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National Methamphetamine Strategy Update



May 1997

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503
September 17, 1997

National Drug Intelligence Architecture Review Process

PURPOSE. To provide information on the ONDCP-coordinated review of the national drug intelligence architecture.

REVIEW OBJECTIVE. To ensure that the Drug Intelligence system provides timely and comprehensive information at all levels of the drug control effort--strategy development, operational planning, and tactical execution.

THE REVIEW PROCESS.

1. Establish an "Interagency Committee" to oversee and guide the entire review process.

- The committee will be composed of senior representatives from the principal supply reduction departments and agencies (ONDCP, Director of Central Intelligence, Departments of Justice, State, Defense, Treasury, and Transportation).
- It will oversee and guide the review process to include the work of the review teams and preparation of a final report which will include findings and specific recommendations.

2. Conduct a preliminary assessment (Phase 1).

- Essentially, a macro-level review of the current drug intelligence structure, covering both foreign intelligence and domestic law enforcement intelligence activities and programs.
- Its purpose is to describe the existing drug intelligence structure and how it supports the consumers at all levels. (i.e). Who are the consumers and what are their requirements? Who are the intelligence producers and what are their products? How do the many parts of the existing drug intelligence system interrelate?
- The product of this effort will orient the more in-depth review to be carried out in Phase 2. This phase will be completed within 60 days, commencing on September 25, 1997.

3. Conduct an in-depth Review (Phase 2).

- Its purpose is to assess the effectiveness and efficiency of individual components of the existing intelligence architecture and to determine what specific improvements should be made. Phase 2 of the review should take about six months.
- The review will be coordinated with the Department of Justice and the Director of Central Intelligence and will be carried out by a team of experts from law enforcement and foreign intelligence agencies. The product will be a comprehensive report on the drug intelligence system and include specific findings and recommendations for improvements in the system. This report will be submitted to the appropriate cabinet officials for review.

4. **Implementation of findings.** ONDCP will coordinate the implementation of the findings and recommendations of this interagency review process.

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U.S. DEPARTMENT OF STATE

**Report to Congress
September 1997**

**ENHANCED MULTILATERAL DRUG
CONTROL COOPERATION**

ENHANCED MULTILATERAL DRUG CONTROL COOPERATION:

A COUNTERNARCOTICS ALLIANCE FOR THE HEMISPHERE

Summary

Since 1993, the US has pushed for new multilateral efforts in the fight against drugs. As a result, the 34 democracies at the Miami Summit of the Americas in 1994 signed off on a vigorous action agenda that has been steadily implemented over the last three years. Taken together, these actions have begun to change the playing field for counternarcotics cooperation and offer a basis for constructing a hemispheric alliance against drugs.

Steps toward a hemispheric alliance against drugs

At the Miami Summit, leaders agreed on the need for a broad, coordinated strategy against drug use, trafficking, and production. In making this shared vision a reality, there are several necessary steps, two of which have been accomplished since Miami:

- STEP 1: **Develop hemispheric strategy and standards:** All governments have endorsed the 1996 Anti-Drug Strategy in the Hemisphere and the 1995 Buenos Aires Communiqué on Money Laundering, which lay out the common principles for cooperation. In addition, all of the Summit countries have now ratified or acceded to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, with seven doing so since Miami.
- STEP 2: **Take specific actions to carry out strategy:** Working through the OAS, senior antidrug officials elaborated more than 40 recommendations for implementing the principles outlined in the strategy.
- STEP 3: **Determine how to measure effectiveness:** Countries should develop national plans to reduce drug use, trafficking, and production, with built-in methods for evaluating their own progress.
- STEP 4: **Institute a hemispheric reporting and monitoring process:** The OAS Inter-American Drug Abuse Control Commission (CICAD) should be charged with establishing a multilateral group to monitor progress in implementation of national plans and to promote opportunities for enhanced hemispheric cooperation.

Steps 1 and 2 have been substantially set in train since the Miami Summit in 1994. There does not yet exist a hemispheric consensus on the latter two steps, and this may prove difficult to achieve. The Administration will seek to advance these steps as it moves toward the second Summit of the Americas to be held in Santiago, Chile in April 1998.

In the interim, as we move forward to the intermediate stages of building the alliance against illegal drugs, the United States should maintain its current counternarcotics efforts so that momentum and progress are not lost.

