creative and talent costs under subparagraph (A)(ii), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) Testing and evaluation of advertising

In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this subsection in a fiscal year and no more than 10 percent of the advertising space purchased under this subsection in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

(iii) Consultation

For the planning of the campaign under paragraph (1), the Director may consult with—

(I) the head of any appropriate National Drug Control Program Agency;

(II) experts on the designated drug;

(III) State, local, and Tribal government officials and relevant agencies;

(IV) communications professionals;

(V) the public; and

(VI) appropriate congressional committees.

(iv) Evaluation of effectiveness of national media campaign

In using amounts for the evaluation of the effectiveness of the national media

campaign under subparagraph (A)(v), the Director shall—

(I) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

(aa) the Monitoring the Future Study published by the Department of Health and Human Services;

(bb) the National Survey on Drug Use and Health; and

(cc) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(II) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to substance use and such other measures of evaluation as the Director determines are appropriate.

(3) Advertising

In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(4) Responsibilities and functions under the program

(A) In general

The Director shall determine the overall purposes and strategy of the national media campaign.

(B) Director

(i) In general

The Director shall approve—

(I) the strategy of the national media campaign;

(II) all advertising and promotional material used in the national media campaign; and

(III) the plan for the purchase of advertising time and space for the national media campaign.

(ii) Implementation

The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in paragraph (1) and shall ensure—

(I) information disseminated through the campaign is accurate and scientifically valid; and

(II) the campaign is designed using strategies demonstrated to be the most effective at achieving the goals and requirements of paragraph (1), which may include—

(aa) a media campaign, as described in paragraph (2);

(bb) local, regional, or population specific messaging;

(cc) the development of websites to publicize and disseminate information;

(dd) conducting outreach and providing educational resources for parents;

- (ee) collaborating with law enforcement agencies; and
- (ff) providing support for school-based public health education classes to improve teen knowledge about the effects of substance use.

(5) Prohibitions

None of the amounts made available under paragraph (2) may be obligated or expended for any of the following:

- (A) To supplant current anti-drug community-based coalitions.
- (B) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.
- (C) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.
- (D) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.
- (E) To fund advertising that does not contain a primary message intended to reduce or prevent substance use.
- (F) To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

(6) Matching requirement

(A) In general

Amounts made available under paragraph (2) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

(B) No-cost match advertising direct relationship requirement

The Director shall ensure that not less than 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

(C) No-cost match advertising not directly related

The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

(7) Financial and performance accountability

The Director shall cause to be performed—

- (A) audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41; and
- (B) an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41.

(8) Report to Congress

The Director shall submit on an annual basis a report to Congress that describes—

- (A) the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;
- (B) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;
- (C) plans to purchase advertising time and space;
- (D) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;
- (E) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;
- (F) the results of any financial audit of the national media campaign;
- (G) a description of any evidence used to develop the national media campaign;
- (H) specific policies and steps implemented to ensure compliance with this section;
- (I) a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and
- (J) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

(9) Required notice for communication from the Office

Any communication, including an advertisement, paid for or otherwise disseminated by the Office directly or through a contract awarded by the Office shall include a prominent notice informing the audience that the communication was paid for by the Office.

(g) Authorization of appropriations

There is authorized to be appropriated to the Office to carry out this section, \$25,000,000 for each of fiscal years 2018 through 2023.

(Pub. L. 105-277, div. C, title VII, §§ 709, 715, Oct. 21, 1998, 112 Stat. 2681-688, 2681-693; Pub. L. 109-469, title V, § 501(a), title VI, § 602, Dec. 29, 2006, 120 Stat. 3527, 3533; Pub. L. 115-271, title VIII, §§ 8202(a), (b)(2), 8218(a), Oct. 24, 2018, 132 Stat. 4110, 4125.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

This chapter, referred to in subsec. (f)(1), was in the original “this subtitle” and was translated as reading “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. Title VII does not contain subtitles. 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, § 8218(a), amended section generally. Prior to amendment, section related to national youth anti-drug media campaign.

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.

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, § 501(a), amended section catchline and text generally. Prior to amendment, section related to the President's Council on Counter-Narcotics.

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.

