

(2) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2018 through 2023.

(f) Tracking system for federally funded grant programs**(1) Establishment**

The Director, or the head of an agency designated by the Director, in coordination with the Secretary of Health and Human Services, shall track federally-funded grant programs to—

(A) ensure the public has electronic access to information identifying:

(i) all drug control grants and pertinent identifying information for each grant; and

(ii) any available performance metrics, evaluations, or other information indicating the effectiveness of such programs;

(B) facilitate efforts to identify duplication, overlap, or gaps in funding to provide increased accountability of Federally-funded grants for substance use disorder treatment, prevention, and enforcement; and

(C) identify barriers that may impede applicants in the grant application process.

(2) National Drug Control Program Agencies

The head of each National Drug Control Program agency shall provide to the Director a complete list of all drug control program grant programs and any other relevant information for inclusion in the system developed under paragraph (1) and annually update such list.

(3) Updating existing systems

The Director may meet the requirements of this subsection by utilizing, updating, or improving existing Federal information systems to ensure they meet the requirements of this subsection.

(4) Report

Not later than 3 years after October 24, 2018, the Comptroller General of the United States shall submit to Congress a report examining implementation of this subsection.

(Pub. L. 105-277, div. C, title VII, §§ 705, 715, Oct. 21, 1998, 112 Stat. 2681-680, 2681-693; Pub. L. 109-469, title I, § 104, title VI, § 602, Dec. 29, 2006, 120 Stat. 3510, 3533; Pub. L. 115-271, title VIII, §§ 8202(a), (b)(2), 8207, 8217(g), Oct. 24, 2018, 132 Stat. 4110, 4113, 4124; Pub. L. 116-74, § 2(a)(1), (6), Nov. 27, 2019, 133 Stat. 1155, 1156.)

Editorial Notes

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

2019—Pub. L. 116-74, § 2(a)(1), substituted “National Drug Control Program agency” for “National Drug Control Program Agency” wherever appearing.

Subsec. (d)(1). Pub. L. 116-74, § 2(a)(6)(A), substituted “than every” for “that every”.

Subsec. (f)(1)(A)(i). Pub. L. 116-74, § 2(a)(6)(B)(i)(I), substituted “grant; and” for “grant;”.

Subsec. (f)(1)(C). Pub. L. 116-74, § 2(a)(6)(B)(i)(II), inserted “that may impede applicants” after “barriers” and struck out “impediments that applicants currently have in the grant application process with applicable agencies” before period at end.

Subsec. (f)(2). Pub. L. 116-74, § 2(a)(6)(B)(ii), substituted “Drug Control Program” for “Drug Control” in heading.

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. (d). Pub. L. 115-271, § 8217(g)(1), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Director shall—

“(A) require the National Drug Control Program agencies to submit to the Director not later than February 1 of each year a detailed accounting of all funds expended by the agencies for National Drug Control Program activities during the previous fiscal year, and require such accounting to be authenticated by the Inspector General for each agency prior to submission to the Director; and

“(B) submit to Congress not later than April 1 of each year the information submitted to the Director under subparagraph (A).”

Subsec. (e). Pub. L. 115-271, § 8207, added subsec. (e).

Subsec. (f). Pub. L. 115-271, § 8217(g)(2), added subsec. (f).

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)(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”.

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.

§ 1705. Development, submission, implementation, and assessment of National Drug Control Strategy**(a) In general****(1) Statement of drug policy priorities**

The Director shall release a statement of drug control policy priorities in the calendar year of a Presidential inauguration following the inauguration, but not later than April 1.

(2) National Drug Control Strategy submitted by the President

Not later than the first Monday in February following the year in which the term of the President commences, and every 2 years there-

after, the President shall submit to Congress a National Drug Control Strategy.

(b) Development of the National Drug Control Strategy

(1) Promulgation

The Director shall promulgate the National Drug Control Strategy, which shall set forth a comprehensive plan 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 and promoting prevention, early intervention, treatment, and recovery support for individuals with substance use disorders.

