

105TH CONGRESS  
2D SESSION

# S. 2028

To amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 2000, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 1, 1998

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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, 2000, 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 “Drug Czar Responsibility and Accountability Act of  
6 1998”.

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. FINDINGS.**

9 Congress makes the following findings:

10 (1) Overall drug use among children aged 12 to  
11 17 in 1992 was 5.3 percent. In 1996, it was 9 per-  
12 cent, an increase of 70 percent.

13 (2) Use of any illicit drug among 8th graders  
14 in 1992 was 12.9 percent. In 1997, it was 22.1 per-  
15 cent, an increase of 71 percent.

16 (3) Use of any illicit drug among 10th graders  
17 in 1992 was 20.4 percent. In 1997, it was 38.5 per-  
18 cent, an increase of 91 percent.

19 (4) Use of any illicit drug among 12th graders  
20 in 1992 was 27.1 percent. In 1997, it was 42.4 per-  
21 cent, an increase of 56 percent.

22 (5) Use of marijuana among 8th graders in  
23 1992 was 3.7 percent. In 1997, it was 10.2 percent,  
24 an increase of 176 percent.

1           (6) Use of marijuana among children aged 12  
2           to 17 in 1992 was 3.4 percent. In 1996, it was 7.1  
3           percent, an increase of 109 percent.

4           (7) Use of cocaine among children aged 12 to  
5           17 in 1992 was 0.3 percent. In 1996, it was 0.6 per-  
6           cent, an increase of 100 percent.

7           (8) Marijuana-related medical emergencies in  
8           1992 totaled 23,997. In 1996, there were 50,037  
9           such emergencies, an increase of 108 percent.

10          (9) Cocaine-related medical emergencies in  
11          1992 totaled 119,843. In 1996, there were 144,180  
12          such emergencies, an increase of 20 percent.

13          (10) Heroin-related medical emergencies in  
14          1992 totaled 48,003. In 1996, there were 70,463  
15          such emergencies, an increase of 47 percent.

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

17          (a) **EXPANSION OF RESPONSIBILITIES.**—Section  
18 1003(b) (21 U.S.C. 1502(b)) is amended—

19               (1) by striking paragraph (1) and inserting the  
20               following:

21                       “(1) establish Federal policies, objectives, goals,  
22                       priorities, and performance measures (including spe-  
23                       cific annual agency targets expressed in terms of  
24                       precise percentages) for the National Drug Control  
25                       Program and for each National Drug Control Pro-

1 gram agency, which shall include targets for reduc-  
2 ing the levels of overall unlawful drug use, adoles-  
3 cent unlawful drug use, and drug-related emergency  
4 room incidents to January 19, 1993 levels;”;

5 (2) by striking paragraph (3) and inserting the  
6 following:

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

14 (3) in paragraph (5), by inserting “and non-  
15 governmental entities involved in demand reduction”  
16 after “governments”;

17 (4) in paragraph (7), by striking “and” at the  
18 end;

19 (5) in paragraph (8), by striking the period at  
20 the end and inserting a semicolon; and

21 (6) by adding at the end the following:

22 “(9) require each National Drug Control Pro-  
23 gram agency to submit to the Director on a semi-  
24 annual basis (beginning with the first 6 months of  
25 1999) an evaluation of progress by the agency with

1 respect to drug control program goals using the per-  
2 formance measures referred to in paragraph (1), in-  
3 cluding progress with respect to—

4 “(A) success in reducing domestic and for-  
5 eign sources of illegal drugs;

6 “(B) success in protecting the borders of  
7 the United States (and in particular the South-  
8 western border of the United States) from pen-  
9 etration by illegal narcotics;

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

12 “(D) success in reducing the negative  
13 health and social consequences of drug use in  
14 the United States; and

15 “(E) implementation of drug treatment  
16 and prevention programs in the United States  
17 and improvements in the adequacy and effec-  
18 tiveness of such programs;

19 “(10) submit to Congress on a semiannual  
20 basis, not later than 60 days after the date of the  
21 last day of the applicable 6-month period, a sum-  
22 mary of—

23 “(A) each evaluation received by the Direc-  
24 tor under paragraph (9); and

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

5           “(11) require the National Drug Control Pro-  
6           gram agencies to submit to the Director not later  
7           than February 1 of each year a detailed accounting  
8           of all funds expended by the agencies for National  
9           Drug Control Program activities during the previous  
10          fiscal year, and require such accounting to be au-  
11          thenticated by the Inspector General for each agency  
12          prior to submission to the Director;

13          “(12) submit to Congress not later than April  
14          1 of each year the information submitted to the Di-  
15          rector under paragraph (11);