Recent examples of multilateral cooperation in counternarcotics

In word and deed, new multilateral antidrug initiatives have laid a solid foundation for an alliance against drugs. Some recent examples include:

- o President Clinton's summits with Central American presidents in Costa Rica and Caribbean heads of state in Barbados, which generated new commitments to modernize extradition treaties and criminal justice systems. President Clinton also agreed with President Zedillo of Mexico to devise a detailed, bilateral anti-drug strategy by the end of the year.
- o OAS/CICAD has developed model legislation for use against money laundering and chemical diversion, elaborated a system of data collection for supply and demand statistics, and sponsored several experts meetings and seminars on a range of issues. CICAD also helped to conclude negotiation of a regional mutual legal assistance agreement.
- o The United States, Peru, and Colombia have worked closely in the last several years to close the "air bridge" between those two countries in South America by working to monitor, identify--and force or shoot down if necessary--air traffic laden with illegal narcotics.
- o European support of counternarcotics efforts has increased in Latin America, with \$600 million pledged in loans, grants, and commodities this year. Working with the Caribbean Financial Action Task Force, the EU has pledged \$4 million (with \$500,000 from the State Department) for a training program for Caribbean and Central American countries.

Moving ahead: alliance opportunities that add value

Activities undertaken in support of the principles of the hemispheric strategy against drugs will further strengthen the potential for the alliance. Such future proposed activities include:

- o Seek approval of the hemisphere's presidents at the Santiago Summit (April, 1998) of an alliance to implement and evaluate comprehensive plans on a multilateral basis to reduce drug use, trafficking, and production.
- o Formation of a Multinational Counternarcotics Center, a civilian-led focal point to coordinate interdiction efforts, match donor resources with recipient needs, and

respond to new trends in trafficking through increased intelligence and experience sharing.

- o Establishment of the *International Law Enforcement Academy (ILEA) South* for mid-to upper-level career law enforcement officials. A separate judicial assistance center for judges and prosecutors is also under consideration.
- o Holding a conference of donors to revisit the concept of alternative development linked to the reduction of illicit drug crops. The current successful application of this concept in Peru is a potential model to help generate international support for this initiative.

ENHANCED MULTILATERAL DRUG CONTROL COOPERATION

A COUNTERDRUG ALLIANCE FOR THE HEMISPHERE

The growing trend toward greater counternarcotics cooperation in the Western Hemisphere is creating unprecedented opportunities for governments to eviscerate the drug threat while promoting more cordial, productive relations between the United States and the rest of the region. The era in which the region's antidrug efforts have been driven largely by a series of distinct, bilateral initiatives between the United States and selected Latin American and Caribbean countries is giving way to one that increasingly includes new multilateral approaches. The institutions and many of the mechanisms to make such cooperation succeed are in place or under development. It is in our interest--and the interests of the other countries in the region--to enhance these institutions and accelerate the multilateral process, culminating in a hemispheric alliance against the drug threat.

A hemispheric alliance could add tremendous value to existing counterdrug efforts and open opportunities to launch important new initiatives. To be effective, the alliance must establish explicit counternarcotics goals, commitments, and responsibilities in the hemisphere. Moreover, this alliance will need a mechanism to assess progress: to identify weaknesses in the alliance; determine why they exist; and agree on remedies. To accelerate the multilateral process, the United States should strengthen the multilateral narcotics control mechanisms in the hemisphere and back several new initiatives that will draw our efforts together in a stronger fight against a common threat.

ENHANCING MULTILATERALISM: New Climate, New Opportunities

The transnational nature of the drug trade requires that countries cooperate in their counternarcotics efforts at both the bilateral and multilateral levels. Nowhere is this truer than in the Western Hemisphere where aspects of the cocaine, heroin, and marijuana trades have insinuated themselves into virtually every country. No country can defeat this challenge alone. In the absence of international cooperation, drug production would likely expand; trafficking organizations would grow even more powerful, dangerous, and increasingly difficult to defeat; smuggling routes would proliferate; and abuse would go unchecked.

In the Western Hemisphere, the United States has tended to confront these threats on a bilateral basis. In 1993, the Clinton Administration decided to refocus our efforts increasingly on the source countries, specifically strengthening those host nation institutions that would be most effective in attacking the most critical drug targets: the major organizations, drug money, and drug-producing crops. We sought to make expanded use of the full array of operational, assistance, and diplomatic tools available to achieve this goal. While the policy called for increased international cooperation, the nature of the trade, the overall weakness of

the region's counternarcotics institutions, and the low level of awareness and commitment in the region at the time necessitated that the United States take the lead in trying to forge stronger bilateral counternarcotics cooperation with selected countries.