(2) State and local commitment

The Director shall seek the support and commitment of State, local, and Tribal officials in the formulation and implementation of the National Drug Control Strategy.

(3) Strategy based on evidence

The Director shall ensure the National Drug Control Strategy is based on the best available evidence regarding the policies that are most effective in reducing the demand for and supply of illegal drugs.

(4) Process for development and submission of National Drug Control Strategy

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) each Coordinator listed in section 1703 of this title;
- (iii) the Interdiction Committee and the Emerging Threats Committee;
- (iv) the appropriate congressional committees and any other committee of jurisdiction;
- (v) State, local, and Tribal officials;
- (vi) private citizens and organizations, including community and faith-based organizations, with experience and expertise in demand reduction;
- (vii) private citizens and organizations with experience and expertise in supply reduction; and
- (viii) appropriate representatives of foreign governments; and

(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) Contents of the National Drug Control Strategy

(1) In general

The National Drug Control Strategy submitted under subsection (a)(2) shall include the following:

- (A) A mission statement detailing the major functions of the National Drug Control Program.
- (B) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit

drug use, and the consequences of illicit drug use in the United States.

(C) 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.

(D) A 5-year projection for the National Drug Control Program and budget priorities.

(E) 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.

(F) A description of how each goal established under subparagraph (B) will be achieved, including for each goal—

- (i) a list of each relevant National Drug Control Program agency and each such agency's related programs, activities, and available assets and the role of each such program, activity, and asset in achieving such goal;
- (ii) a list of relevant stakeholders and each such stakeholder's role in achieving such goal;
- (iii) an estimate of Federal funding and other resources needed to achieve such goal;
- (iv) a list of each existing or new coordinating mechanism needed to achieve such goal; and
- (v) a description of the Office's role in facilitating the achievement of such goal.

(G) For each year covered by the Strategy, a performance evaluation plan for each goal established under subparagraph (B) for each National Drug Control Program agency, including—

- (i) specific performance measures for each National Drug Control Program agency;
- (ii) annual and, to the extent practicable, quarterly objectives and targets for each performance measure; and
- (iii) an estimate of Federal funding and other resources needed to achieve each performance objective and target.

(H) A list identifying existing data sources or a description of data collection needed to evaluate performance, including a description of how the Director will obtain such data.

(I) A list of any anticipated challenges to achieving the National Drug Control Strategy goals and planned actions to address such challenges.

(J) A description of how each goal established under subparagraph (B) was determined, including—

- (i) a description of each required consultation and a description of how such consultation was incorporated; and
- (ii) data, research, or other information used to inform the determination to establish the goal.

(K) A description of the current prevalence of illicit drug use in the United States, including both the availability of illicit drugs

and the prevalence of substance use disorders.

(L) Such other 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), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

(M) A systematic plan for increasing data collection to enable real time surveillance of drug control threats, developing analysis and monitoring capabilities, and identifying and addressing policy questions related to the National Drug Control Strategy and Program, which shall include—

(i) a list of policy-relevant questions for which the Director and each National Drug Control Program agency intends to develop evidence to support the National Drug Control Program and Strategy;

(ii) a list of data the Director and each National Drug Control Program agency intends to collect, use, or acquire to facilitate the use of evidence in drug control policymaking and monitoring;

(iii) a list of methods and analytical approaches that may be used to develop evidence to support the National Drug Control Program and Strategy and related policy;

(iv) a list of any challenges to developing evidence to support policymaking, including any barriers to accessing, collecting, or using relevant data;

(v) a description of the steps the Director and the head of each National Drug Control Program agency will take to effectuate the plan; and

(vi) any other relevant information as determined by the Director.

