

105TH CONGRESS
1ST SESSION

H. R. 2610

To amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1997

Mr. HASTERT introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Narcotics Leadership Act Amendments of
6 1997”.

1 (b) AMENDMENT REFERENCES.—Except as other-
2 wise expressly provided, whenever in this Act an amend-
3 ment or repeal is expressed in terms of an amendment
4 to, or repeal of, a section or other provision, the reference
5 shall be considered to be made to a section or other provi-
6 sion of the National Narcotics Leadership Act of 1988 (21
7 U.S.C. 1501 et seq.).

8 **SEC. 2. DEPUTY DIRECTOR FOR STATE AND LOCAL AF-**
9 **FAIRS AND DEPUTY DIRECTOR OF INTEL-**
10 **LIGENCE.**

11 (a) ESTABLISHMENT.—Section 1002 (21 U.S.C.
12 1501) is amended—

13 (1) in subsection (b)—

14 (A) by amending paragraph (2) to read as
15 follows:

16 “(2) There shall be in the Office of National Drug
17 Control Policy a Deputy Director for Demand Reduction,
18 a Deputy Director for Supply Reduction, a Deputy Direc-
19 tor for State and Local Affairs, and a Deputy Director
20 of Intelligence.”; and

21 (B) by amending paragraph (3) to read as
22 follows:

23 “(3) The Deputy Director for Demand Reduction, the
24 Deputy Director for Supply Reduction, the Deputy Direc-
25 tor for State and Local Affairs, and the Deputy Director

1 of Intelligence shall assist the Director in carrying out the
2 responsibilities of the Director under this Act.”; and

3 (2) by amending subsection (c)(2) to read as
4 follows:

5 “(2) The Deputy Director for State and Local Affairs
6 shall be the head of the Bureau of State and Local Af-
7 fairs.”.

8 (b) APPOINTMENT.—

9 (1) IN GENERAL.—Section 1003(a) (21 U.S.C.
10 1502(a)) is amended—

11 (A) in each of paragraphs (1) and (2), by
12 striking “and the Associate Director for Na-
13 tional Drug Control Policy” and inserting “,
14 the Deputy Director for State and Local Af-
15 fairs, and the Deputy Director of Intelligence”;
16 and

17 (B) in paragraph (2), by striking “, a Dep-
18 uty Director, or Associate Director” and insert-
19 ing “or as a Deputy Director”.

20 (2) DEADLINE FOR NOMINATION.—The Presi-
21 dent shall submit to the Senate nominations of indi-
22 viduals for appointment as the Deputy Director for
23 Demand Reduction, the Deputy Director for Supply
24 Reduction, the Deputy Director for State and Local
25 Affairs and the Deputy Director of Intelligence of

1 the Office of National Drug Control Policy by not
2 later than 90 days after the date of the enactment
3 of this Act.

4 (3) CONTINUED SERVICE OF ASSOCIATE DIREC-
5 TOR.—The individual serving on the date of the en-
6 actment of this Act as Associate Director for Na-
7 tional Drug Control Policy may act as the Deputy
8 Director for State and Local Affairs until such time
9 as an individual is appointed to that position in ac-
10 cordance with the amendments made by this Act.

11 (4) CLERICAL AMENDMENT.—The heading of
12 section 1003 (21 U.S.C. 1502) amended to read as
13 follows:

14 **“SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR AND**
15 **DEPUTY DIRECTORS.”.**

16 (c) COMPENSATION.—

17 (1) IN GENERAL.—Chapter 53 of title 5, United
18 States Code, is amended—

19 (A) in section 5314, by inserting after the
20 item relating to the Deputy Director for Supply
21 Reduction, Office of National Drug Control
22 Policy, the following:

23 “Deputy Director for State and Local Affairs,
24 Office of National Drug Control Policy.

1 “Deputy Director of Intelligence, Office of Na-
2 tional Drug Control Policy.”; and

3 (B) in section 5315, by striking the item
4 relating to the Associate Director for National
5 Drug Control Policy, Office of National Drug
6 Control Policy.

7 (2) CLERICAL AMENDMENT.—Section 1003 (21
8 U.S.C. 1502) is amended by striking paragraph
9 (4)(C).