Despite these difficulties, these bilateral initiatives have succeeded in many areas, producing results that were unimaginable a few years ago. Colombia, Peru, Mexico, and other governments are now targeting high-level traffickers who have been personally responsible for staggering levels of drug-related corruption and violence in their countries. More countries than ever now accept crop control as a legitimate counternarcotics objective, and several are actively engaged in eradication programs. Many countries have enacted, and some are now beginning to implement, new laws to combat money laundering. Bilateral approaches will remain important instruments in US international drug control policy.

There are, however, limits to what bilateral initiatives can achieve. In some cases, effective operations carried out by just one or two countries are negated or countered by expanded trafficking in other countries. In addition, a narrow focus on bilateral approaches can become counterproductive if it leads to a loss of commitment by key countries who feel they are carrying a disproportionate responsibility for solving a much broader problem. Finally, a failure to consider broader multilateral approaches results in missed opportunities to pool resources and information that could result in more cost-effective and successful operations.

Fortunately, improvements in the counternarcotics climate in the region since 1993 have increased the prospects for enhanced multilateral cooperation. Frank discussions among governments increasingly focus on the shared threat we all face and the need to act in concert, rather than solely on the problems of production or consumption. This changing spirit was captured by the 1994 Summit of the Americas counternarcotics action plan which committed the hemisphere to move forward multilaterally on a wide range of counternarcotics issues. As described elsewhere in this paper, a number of promising initiatives resulting from that summit and elsewhere are now underway.

BUILDING THE FOUNDATION: A Strong Beginning

Opportunities abound for enhanced multilateral cooperation in the region. More than any other region, the Western Hemisphere has developed the basic foundations essential for an effective multilateral strategy. Effective and accepted international standards, along with mechanisms and institutions to implement them are in place. What is needed is a comprehensive commitment to implementation.

Standards: Largely in Place

The UN framework--the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 Vienna Convention), the 1961 Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances--is the basis for developing international antinarcotics cooperation. The 1988 Convention is particularly comprehensive, addressing drug issues ranging from production through use, such as control of precursor chemicals, money laundering, and various aspects of judicial reform.

One of our top counternarcotics priorities to advance multilateral cooperation is to encourage countries to ratify and implement the Vienna Convention. We have made significant progress towards ratification in this Hemisphere. When the 34 Western Hemisphere democracies met for the Summit of the Americas in Miami in 1994, seven had not yet ratified or acceded to the Convention. They committed to this goal and, by July 1996, all had achieved it.

The 1988 Vienna Convention has been the touchstone for several even more comprehensive or focused agreements in support of multilateral cooperation in the hemisphere. As mentioned, the Narcotics Action Plan from the 1994 Summit endorsed the need for a "broad, coordinated hemispheric strategy to reduce drug use and production including new enforcement methods to disrupt trafficking and money laundering networks." It further called on the nations to agree on a hemispheric response to combat money laundering and to formulate a counternarcotics strategy for the 21st century.

Both of these taskings have been achieved. At the 1995 Summit of the Americas Ministerial Conference on Money Laundering, government ministers and heads of central banks from around the hemisphere outlined a coordinated plan of action concerning legal, regulatory, and enforcement areas and called for ongoing assessments. In 1996, these same countries endorsed in Uruguay an Antidrug Strategy in the Hemisphere and, this year, developed through the Organization of American States, Inter-American Drug Abuse Control Commission (OAS/CICAD) some 40 action items to implement it. Both the money laundering communique and the antidrug strategy emphasize the importance of countries operating individually and cooperatively to combat narcotics trafficking.

Two sub-regional summits since Miami further reaffirmed at the highest levels the importance of multilateral cooperation against drugs. Heads of State from the US and Caribbean states made major commitments to cooperate in the fight against drugs and crime at the May 1997 Bridgetown Summit. These commitments were based on the Plan of Action for Drug Control Coordination and Cooperation drafted by the US, the UN, and regional governments in 1996. Focused principally on the Caribbean, the plan of action includes commitments for regional cooperation on a wide range of narcotics and law enforcement issues, with assistance coming mainly from the United States and Europe. The drug control commitments made at the 1997 Central America Summit in San Jose, Costa Rica, are also

noteworthy. Most importantly, the leaders agreed to modernize their extradition treaties and criminal justice systems. Underscoring our commitment to regional approaches, President Clinton pledged that by the end of 1997, the US would establish in Central America a regional law enforcement academy dedicated to the needs of the hemisphere.