(N) A plan to expand treatment of substance use disorders, which shall—

(i) identify unmet needs for treatment for substance use disorders and a strategy for closing the gap between available and needed treatment;

(ii) describe the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing the plan;

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

(iv) identify the resources, including private sources, required to eliminate the unmet need for evidence-based substance use disorder treatment.

(2) Consultation

In developing the plan required under paragraph (1)(M), the Director shall consult with the following:

(A) The public.

(B) Any evaluation or analysis units and personnel of the Office.

(C) Office officials responsible for implementing privacy policy.

(D) Office officials responsible for data governance.

(E) The appropriate congressional committees.

(F) Any other individual or entity as determined by the Director.

(3) Additional strategies

(A) In general

The Director shall include in the National Drug Control Strategy the additional strategies described under this paragraph and shall comply with the following:

(i) Provide a copy of the additional strategies to the appropriate congressional committees 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.

(ii) Issue the additional strategies in consultation with the head of each relevant National Drug Control Program agency, any relevant official of a State, local, or Tribal government, and the government of other relevant countries.

(iii) Not change any existing agency authority or construe any strategy described under this paragraph to amend or modify any law governing interagency relationship but may include recommendations about changes to such authority or law.

(iv) Present separately from the rest of any strategy described under this paragraph any 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.

(B) Requirement for Southwest Border Counternarcotics Strategy

(i) Purposes

The Southwest Border Counternarcotics Strategy shall—

(I) 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;

(II) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

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

(ii) Specific content related to drug tunnels between the United States and Mexico

The Southwest Border Counternarcotics Strategy shall include—

(I) a strategy to end the construction and use of tunnels and subterranean pas-

sages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

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

(C) Requirement for Northern Border Counternarcotics Strategy

(i) Purposes

The Northern Border Counternarcotics Strategy shall—

(I) 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;

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

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

(IV) be designed to promote, and not hinder, legitimate trade and travel; and

(V) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law,¹ 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.

(ii) Specific content related to cross-border Indian reservations

The Northern Border Counternarcotics Strategy shall include—

(I) 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

(II) 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.

(4) 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.

(5) Selection of data and information

In selecting data and information for inclusion in the Strategy, the Director shall ensure—

(A) 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

(B) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

(d) 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.

(e) Failure of Director to Submit National Drug Control Strategy

If the Director does not submit a National Drug Control Strategy to Congress in accordance with subsection (a)(2), not later than five days after the first Monday in February following the year in which the term of the President commences, the Director shall send a notification to the appropriate congressional committees—

(1) explaining why the Strategy was not submitted; and

(2) specifying the date by which the Strategy will be submitted.

(f) Drug Control Data Dashboard

(1) In general

The Director shall collect and disseminate, as appropriate, such information as the Director determines is appropriate, but not less than the information described in this subsection. The data shall be publicly available in a machine-readable format on the online portal of the Office, and to the extent practicable on the Drug Control Data Dashboard.

(2) Establishment

The Director shall publish to the online portal of the Office in a machine-readable, sortable, and searchable format, or to the extent practicable, establish and maintain a data dashboard on the online portal of the Office to be known as the “Drug Control Data Dashboard”. To the extent practicable, when establishing the Drug Control Dashboard, the Director shall ensure the user interface of the dashboard is constructed with modern design standards. To the extent practicable, the data made available on the dashboard shall be publicly available in a machine-readable format and searchable by year, agency, drug, and location.

(3) Data

The data included in the Drug Control Data Dashboard shall be updated quarterly to the extent practicable, but not less frequently than annually and shall include, at a minimum, the following:

(A) For each substance identified by the Director as having a significant impact on the prevalence of illicit drug use—

¹ So in original. The comma probably should not appear.