EX. ORD. NO. 12992. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 12992, Mar. 15, 1996, 61 F.R. 11287, as amended by Ex. Ord. No. 13023, §§ 2, 3, Nov. 6, 1996, 61 F.R. 57767; Ex. Ord. No. 13284, § 8, Jan. 23, 2003, 68 F.R. 4076, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established the President's Drug Policy Council ("Council").

SEC. 2. *Membership.* The Council shall comprise the:

- (a) President, who shall serve as Chairman of the Council;
 - (b) Vice President;
 - (c) Secretary of State;
 - (d) Secretary of the Treasury;
 - (e) Secretary of Defense;
 - (f) Attorney General;
 - (g) Secretary of the Interior;
 - (h) Secretary of Agriculture;
 - (i) Secretary of Health and Human Services;
 - (j) Secretary of Housing and Urban Development;
 - (k) Secretary of Transportation;
 - (l) Secretary of Education;
 - (m) Secretary of Veterans Affairs;
 - (n) Secretary of Homeland Security;
 - (o) Representative of the United States of America to the United Nations;
 - (p) Director of the Office of Management and Budget;
 - (q) Chief of Staff to the President;
 - (r) Director of National Drug Control Policy;
 - (s) Director of Central Intelligence;
 - (t) Assistant to the President for National Security Affairs;
 - (u) Counsel to the President;
 - (v) Chairman, Joint Chiefs of Staff;
 - (w) National Security Advisor to the Vice President;
- and
- (x) Assistant to the President for Domestic Policy.

As applicable, the Council shall also comprise such other officials of the departments and agencies as the President may, from time to time, designate.

SEC. 3. *Meetings of the Council.* The President, or upon his direction, the Vice President, may convene meetings of the Council. The President shall preside over meetings of the Council, provided that in his absence, the Vice President will preside. The Council will meet at least quarterly.

SEC. 4. *Functions.* (a) The functions of the Council are to advise and assist the President in: (1) providing direction and oversight for the national drug control strategy, including relating drug control policy to

other national security interests and establishing priorities; and (2) ensuring coordination among departments and agencies concerning implementation of the President's national drug control strategy.

(b) The Director of National Drug Control Policy will continue to be the senior drug control policy official in the executive branch and the President's chief drug control policy spokesman.

(c) In matters affecting national security interests, the Director of National Drug Control Policy shall work in conjunction with the Assistant to the President for National Security Affairs.

SEC. 5. *Administration.* (a) The Council may utilize established or ad hoc committees, task forces, or inter-agency groups chaired by the Director of National Drug Control Policy or his representative, in carrying out its functions under this order.

(b) The staff of the Office of National Drug Control Policy, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(c) All executive departments and agencies shall cooperate with the Council and provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

EX. ORD. NO. 13023. EXPANDING AND CHANGING NAME OF PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS

Ex. Ord. No. 13023, Nov. 6, 1996, 61 F.R. 57767, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to change the name of the "President's Council on Counter-Narcotics" to the "President's Drug Policy Council" and to make the Secretaries of the Interior, Agriculture, Health and Human Services, Housing and Urban Development, Education, Veterans Affairs, and the Assistant to the President for Domestic Policy, permanent members of the Council, it is hereby ordered as follows:

SECTION 1. The Council established by Executive Order 12992 [set out above] shall henceforth be called the "President's Drug Policy Council."

[SECS. 2, 3. Amended Ex. Ord. No. 12992, set out above.]

WILLIAM J. CLINTON.

§ 1708a. Annual report requirement

(a) **Repealed. Pub. L. 115–271, title VIII, § 8218(b), Oct. 24, 2018, 132 Stat. 4132**

(b) Audit

The Government Accountability Office shall, not later than December 31, 2013, and every 3 years thereafter—

(1) conduct and supervise an audit and investigation relating to the programs and operations of the—

(A) Office; or

(B) certain programs within the Office, including—

(i) the High Intensity Drug Trafficking Areas Program;

(ii) the Counterdrug Technology Assessment Center; or

(iii) the National Youth Anti-drug Media Campaign; and

(2) provide the Director and the appropriate congressional committees with a report containing an evaluation of and recommendations on the—

(A) policies and activities of the programs and operations subject to the audit and investigation;