10 **SEC. 3. EXPANSION OF RESPONSIBILITIES OF DIRECTOR.**

11 (a) EXPANSION OF RESPONSIBILITIES.—Section
12 1003(b) (21 U.S.C. 1502(b)) is amended—

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1) establish Federal policies, objectives, goals,
16 priorities, and performance measures (including spe-
17 cific annual agency targets expressed in terms of
18 precise percentages) for the National Drug Control
19 Program and for each National Drug Control Pro-
20 gram agency, which include targets for the following:

21 “(A) reduction of unlawful drug use to 2
22 percent of the population of the United States
23 or less by December 31, 2001 (as measured in
24 terms of overall illicit drug use during the past
25 30 days by the National Household Survey),

1 and achievement of at least 25 percent of such
2 reduction during each of 1998, 1999, 2000, and
3 2001;

4 “(B) reduction of adolescent unlawful drug
5 use (as measured in terms of illicit drug use
6 during the past 30 days by the Monitoring the
7 Future Study of the University of Michigan or
8 the National PRIDE Survey conducted by the
9 National Parents’ Resource Institute for Drug
10 Education) to 2 percent of the population of the
11 United States or less by December 31, 2001,
12 and achievement of at least 25 percent of such
13 reduction during each of 1998, 1999, 2000, and
14 2001;

15 “(C) reduction of the availability of co-
16 caine, heroin, marijuana, and methamphet-
17 amine in the United States by 80 percent by
18 December 31, 2001;

19 “(D) reduction of the respective nationwide
20 average street purity levels for cocaine, heroin,
21 marijuana, and methamphetamine (as esti-
22 mated by the interagency drug flows assessment
23 led by the Office of National Drug Control Pol-
24 icy, and based on statistics collected by the
25 Drug Enforcement Administration and other

1 National Drug Control Program agencies iden-
2 tified as relevant by the Director) by 60 percent
3 by December 31, 2001, and achievement of at
4 least 25 percent of each such reduction during
5 each of 1998, 1999, 2000, and 2001;

6 “(E) reduction of drug-related crime in the
7 United States by 50 percent by December 31,
8 2001, and achievement of at least 25 percent of
9 such reduction during each of 1998, 1999,
10 2000, and 2001, including—

11 “(i) reduction of State and Federal
12 unlawful drug trafficking and distribution;

13 “(ii) reduction of State and Federal
14 crimes committed by persons under the in-
15 fluence of unlawful drugs; and

16 “(iii) reduction of State and Federal
17 crimes committed for the purpose of ob-
18 taining unlawful drugs or obtaining prop-
19 erty that is intended to be used for the
20 purchase of unlawful drugs; and

21 “(F) reduction of drug-related emergency
22 room incidents in the United States (as meas-
23 ured by data of the Drug Abuse Warning Net-
24 work on illicit drug abuse), including incidents
25 involving gunshot wounds and automobile acci-

1 dents in which illicit drugs are identified in the
2 bloodstream of the victim, by 50 percent by De-
3 cember 31, 2001.”;

4 (2) by amending paragraph (3) to read as fol-
5 lows:

6 “(3) coordinate, oversee, and evaluate the effec-
7 tiveness of the implementation of the policies, objec-
8 tives, goals, performance measures, and priorities es-
9 tablished under paragraph (1) and the fulfillment of
10 the responsibilities of the National Drug Control
11 Program agencies under the National Drug Control
12 Strategy;”;

13 (3) by striking “and” at the end of paragraph
14 (7);

15 (4) by striking the period at the end of para-
16 graph (8) and inserting a semicolon; and

17 (5) by adding at the end the following new
18 paragraphs:

19 “(9) require each National Drug Control Pro-
20 gram agency to submit to the Director on a semi-
21 annual basis (beginning with the first 6 months of
22 1998) an evaluation of progress by the agency with
23 respect to drug control program goals using the per-
24 formance measures referred to in paragraph (1), in-
25 cluding progress with respect to—

1 “(A) success in reducing domestic and for-
2 foreign sources of illegal drugs;

3 “(B) success in protecting the borders of
4 the United States (and in particular the South-
5 west border of the United States) from penetra-
6 tion by illegal narcotics;

7 “(C) success in reducing violent crime as-
8 sociated with drug use in the United States;

9 “(D) success in reducing the negative
10 health and social consequences of drug use in
11 the United States; and

12 “(E) implementation of drug treatment
13 and prevention programs in the United States
14 and improvements in the adequacy and effec-
15 tiveness of such programs;

16 “(10) submit to Congress on a semi-annual
17 basis, not later than 60 days after the date of the
18 last day of the applicable 6-month period, a sum-
19 mary of—

20 “(A) each of the evaluations received by
21 the Director under paragraph (9); and

22 “(B) the progress of each National Drug
23 Control Program agency toward the drug con-
24 trol program goals of the agency using the per-
25 formance measures described in paragraph (1);