Institutional Structures: In Place and Under Development

An equally extensive array of institutions and mechanisms are in place to help advance these commitments. The United Nations International Drug Control Program (UNDCP) is the preeminent international body for advancing the goals and objectives of the 1988 Convention. Its past activities in this hemisphere largely focused on individual country programs. Its growing interest in the Western Hemisphere is increasingly focused on facilitating information exchange, helping set international standards and guidelines for controlling precursor and essential chemicals, exploring alternative development options, and promoting judicial reform and demand reduction.

The most appropriate institution for advancing antidrug cooperation within the region, and between the region and other international and regional entities, is OAS/CICAD. Formed in 1986 to encourage countries in the hemisphere to become parties to the UN Conventions and to promote regional antidrug cooperation, CICAD has been an active policy-level forum for planning and regional discussions. It also helps Member States develop central drug commissions and effective policies, legislation, and programs, and otherwise live up to their international commitments. Some specific achievements include:

- o Development of internationally-accepted model legislation in the areas of money laundering and chemical diversion control.
- o Development of a model chemical control cooperation agreement for use by Member States with the EU.
- o Promoting successful conclusion of the Convention on Mutual Assistance in Criminal Matters (a regional mutual legal assistance agreement).
- o Development of standardized data collection systems for both demand and supply statistics as well as regional data bases and a hemispheric information collection system.
- o Development of a standardized approach to epidemiology.
- o Sponsorship of training, workshops, and expert group meetings on the whole range of anti-drug issues, from control of diversion of licit pharmaceuticals and precursor chemicals and money laundering, to drug abuse prevention programs for the

hemisphere's street children and other high-risk populations. Many of these programs include public/private sector participation.

As noted above, CICAD enabled the nations of the Western Hemisphere to negotiate and finalize the Antidrug Strategy in the Hemisphere called for by the 1994 Summit of the Americas. CICAD has identified a wide range of action items to help ensure that the commitments expressed in this document are implemented, individually and collectively.

The Summit Implementation Review Group (SIRG) provides another forum to focus high-level attention on multilateral counternarcotics cooperation in the region. Formed in 1995, it functions to ensure that countries remain aware of and continue to focus on advancing the commitments they made during the 1994 Miami Summit. The SIRG periodically hears reports from countries and international organizations on activities carried out in support of the Summit.

Meanwhile, the US has institutionalized efforts to coordinate counternarcotics assistance to Latin America (and the rest of the world) with the other major international donors through the Dublin Group. Formed in 1990 at our initiative, the Dublin Group is composed of the EU member states and Japan, Australia, Norway, Canada, and UNDCP. It includes a US-chaired working group on Latin America. At the operational level, it works through mini-Dublin Groups which consist of the ambassadors of the Dublin Group countries assigned to the aid-receiving country. The mini-Dublin Groups meet periodically in their host country to examine prospects and opportunities for coordinated assistance and then work together to develop implementation plans with the host nation. Thanks in part to the Dublin Group, the Europeans in particular have steadily increased their counternarcotics assistance to Latin America, pledging some \$600 million in loans, grants, and commodities this year. Much of this goes towards a variety of alternative development, demand reduction, and public awareness programs.

We have given special attention to combating money laundering through the Caribbean Financial Action Task Force (CFATF). The CFATF--21 Central American and Caribbean member jurisdictions plus the five Cooperating and Supporting Nations (US, UK, the Netherlands, France, and Canada) focuses on applying the 40 recommendations of the G-7's Financial Action Task Force (FATF) as well as 19 additional recommendations specific to the region. These recommendations include criminalizing money laundering activities, establishing financial record-keeping and reporting requirements, cooperating with law enforcement authorities, supporting mutual legal assistance, and strengthening financial regulatory institutions. The CFATF began conducting mutual evaluations in 1995; several examinations have been concluded and several more are currently underway. In furtherance of the President's commitment to work with the Europeans to develop regional solutions, the State Department has committed initial funding of \$500,000 to co-fund a training program with the European Union to assist member countries. The EU has pledged approximately \$4 million to this effort.