16          “(13) submit to Congress not later than August  
17          1 of each year a report including—

18                 “(A) the budget guidance provided by the  
19                 Director to each National Drug Control Pro-  
20                 gram agency for the fiscal year in which the re-  
21                 port is submitted and for the other fiscal years  
22                 within the applicable 5-year budget plan relat-  
23                 ing to such fiscal year; and

24                 “(B) a summary of the request of each  
25                 National Drug Control Program agency to the

1 Director under this Act (prior to review of the  
2 request by the Office of Management and  
3 Budget) for the resources required to achieve  
4 the targets of the agency under this Act;

5 “(14) act as a representative of the President  
6 before Congress on all aspects of the National Drug  
7 Control Program;

8 “(15) act as the primary spokesperson of the  
9 President on drug issues;

10 “(16) make recommendations to National Drug  
11 Control Program agency heads with respect to im-  
12 plementation of Federal counter-drug programs;

13 “(17) take such actions as necessary to oppose  
14 any attempt to legalize the use of a substance (in  
15 any form) that—

16 “(A) is listed in schedule I of section 202  
17 of the Controlled Substances Act (21 U.S.C.  
18 812); and

19 “(B) has not been approved for use for  
20 medical purposes by the Food and Drug Ad-  
21 ministration; and

22 “(18) ensure that drug prevention and drug  
23 treatment research and information is effectively dis-  
24 seminated by National Drug Control Program agen-

1       cies to State and local governments and nongovern-  
2       mental entities involved in demand reduction by—

3               “(A) encouraging formal consultation be-  
4               tween any such agency that conducts or spon-  
5               sors research, and any such agency that dis-  
6               seminates information in developing research  
7               and information product development agendas;

8               “(B) encouraging such agencies (as appro-  
9               priate) to develop and implement dissemination  
10              plans that specifically target State and local  
11              governments and nongovernmental entities in-  
12              volved in demand reduction; and

13              “(C) developing a single interagency clear-  
14              inghouse for the dissemination of research and  
15              information by such agencies to State and local  
16              governments and nongovernmental agencies in-  
17              volved in demand reduction.”.

18       (b) SURVEY OF DRUG USE.—

19              (1) IN GENERAL.—The University of Michigan  
20              shall not be prohibited under any law from conduct-  
21              ing the survey of drug use among young people in  
22              the United States known as the Monitoring the Fu-  
23              ture Survey.

24              (2) OTHER SURVEYS.—The National Parents’  
25              Resource Institute for Drug Education in Atlanta,

1 Georgia, shall not be prohibited under any law from  
2 conducting the survey of drug use among young peo-  
3 ple in the United States known as the National  
4 PRIDE Survey.

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

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

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

9 (2) by adding at the end the following:

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

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

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

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

22 “(C) involves responsibility for Federal  
23 counternarcotics or antidrug programs; and

24 “(12) make recommendations to the National  
25 Drug Intelligence Center on the specific projects

1 that the Director determines will enhance the effective-  
2 tiveness of implementation of the National Drug  
3 Control Strategy.”.

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

6 (a) IN GENERAL.—Section 1005(a) (21 U.S.C.  
7 1504(a)) is amended—

8 (1) in paragraph (2)—

9 (A) by striking subparagraph (A) and in-  
10 sserting the following:

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

17 (B) in subparagraph (C), by striking  
18 “and” at the end;

19 (C) by striking subparagraph (D);

20 (D) by adding at the end the following:

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

24 “(E) review international, Federal, State, local,  
25 and private sector drug control activities to ensure

1 that the United States pursues well-coordinated and  
2 effective drug control at all levels of government.”;

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

5 “(iv) private citizens and organizations with ex-  
6 perience and expertise in demand reduction;

7 “(v) private citizens and organizations with ex-  
8 perience and expertise in supply reduction; and

9 “(vi) appropriate representatives of foreign gov-  
10 ernments.”;

11 (3) in paragraph (4)—

12 (A) in subparagraph (B), by striking  
13 clauses (i) through (vi) and inserting the follow-  
14 ing:

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

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

22 “(iii) the number of hectares of marijuana,  
23 poppy, and coca cultivated and destroyed do-  
24 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) in subparagraph (C), by striking  
12          “and” at the end;

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

15          (D) by adding at the end the following:

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

18          (4) in paragraph (5)—

19               (A) in the matter preceding subparagraph  
20               (A), by striking “February 1, 1995” and insert-  
21               ing “February 1, 1999”;

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

24               (C) in subparagraph (C), by striking  
25               “and” at the end;

1 (D) in subparagraph (D), by striking the  
2 period at the end and inserting “; and”; and

3 (E) by adding at the end the following:

4 “(E) a description of the National Drug Con-  
5 trol Program performance measures described in  
6 subsection (a)(2)(A).”.