1 “(11) require the National Drug Control Pro-
2 gram agencies to submit to the Director not later
3 than February 1st of each year a detailed account-
4 ing of all funds expended by the agencies for Na-
5 tional Drug Control Program activities during the
6 previous fiscal year, and require such accounting to
7 be authenticated by the Inspector General of each
8 agency prior to submission to the Director;

9 “(12) submit to Congress not later than April
10 1st of each year the information submitted to the
11 Director under paragraph (11);

12 “(13) submit to Congress not later than August
13 1st of each year a report including—

14 “(A) the budget guidance provided by the
15 Director to each National Drug Control Pro-
16 gram agency for the fiscal year in which the re-
17 port is submitted and for the other fiscal years
18 within the applicable five-year budget plan re-
19 lating to such fiscal year; and

20 “(B) a summary of the request of each
21 National Drug Control Program agency to the
22 Director under this Act (prior to review of the
23 request by the Office of Management and
24 Budget) for the resources required to achieve
25 the targets of the agency under this Act;

1 “(14) act as a representative of the President
2 before Congress on all aspects of the National Drug
3 Control Program;

4 “(15) act as the primary spokesperson of the
5 President on drug issues;

6 “(16) make recommendations to National Drug
7 Control Program agency heads with respect to im-
8 plementation of Federal counter-drug programs; and

9 “(17) take such actions as necessary to oppose
10 any attempt to legalize the use of a substance (in
11 any form) that—

12 “(A) is listed in schedule I of section 112
13 of the Controlled Substances Act (21 U.S.C.
14 812); and

15 “(B) has not been approved for use for
16 medical purposes by the Food and Drug Ad-
17 ministration.”.

18 (b) SURVEY OF DRUG USE.—(1) The University of
19 Michigan shall not be prohibited under any law from con-
20 ducting the survey of drug use among young people in the
21 United States known as the Monitoring the Future Sur-
22 vey.

23 (2) The National Parents’ Resource Institute for
24 Drug Education in Atlanta, Georgia, shall not be prohib-
25 ited under any law from conducting the survey of drug

1 use among young people in the United States known as
2 the National PRIDE Survey.

3 **SEC. 4. EXPANSION OF POWERS OF DIRECTOR.**

4 Section 1003(d) (21 U.S.C. 1502(d)) is amended—

5 (1) in paragraph (9), by striking the period and
6 inserting a semicolon; and

7 (2) by adding at the end the following new
8 paragraphs:

9 “(10) require the heads of National Drug Con-
10 trol Program agencies to provide the Director with
11 statistics, studies, reports, and any other informa-
12 tion regarding Federal control of drug abuse;

13 “(11) require the heads of National Drug Con-
14 trol Program agencies to provide the Director with
15 information regarding any position (before an indi-
16 vidual is nominated for such position) that—

17 “(A) relates to the National Drug Control
18 Program;

19 “(B) is at or above the level of Deputy As-
20 sistant Secretary; and

21 “(C) involves responsibility for Federal
22 counternarcotics or anti-drug programs; and

23 “(12) make recommendations to the National
24 Drug Intelligence Center on the specific projects
25 that the Director determines will enhance the effec-

1 tiveness of implementation of the National Drug
2 Control Strategy.”.

3 **SEC. 5. SUBMISSION OF NATIONAL DRUG CONTROL STRAT-**
4 **EGY.**

5 (a) IN GENERAL.—Section 1005(a) is amended—

6 (1) by amending paragraph (2)(A) to read as
7 follows:

8 “(A) include comprehensive, research-based,
9 specific, long-range goals and performance measures
10 (including specific annual targets expressed in terms
11 of precise percentages) for reducing drug abuse and
12 the consequences of drug abuse in the United
13 States;”;

14 (2) by striking “and” at the end of paragraph
15 (2)(C);

16 (3) by striking paragraph (2)(D);

17 (4) by adding at the end of paragraph (2) the
18 following new paragraphs:

19 “(D) include 4-year projections for National
20 Drug Control Program priorities (including budget
21 priorities); and

22 “(E) review international, Federal, State, local,
23 and private sector drug control activities to ensure
24 that the United States pursues well-coordinated and
25 effective drug control at all levels of government.”;

1 (5) in paragraph (3)(A), by striking clauses (iv)
2 and (v) and inserting the following:

3 “(iv) private citizens and organizations
4 with experience and expertise in demand reduc-
5 tion;

6 “(v) private citizens and organizations with
7 experience and expertise in supply reduction;
8 and

9 “(vi) appropriate representatives of foreign
10 governments.”;

11 (6) in paragraph (4)—

12 (A) in subparagraph (B), by amending
13 clauses (i) through (vi) to read as follows:

14 “(i) the quantities of cocaine, heroin, mari-
15 juana, methamphetamine, ecstasy, and rohypnol
16 available for consumption in the United States;