Finally, several multinational initiatives are in place or underway to enhance drug interdiction. For the past several years, the United States, Colombia, and Peru have sustained a highly complex, but well-coordinated, attack against drug-laden aircraft traversing the so-called air bridge from the coca-growing regions of Peru to the processing laboratories in Colombia. This has included efforts to share detection, monitoring, and other information to identify and track these planes so that Colombia and Peru can force--and, if necessary, shoot--them down for violating their sovereignty and posing a threat to their national security. The success of this program has been one of the reasons for the recent collapse of the coca economy in Peru and a dramatic reduction in cultivation there.

The effectiveness of the "air bridge denial" program has demonstrated the importance of having the countries that participate in interdiction (and other) operations buy into the concept and plans early on. To further this, the US is fostering greater involvement by foreign government officials in its interdiction command and planning centers. For instance, the Department of Defense (DoD)-sponsored Joint Interagency Task Forces (JIATF), which have broad responsibilities to detect and monitor drug shipments and to pass this information to law enforcement agencies for appropriate action, now include liaison officers from Colombia, Peru, Venezuela, and Ecuador (JIATF/South) and the UK and the Netherlands (JIATF/East). Some civilian intelligence officers also participate. The liaison officers assist in passing information between the United States and their countries, and help in acquiring clearances concerning drug enforcement-related flights that cross their borders.

Drug interdiction efforts in the Caribbean are benefitting from JIATF/East and other initiatives. As the trafficking threat in the region shifted from air to seaborne smuggling, the U.S. began negotiating comprehensive bilateral maritime counternarcotics agreements with several countries. These agreements address a wide range of issues including shipriders, boarding procedures, pursuit and entry, and other initiatives and, once in place, they set the stage for coordinated and standardized interdiction operations. Since 1992, we have signed bilateral Maritime Counternarcotics Agreements with eleven nations bordering the Caribbean basin; we are currently in the process of negotiating bilateral agreements with the UK, the Netherlands, and France. JIATF/East has meanwhile enabled us to develop increasingly effective working relations with the UK and the Netherlands; we are encouraging the French to provide a liaison officer to JIATF/East so we can improve coordination with them also.

In concert with the JIATF program, DoD is developing a series of counternarcotics exercises--Fuerzas Unidas--involving the militaries and civilian counterdrug agencies from the US and several Latin American countries. The exercises will seek to reinforce staff functions and procedures, synchronize communications and connectivity, and improve counterdrug interoperability for the Combined/Joint Interagency Task Force.

EFFECTIVENESS: Uneven Progress

Despite this elaborate infrastructure of standards, institutions, and mechanisms, multilateral progress in advancing the hemisphere's counternarcotics objectives has been uneven. Important gaps must be filled and additional initiatives undertaken before the hemisphere can truly demonstrate successful operational coordination against the drug threat. The most promising gains have been made in the area of drug interdiction.

The current successful air bridge denial operation reflects--but on a grander scale--other successful multilateral drug interdiction efforts that dot the history of antidrug efforts in the hemisphere. In recent years, the US worked with Guatemala and other countries to curtail air smuggling operations through Central America. Similarly, by sharing information that allowed focused enforcement efforts, the US, Colombia, and Mexico acted together to bring a relatively quick end to the blossoming trend of jet cargo aircraft transporting multi ton cocaine loads from Colombia into Mexico for distribution to the US.

These successes highlight the fact that interdiction is one of the easiest areas to achieve multilateral cooperation. It produces measurable results and is a relatively politically-safe commitment to drug control. Governments tend to run fewer political risks when they focus on seizing drug shipments than when they attempt to target powerful, politically-connected traffickers and their money, or eliminate drug crops that are grown in insurgent-dominated or otherwise inhospitable territory by large numbers of politically significant cultivators.