(i) data sufficient to show the quantities of such substance available in the United States, including—

(I) the total amount seized and disrupted in the calendar year and each of the previous 3 calendar years, including to the extent practicable the amount seized by State, local, and Tribal governments;

(II) the known and estimated flows into the United States from all sources in the calendar year and each of the previous 3 calendar years;

(III) the total amount of known flows that could not be interdicted or disrupted in the calendar year and each of the previous 3 calendar years;

(IV) the known and estimated levels of domestic production in the calendar year and each of the previous three calendar years, including the levels of domestic production if the drug is a prescription drug, as determined under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], for which a listing is in effect under section 812 of this title;

(V) the average street price for the calendar year and the highest known street price during the preceding 10-year period; and

(VI) to the extent practicable, related prosecutions by State, local, and Tribal governments;²

(ii) data sufficient to show the frequency of use of such substance, including—

(I) use of such substance in the workplace and productivity lost by such use;

(II) use of such substance by arrestees, probationers, and parolees;

(III) crime and criminal activity related to such substance; and

(IV) to the extent practicable, related prosecutions by State, local, and Tribal governments.

(B) For the calendar year and each of the previous three years data sufficient to show, disaggregated by State and, to the extent feasible, by region within a State, county, or city, the following:

(i) The number of fatal and non-fatal overdoses caused by each drug identified under subparagraph (A)(i).

(ii) The prevalence of substance use disorders.

(iii) The number of individuals who have received substance use disorder treatment, including medication assisted treatment, for a substance use disorder, including treatment provided through publicly-financed health care programs.

(iv) The extent of the unmet need for substance use disorder treatment, including the unmet need for medication-assisted treatment.

(C) Data sufficient to show the extent of prescription drug diversion, trafficking, and misuse in the calendar year and each of the previous 3 calendar years.

(D) Any quantifiable measures the Director determines to be appropriate to detail progress toward the achievement of the goals of the National Drug Control Strategy.

(g) Development of an annual national drug control assessment

(1) Timing

Not later than the first Monday in February of each year, the Director shall submit to the President, Congress, and the appropriate congressional committees, a report assessing the progress of each National Drug Control Program agency toward achieving each goal, objective, and target contained in the National Drug Control Strategy applicable to the prior fiscal year.

(2) Process for development of the annual assessment

Not later than November 1 of each year, the head of each National Drug Control Program agency shall submit, in accordance with guidance issued by the Director, to the Director an evaluation of progress by the agency with respect to the National Drug Control Strategy goals using the performance measures for the agency developed under this chapter, including progress with respect to—

(A) success in achieving the goals of the National Drug Control Strategy;

(B) success in reducing domestic and foreign sources of illegal drugs;

(C) success in expanding access to and increasing the effectiveness of substance use disorder treatment;

(D) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

(E) success in reducing crime associated with drug use in the United States;

(F) success in reducing the negative health and social consequences of drug use in the United States;

(G) implementation of evidence-based substance use disorder treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs; and

(H) success in increasing the prevention of illicit drug use.

(3) Contents of the annual assessment

The Director shall include in the annual assessment required under paragraph (1)—

(A) a summary of each evaluation received by the Director under paragraph (2);

(B) a summary of the progress of each National Drug Control Program agency toward the National Drug Control Strategy goals of the agency using the performance measures for the agency developed under this chapter;

(C) an assessment of the effectiveness of each National Drug Control Program agency and program in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the applicable goals, measures, objectives, and targets for the previous year were met; and

²So in original. Probably should be followed by “and”.

(D) the assessments required under this subsection shall be based on the Performance Measurement System.³

(h) 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 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.

(i) Modifications

A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (c)⁴ shall be included in each report submitted under subsection (b).⁵

(Pub. L. 105-277, div. C, title VII, §§ 706, 715, Oct. 21, 1998, 112 Stat. 2681-681, 2681-693; Pub. L.

109-469, title II, §§ 201, 202, title VI, § 602, Dec. 29, 2006, 120 Stat. 3513, 3517, 3533; Pub. L. 115-271, title VIII, §§ 8202(a), (b)(2), 8221(a), Oct. 24, 2018, 132 Stat. 4110, 4134; Pub. L. 116-74, § 2(a)(1), (2), (c)(1)(B), (d), Nov. 27, 2019, 133 Stat. 1155, 1158.)