17 “(ii) the amount of cocaine, heroin, mari-
18 juana, ecstasy, rohypnol, methamphetamine,
19 and precursor chemicals entering the United
20 States;

21 “(iii) the number of hectares of marijuana,
22 poppy, and coca cultivated and destroyed do-
23 mestically and in other countries;

1 “(iv) the number of metric tons of mari-
2 juana, cocaine, heroin, and methamphetamine
3 seized;

4 “(v) the number of cocaine and meth-
5 amphetamine processing labs destroyed domes-
6 tically and in other countries;

7 “(vi) changes in the price and purity of
8 heroin and cocaine, changes in price of meth-
9 amphetamine, and changes in
10 tetrahydrocannabinol level of marijuana;”;

11 (B) by striking “and” at the end of sub-
12 paragraph (C);

13 (C) by striking the period at the end of
14 subparagraph (D) and inserting “; and”; and

15 (D) by adding at the end the following new
16 subparagraph:

17 “(E) an assessment of the cultivation of illegal
18 drugs in the United States.”; and

19 (7) in paragraph (5)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “February 1, 1995” and insert-
22 ing “February 1, 1998”;

23 (B) in the matter preceding subparagraph
24 (A), by striking “second”;

1 (C) by striking “and” at the end of sub-
2 paragraph (C);

3 (D) by striking the period at the end of
4 subparagraph (D) and inserting “; and”; and

5 (E) by adding at the end the following new
6 subparagraph:

7 “(E) a description of the National Drug Con-
8 trol Program performance measures described in
9 subsection (a)(2)(A).”.

10 (b) GOALS AND PERFORMANCE MEASURES FOR NA-
11 TIONAL DRUG CONTROL STRATEGY.—Section 1005(b) is
12 amended—

13 (1) in the heading, by striking “, OBJECTIVES,
14 AND PRIORITIES” and inserting “AND PERFORM-
15 ANCE MEASURES”;

16 (2) in the matter after the heading, by inserting
17 “(1)” before “Each National Drug Control Strat-
18 egy”;

19 (3) by redesignating paragraphs (1) through
20 (6) as subparagraphs (A) through (F);

21 (4) in subparagraph (A) (as redesignated by
22 paragraph (3)), by striking “and priorities” and in-
23 serting “and performance measures”;

1 (5) in subparagraph (C) (as redesignated by
2 paragraph (3)), by striking “3-year projections” and
3 inserting “4-year projections”; and

4 (6) by adding at the end the following new
5 paragraph:

6 “(2) In establishing the performance measures re-
7 quired by this subsection, the Director shall—

8 “(A) establish performance measures and tar-
9 gets expressed in terms of precise percentages for
10 each National Drug Control Strategy goal and objec-
11 tive;

12 “(B) revise such performance measures and
13 targets as necessary, and reflect such performance
14 measures and targets in the National Drug Control
15 Program budget submitted to Congress;

16 “(C) consult with affected National Drug Con-
17 trol Program agencies;

18 “(D) identify programs and activities of Na-
19 tional Drug Control Program agencies that support
20 the goals of the National Drug Control Strategy;

21 “(E) evaluate in detail the implementation by
22 each National Drug Control Program agency of pro-
23 gram activities supporting the National Drug Con-
24 trol Strategy;

1 “(F) monitor consistency between the drug-re-
2 lated goals of the National Drug Control Program
3 agencies and ensure that drug control agency goals
4 and budgets fully support, and are fully consistent
5 with, the National Drug Control Strategy;

6 “(G) coordinate the development and implemen-
7 tation of national drug control data collection and
8 reporting systems to support Federal policy formula-
9 tion and performance measurement;

10 “(H) ensure that no Federal drug control funds
11 are expended for any study or contract relating to
12 the legalization (for a medical use or any other use)
13 of a substance listed in schedule I of section 112 of
14 the Controlled Substances Act (21 U.S.C. 812) ex-
15 cept as authorized by such Act; and

16 “(I) ensure that no Federal funds appropriated
17 for the High Intensity Drug Trafficking Program
18 are expended for the expansion of drug treatment
19 programs.”.

20 **SEC. 6. REPORT ON DESIGNATION OF HIGH INTENSITY**
21 **DRUG TRAFFICKING AREAS.**

22 Section 1005(c)(3) is amended to read as follows:

23 “(3) Not later than March 1st of each year, the Di-
24 rector shall submit to Congress a report—

1 “(A) on the effectiveness of, and need for, the
2 designation of areas under this subsection as high
3 intensity drug trafficking areas; and

4 “(B) that includes any recommendations of the
5 Director for legislative action with respect to such
6 designation.”.