Interdiction alone, however, cannot effectively stem the supply of drugs. To do so, requires additional multilateral cooperation in the areas of criminal investigations, anti-money laundering efforts, chemical diversion, and crop control. Multilateral operational progress in these areas has been more problematic. Many countries simply do not have the laws, investigative and regulatory institutions, and information needed to act cooperatively and effectively against the drug threat. For instance, the lack of extradition agreements, or the absence of conspiracy statutes, seriously constrains a country's ability to cooperate in criminal investigations of the leadership of major trafficking organizations. When countries agree to support efforts to attack money laundering or control the sale of precursor chemicals, but only within the confines of their existing laws, they may not have the legal or regulatory flexibility to collect and share data internationally that would help in controlling these problems. And even if they have modern or satisfactory laws, these instruments will go unused if countries lack the institutions and trained staff to implement them. These are complex challenges that require the application of extremely sophisticated investigative and regulatory skills, and many countries are simply not up to the task.

Crop control also affords opportunities for multilateral cooperation. In recent years, the United States has developed the technology and perfected the tactics--predominantly aerial spraying--for eradicating illicit drug-producing crops. An increasing number of countries are

using, or have recently used, this technique successfully: Colombia, Mexico, Panama, Guatemala, and Venezuela. Others have begun or expanded manual eradication: Peru and Bolivia. It is essential, however, to link eradication, especially in heavily cultivated and populated areas, to alternative development. Alternative development provides a safety net to keep displaced growers from returning to the trade and it helps defuse potentially threatening public resistance to crop control programs. Nevertheless, the region lacks a comprehensive alternative development plan that describes viable programs, estimates costs, and identifies funding sources. Consequently, crop control efforts move along haltingly with no clear signal that either aid donors or recipients will sustain efforts long enough to shrink production, discourage growers, and reduce supplies permanently.

MOVING AHEAD: Alliance Opportunities That Add Value

We can get more out of our multilateral efforts by closing some gaps, undertaking new initiatives, and strengthening existing institutions, such as CICAD. Making greater use of existing institutions will take advantage of their successes and reduce the costs and duplication associated with creating new ones.

Expanded dialogue: UNGA Special Session on Narcotics and a domestic conference

We will expand our dialogue with the international community on how best to respond to the drug threat. For instance, we are supporting the convening next June of the UN General Assembly Special Session on Narcotics, an initiative that responds to a major concern of the Government of Mexico and other Latin American countries and fulfills a Summit of the Americas call "to convene a global counternarcotics conference." The draft agenda focuses on practical outcomes and renewed political will. We intend to emphasize individual countries' responsibilities to pass legislation and establish administrative capacities that will enable them to implement the UN Convention.

We should also improve the dialogue with Congress, academia, and pertinent non-governmental organizations concerning how to improve counternarcotics cooperation and performance in the hemisphere. Because their support and cooperation are essential to the success of our international drug control efforts, we must remain open to their ideas. Improving our dialogue with Congress should be a top priority. ONDCP and the Department of State are working on co-hosting a conference this fall of representatives from US Government agencies, non-governmental organizations, academia, Congress, and elsewhere to explore options and opportunities for improving our international narcotics control efforts.

Regional Cooperation: Building on the Summits

The President's visits to Central America and the Caribbean provided much-needed impetus to narcotics control, law enforcement, and other key issues. Both regions have responded enthusiastically. On August 15, Attorney General Reno and ONDCP Director

McCaffrey chaired a Central American Ministerial Conference in Washington that resulted in pledges to cooperate to make the region's legal systems more compatible and to forge alliances that transcended traditional donor/recipient bilateral relations. In a similar vein, the United States Government and Caribbean Community and Common Market (CARICOM) have agreed to form two joint committees to further our cooperation on common concerns: one on development, finance, and environment issues, the other on justice and security matters. Already the justice and security committee has begun addressing such matters as counternarcotics cooperation, arms trafficking controls, and improved procedures for returning criminal aliens. The Caribbean countries are currently considering a draft regional maritime counterdrug agreement that would broaden the legal basis for maritime cooperation.

Interdiction: Multinational Counternarcotics Center

Some of the best prospects for enhanced cooperation continue to be in the area of interdiction. The formation of a multinational counternarcotics center (MCC) would enhance cooperative law enforcement efforts in the region. It could tie together discrete, subregional interdiction operations that occur simultaneously throughout the hemisphere. It could help inventory and allocate resources so that high-cost government assets are employed efficiently. And it could become a center for sharing intelligence and experience and for testing tactical innovations.

