

Executive Documents

EX. ORD. NO. 12880. NATIONAL DRUG CONTROL PROGRAM

Ex. Ord. No. 12880, Nov. 16, 1993, 58 F.R. 60989, as amended by Ex. Ord. No. 13008, June 3, 1996, 61 F.R. 28721, provided:

The Office of National Drug Control Policy has the lead responsibility within the Executive Office of the President to establish policies, priorities, and objectives for the Nation's drug control program, with the goal of reducing the production, availability, and use of illegal drugs. All lawful and reasonable means must be used to ensure that the United States has a comprehensive and effective National Drug Control Strategy.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Narcotics Leadership Act of 1988, as amended (former 21 U.S.C. 1501 *et seq.*), and in order to provide for the effective management of the drug abuse policies of the United States, it is hereby ordered as follows:

SECTION 1. GENERAL PROVISIONS. (a) Because the United States considers the operations of international criminal narcotics syndicates as a national security threat requiring an extraordinary and coordinated response by civilian and military agencies involved in national security, the Director of the Office of National Drug Control Policy (Director), in his role as the principal adviser to the National Security Council on national drug control policy (50 U.S.C. 402(f)) [now 50 U.S.C. 3021(f)], shall provide drug policy guidance and direction in the development of related national security programs.

(b) The Director shall provide oversight and direction for all international counternarcotics policy development and implementation, in coordination with other concerned Cabinet members, as appropriate.

(c) An Interagency Working Group (IWG) on international counternarcotics policy, chaired by the Office of National Drug Control Policy, shall develop and ensure coordinated implementation of an international counternarcotics policy. The IWG shall report its activities and differences of views among agencies to the Director for review, mediation, and resolution with concerned Cabinet members, and if necessary, by the President.

(d) A coordinator for drug interdiction shall be designated by the Director to ensure that assets dedicated by Federal drug program agencies for interdiction are sufficient and that their use is properly integrated and optimized. The coordinator shall ensure that interdiction efforts and priorities are consistent with overall U.S. international counternarcotics policy.

(e) The Director shall examine the number and structure of command/control and drug intelligence centers operated by drug control program agencies involved in international counter-narcotics and suggest improvements to the current structure for consideration by the President and concerned members of the Cabinet.

(f) The Director, utilizing the services of the Drugs and Crime Data Center and Department of Justice Clearinghouse, shall assist in coordinating and enhancing the dissemination of statistics and studies relating to anti-drug abuse policy.

(g) The Director shall provide advice to agencies regarding ways to achieve efficiencies in spending and improvements to interagency cooperation that could enhance the delivery of drug control treatment and prevention services to the public. The Director may request agencies to provide studies, information, and analyses in support of this order.

SEC. 2. GOALS, DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL DRUG CONTROL PROGRAM. (a) *Budget Matters.* (1) In addition to the budgetary authorities and responsibilities provided to the Director by statute, [former] 21 U.S.C. 1502, for those agency budget requests that are not certified as adequate to implement the objectives of the National Drug Control Strategy, the Director shall include in such certifications initiatives or funding levels that would make such requests adequate.

(2) The Director shall provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program. The recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(b) *Measurement of National Drug Control Strategy Outcomes.* (1) The National Drug Control Strategy shall include long-range goals for reducing drug use and the consequences of drug use in the United States, including burdens on hospital emergency rooms, drug use among arrestees, the extent of drug-related crime, high school dropout rates, the number of infants exposed annually to illicit drugs in utero, national drug abuse treatment capacity, and the annual national health care costs of drug use.

(2) The National Drug Control Strategy shall also include an assessment of the quality of techniques and instruments to measure current drug use and supply and demand reduction activities, and the adequacy of the coverage of existing national drug use instruments and techniques to measure the total illicit drug user population and groups at-risk for drug use.

(3) The Director shall coordinate an effort among the relevant drug control program agencies to assess the quality, access, management, effectiveness, and standards of accountability of drug abuse treatment, prevention, education, and other demand reduction activities.

(c) *Provision of Reports.* To the extent permitted by law, heads of departments and agencies with responsibilities under the National Drug Control Program shall make available to the Office of National Drug Control Policy, appropriate statistics, studies, and reports, pertaining to Federal drug abuse control.

WILLIAM J. CLINTON.

§ 1704. Coordination with National Drug Control Program agencies in demand reduction, supply reduction, and State and local affairs

(a) Access to information

(1) In general

Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) Protection of intelligence information

(A) In general

The authorities conferred on the Office and the Director by this chapter shall be exercised in a manner consistent with provisions of the National Security Act of 1947 [50 U.S.C. 3001 *et seq.*]. The Director of National Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this chapter regarding intelligence sources and methods.

(B) Duties of Director

The Director of National Intelligence and the Director of the Central Intelligence Agency shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) Required reports**(A) Secretaries of the Interior and Agriculture**

Not later than July 1 of each year, the Secretaries of Agriculture and the Interior shall jointly submit to the Director and the appropriate congressional committees an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

(B) Secretary of Homeland Security

Not later than July 1 of each year, the Secretary of Homeland Security shall submit to the Director and the appropriate congressional committees information for the preceding year regarding—

(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

(ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Homeland Security.

(C) Secretary of Defense

The Secretary of Defense shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

(D) Attorney General

The Attorney General shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number and type of—

- (i) arrests for drug violations;
- (ii) prosecutions for drug violations by United States Attorneys; and
- (iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.

(b) Certification of policy changes to Director**(1) In general**

Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) Exception

If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Strategy.

(c) General Services Administration

The Administrator of General Services shall provide to the Director, on a reimbursable basis, such administrative support services as the Director may request.

(d) Accounting of funds expended**(1) In general**

Not later than February 1 of each year, in accordance with guidance issued by the Director, the head of each National Drug Control Program agency shall submit to the Director a detailed accounting of all funds expended by the agency for National Drug Control Program activities during the previous fiscal year and shall ensure such detailed accounting is authenticated for the previous fiscal year by the Inspector General for such agency prior to the submission to the Director as frequently as determined by the Inspector General but not less frequently than every 3 years.

(2) Submission to Congress

The Director shall submit to Congress not later than April 1 of each year the information submitted to the Director under paragraph (1).

(e) Drug court training and technical assistance program**(1) Grants authorized**

The Director may make a grant to a non-profit organization for the purpose of providing training and technical assistance to drug courts.

(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 thereafter, 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.