7 **SEC. 7. REPROGRAMMING AND TRANSFER OF FUNDS.**

8 (a) **EXPANSION OF TRANSFER AUTHORITY.**—Section
9 1003(d)(8) (21 U.S.C. 1502(d)(8)) is amended to read as
10 follows:

11 “(8) except to the extent that the Director’s au-
12 thority under this paragraph is limited in an annual
13 appropriations Act, transfer funds appropriated to a
14 National Drug Control Program agency account to
15 a different National Drug Control Program agency
16 account in an amount that does not exceed 5 percent
17 of the greater amount appropriated to either ac-
18 count, upon advance approval of the Committees on
19 Appropriations, and advance notice of the authoriz-
20 ing Committees, of each House of Congress.

21 (b) **REPORT.**—Section 1003(c)(7) (21 U.S.C.
22 1502(c)(7)) is amended to read as follows:

23 “(7)(A) The Director shall report to Congress on a
24 quarterly basis (beginning with the first quarter of 1998)
25 on—

1 “(i) the need for any reprogramming or trans-
2 fer of funds appropriated for National Drug Control
3 Program activities; and

4 “(ii) any funds appropriated for National Drug
5 Control Program activities that were reprogrammed
6 or transferred during the quarter covered by the re-
7 port.

8 “(B) The Director shall report to Congress as re-
9 quired by paragraph (A) not later than 30 days after the
10 last day of each applicable quarter.”.

11 **SEC. 8. LONG-TERM PLAN FOR REDUCTION OF DRUG USE.**

12 Section 1003 (21 U.S.C. 1502) is amended by adding
13 at the end the following new subsection:

14 “(g) LONG-TERM PLAN FOR REDUCTION OF DRUG
15 USE.—Not later than March 1, 1998, the Director shall
16 submit to Congress a long-term plan for reducing the pop-
17 ulation of illegal drug users in the United States by De-
18 cember 31, 2001, to 2 percent of the population of the
19 United States or less. Such plan shall include—

20 “(1) a request for funds and other resources
21 necessary to achieve such reduction within the guide-
22 lines of the balanced budget agreement of 1997; and

23 “(2) the justifications for each such request.”.

1 **SEC. 9. DRUG POLICY COUNCIL.**

2 The National Narcotics Leadership Act of 1988 (21
3 U.S.C. 1501 et seq.) is further amended by adding at the
4 end of chapter 1 the following new section:

5 **“SEC. 1012. DRUG POLICY COUNCIL.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Executive Office of the President a Drug Policy Council,
8 which shall be composed of the members of the President’s
9 cabinet, and the purpose of which shall be to make cabi-
10 net-level decisions regarding national drug policy.

11 “(b) CHAIRMAN.—The President shall be the Chair-
12 man of the Drug Policy Council established by subsection
13 (a).

14 “(c) EXECUTIVE DIRECTOR.—The Director of the
15 Office of National Drug Control Policy shall be the Execu-
16 tive Director of the Drug Policy Council established by
17 subsection (a).”.

18 **SEC. 10. DEFINITION OF NATIONAL DRUG CONTROL PRO-**
19 **GRAM AGENCY.**

20 Section 1010(6) (21 U.S.C. 1507(6)) is amended to
21 read as follows:

22 “(6) the term ‘National Drug Control Program
23 agency’ means any agency that is responsible for im-
24 plementing any aspect of the National Drug Control
25 Strategy, including any agency that receives Federal

1 funds to implement any aspect of the National Drug
2 Control Strategy;”.

3 **SEC. 11. EXTENSION OF DATE FOR TERMINATION OF OF-**
4 **FICE OF NATIONAL DRUG CONTROL POLICY.**

5 Section 1009 is amended by striking “September 30,
6 1997” and inserting “September 30, 1999”.

7 **SEC. 12. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
8 **TIONS.**

9 Section 1011 is amended by striking “8 succeeding
10 fiscal years” and inserting “10 succeeding fiscal years”.

11 **SEC. 13. REPORT REQUIRED.**

12 Not later than November 1, 1997, the Director of the
13 Office of National Drug Control Policy shall submit to
14 Congress a report including—

15 (1) proposed goals, targets, performance meas-
16 ures (as described in section 1003(b)(1) of the Na-
17 tional Narcotics Leadership Act of 1998 (21 U.S.C.
18 1502(b)(1)), and specific initiatives with respect to
19 the National Drug Control Program, including the
20 High Intensity Drug Trafficking Area Program; and

21 (2) proposals to coordinate the efforts of all
22 National Drug Control Program agencies.

○