Editorial Notes

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (f)(3)(A)(i)(IV), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§ 301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

This chapter, referred to in subsec. (g)(2), (3)(B), was in the original “this title”, meaning title VII of div. C of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-670, which is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out under section 1701 of this title and Tables.

AMENDMENTS

2019—Pub. L. 116-74, § 2(c)(1)(B), amended directory language of Pub. L. 115-271, § 8221(a). See 2018 Amendment note below.

Pub. L. 116-74, § 2(a)(2), substituted “National Drug Control Program agencies” for “National Drug Control Program Agencies” wherever appearing.

Pub. L. 116-74, § 2(a)(1), substituted “National Drug Control Program agency” for “National Drug Control Program Agency” wherever appearing.

Subsec. (c)(1)(N)(ii). Pub. L. 116-74, § 2(d)(1)(A), substituted “Program agencies” for “Programs”.

Subsec. (c)(1)(N)(iii). Pub. L. 116-74, § 2(d)(1)(B), substituted “Program agencies” for “Agencies”.

Subsec. (c)(2). Pub. L. 116-74, § 2(d)(2), substituted “paragraph (1)(M)” for “paragraph (1)” in introductory provisions.

Subsec. (f)(2). Pub. L. 116-74, § 2(d)(3)(A), substituted “Office” for “office”.

Subsec. (f)(3)(A)(ii)(III). Pub. L. 116-74, § 2(d)(3)(B)(i), substituted “substance; and” for “substance;”.

Subsec. (f)(3)(A)(ii)(IV). Pub. L. 116-74, § 2(d)(3)(B)(ii), substituted “governments.” for “governments;”.

Subsec. (g)(3)(B). Pub. L. 116-74, § 2(d)(4), made technical amendment to reference in original act which appears in text as reference to this chapter.

2018—Pub. L. 115-271, § 8221(a), as amended by Pub. L. 116-74, § 2(c)(1)(B)(ii), added subsecs. (a) to (g), redesignated former subsecs. (c) and (d) as (h) and (i), respectively, and struck out former subsecs. (a) and (b) which related to submission of the National Drug Control Strategy and submission of a revised strategy.

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, § 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).

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by section 2(c)(1)(B) of Pub. L. 116-74 effective as if included in the enactment of subtitle K of

³ So in original.

⁴ Probably should be “(h)”.

⁵ Probably should be “(d)”.

title VIII of Pub. L. 115-271, see section 2(c)(2) of Pub. L. 116-74, set out as a note under section 1522 of this title.

REQUIREMENT FOR SOUTHWEST BORDER
COUNTERNARCOTICS STRATEGY

Pub. L. 109-469, title XI, §1110, Dec. 29, 2006, 120 Stat. 3543, which directed the Director of National Drug Control Policy to submit to Congress every two years a Southwest Border Counternarcotics Strategy, was repealed by Pub. L. 115-271, title VIII, §8221(b)(2), Oct. 24, 2018, 132 Stat. 4142. See subsection (c)(3)(B) of this section.

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, which directed the Director of National Drug Control Policy to develop, in consultation with the head of each relevant National Drug Control Program Agency, and to submit to Congress every two years, a Northern Border Counternarcotics Strategy, was repealed by Pub. L. 115-271, title VIII, §8221(b)(2), Oct. 24, 2018, 132 Stat. 4142. See subsection (c)(3)(C) of this section.

§ 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.

(e) Organization of high intensity drug trafficking areas

(1) Executive Board and officers

To be eligible for funds appropriated under this section, each high intensity drug trafficking area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

(2) Responsibilities

The Executive Board of a high intensity drug trafficking area shall be responsible for—

(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

(B) managing the funds of the high intensity drug trafficking area;

(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

(3) Board representation

None of the funds appropriated under this section may be expended for any high inten-