7 (b) GOALS AND PERFORMANCE MEASURES FOR NA-  
8 TIONAL DRUG CONTROL STRATEGY.—Section 1005(b)  
9 (21 U.S.C. 1504(b)) is amended—

10 (1) in the heading, by striking “, OBJECTIVES,  
11 AND PRIORITIES” and inserting “AND PERFORM-  
12 ANCE MEASURES”;

13 (2) in the matter after the heading, by inserting  
14 “(1)” before “Each National Drug Control Strat-  
15 egy”;

16 (3) by redesignating paragraphs (1) through  
17 (6) as subparagraphs (A) through (F), respectively;

18 (4) in subparagraph (A) (as redesignated by  
19 paragraph (3)), by striking “and priorities” and in-  
20 serting “and performance measures”;

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

24 (6) by adding at the end the following:

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

3               “(A) establish performance measures and tar-  
4       gets expressed in terms of precise percentages for  
5       each National Drug Control Strategy goal and objec-  
6       tive;

7               “(B) revise such performance measures and  
8       targets as necessary, and reflect such performance  
9       measures and targets in the National Drug Control  
10      Program budget submitted to Congress;

11              “(C) consult with affected National Drug Con-  
12      trol Program agencies;

13              “(D) identify programs and activities of Na-  
14      tional Drug Control Program agencies that support  
15      the goals of the National Drug Control Strategy;

16              “(E) evaluate in detail the implementation by  
17      each National Drug Control Program agency of pro-  
18      gram activities supporting the National Drug Con-  
19      trol Strategy;

20              “(F) monitor consistency between the drug-re-  
21      lated goals of the National Drug Control Program  
22      agencies and ensure that drug control agency goals  
23      and budgets fully support, and are fully consistent  
24      with, the National Drug Control Strategy;

1           “(G) coordinate the development and implemen-  
2           tation of national drug control data collection and  
3           reporting systems to support Federal policy formula-  
4           tion and performance measurement;

5           “(H) ensure that no Federal drug control funds  
6           are expended for any study or contract relating to  
7           the legalization (for a medical use or any other use)  
8           of a substance listed in schedule I of section 202 of  
9           the Controlled Substances Act (21 U.S.C. 812); and

10           “(I) ensure that no Federal funds appropriated  
11           for the High Intensity Drug Trafficking Program  
12           are expended for the expansion of drug treatment  
13           programs.”.

14 **SEC. 6. REPORT ON DESIGNATION OF HIGH INTENSITY**  
15 **DRUG TRAFFICKING AREAS.**

16           Section 1005(c)(3) (21 U.S.C. 1504(c)(3)) is amend-  
17           ed to read as follows:

18           “(3) ANNUAL REPORT.—Not later than March 1 of  
19           each year, the Director shall submit to Congress a re-  
20           port—

21           “(A) on the effectiveness of, and need for, the  
22           designation of areas under this subsection as high  
23           intensity drug trafficking areas; and

1           “(B) that includes any recommendations of the  
2           Director for legislative action with respect to such  
3           designation.”.

4 **SEC. 7. EXTENSION OF AUTHORIZATION OF APPROPRIA-**  
5 **TIONS.**

6           Section 1011 (21 U.S.C. 1508) is amended by strik-  
7 ing “8 succeeding fiscal years” and inserting “10 succeed-  
8 ing fiscal years”.

9 **SEC. 8. REPORT REQUIRED.**

10          Not later than November 1, 1998, the Director of the  
11 Office of National Drug Control Policy shall submit to  
12 Congress a report including—

13           (1) proposed goals, targets, performance meas-  
14 ures (as described in section 1003(b)(1) of the Na-  
15 tional Narcotics Leadership Act of 1988 (21 U.S.C.  
16 1502(b)(1))), and specific initiatives with respect to  
17 the National Drug Control Program, including the  
18 High Intensity Drug Trafficking Area Program; and

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

21 **SEC. 9. CONSISTENCY WITH NATIONAL SECURITY ACT OF**  
22 **1947.**

23          Section 1004 (21 U.S.C. 1503) is amended—

24           (1) in subsection (a)—

25                   (A) by striking “(1)”;

1 (B) by striking “(2)(A)” and inserting  
2 “(b) CONSISTENCY WITH NATIONAL SECURITY  
3 ACT OF 1947.—(1)”;

4 (C) by striking “(B)” and inserting “(2)”;  
5 and

6 (D) by striking “subparagraph (A)” and  
7 inserting “paragraph (1)”;

8 (2) by redesignating subsections (b) and (c) as  
9 subsections (c) and (d), respectively.

○