To secure hemispheric endorsement, however, such a center would have to be responsive to hemispheric concerns. Civilian agency control would help blunt allegations that the center is a vehicle for militarizing Latin American drug efforts. While Latin American militaries can have important roles to play in terms of providing intelligence, security, and logistical support for counterdrug operations, they do not have the lead. An MCC under civilian leadership would also be in a better position to provide broader support that reaches beyond interdiction to support for and training in criminal investigations, anti-money laundering, and chemical control operations.

Law Enforcement Training: ILEA South

The United States is also creating an International Law Enforcement Academy (ILEA) for the region. At his Central American Summit, President Clinton promised to establish the ILEA before the end of 1997. Modeled after our highly successful Budapest ILEA for Eastern Europe, ILEA South would be a US-funded and managed training center for mid and upper level Latin American law enforcement officials.

The academy would serve the interests of the United States and all participating Latin American and European countries in several ways. It would establish and expand the long-term liaison relationships among foreign law enforcement officials that are critical to combatting international criminal activity, support democracy by stressing the rule of law in international and domestic police operations, and raise the professionalism of career anticrime

officials. In addition to focusing on law enforcement authorities, the curriculum may offer specialized courses for prosecutors. To further enhance its multilateral appeal and broad regional participation, the academy would employ the "visiting faculty" concept and involve the Latin Americans in developing the curriculum.

Judicial Modernization: Latin American Judicial Center

The failure of the judicial systems to keep pace with the improving efforts of the police has been one of the region's most glaring narcotics control deficits. The significant investment we have made in police training over the years--DEA, FBI, Customs, and Coast Guard train thousands of Latin American officials annually--is paying off; investigators, for instance, are increasingly demonstrating their ability to identify, develop evidence on, and apprehend leading traffickers. But too often this hard work dissipates in over-burdened, antiquated, or corrupt prosecutors offices and courts where guilty traffickers either walk or receive only token sentences. Nothing can be more devastating to the morale and commitment of the frontline authorities.

We must, therefore, assess the need to reinforce ongoing efforts at reform of prosecutorial and judicial systems. On the judicial side, there is steady demand for assistance from US organizations such as the Federal Judicial Center (FJC) in the design of training programs for judges and court personnel and in the reconfiguration of judicial structures. Other donors, such as the World Bank and the Inter-American Development Bank, already seek FJC assistance in their own projects in the region. The establishment of a Judicial Center in Latin America which could provide such services to a larger number of potential users would offer a valuable boost to judicial reform at this time.

Creation of this center should occur in tandem with a wide range of law enforcement and judicial enhancements--from ensuring the enactment of more sophisticated antidrug laws to creating a secure climate so judges can rule fairly without fearing retaliation--tailored to each country's needs. Embedded in this is the need to implement mutual legal assistance and other agreements that will foster safe exchanges of evidence and witnesses, provisional arrests, extraditions, and other measures to facilitate international cooperation among judicial institutions. The benefits of such measures will reach far beyond narcotics control to the whole concept of rule of law and democratization.

Assistance Coordination: Between and among donors and recipients

Increasing interest in the Latin American drug problem and the expanding demand for counterdrug resources necessitate much closer cooperation among aid donors and recipients. Multilateralism assumes, in part, that antidrug efforts among countries should move in pace so that gains in one country are not offset by setbacks in another. Similarly, assistance provided by donors should be complementary or additive, not redundant. The Dublin Group and

CICAD are two excellent foci for developing more comprehensive, coordinated, and long-term multilateral assistance strategies.

Alternative Development Assistance: World Bank-sponsored conference

Alternative development--which we link to comprehensive crop control strategies--has been a persistent concern throughout Latin America. The region has still not fulfilled the Miami Summit's call to convene a conference of donors to seek resources for alternative development programs. But the climate is improving. Both the World Bank and the Inter-American Development Bank now recognize narcotics control as a necessary part of overall development goals of several Latin American countries. With the US now backing a limited but highly effective alternative development program in Peru, and several of the region's governments making a stronger commitment to eradication, this is a good time to revisit this concept with a regional conference focused on concrete programs and objectives.

Chemicals: Enhancing the regulatory effort

Controlling the diversion of precursor and essential chemicals poses unique problems because of the involvement--witting or otherwise--of legitimate companies. Many countries therefore tend to approach the regulation of this problem more as a commercial than law enforcement issue, with the inherent bias towards facilitating commerce and protecting trade secrets, privacy, and the like. This creates enormous problems for law enforcement organizations responsible for investigating and prosecuting chemical diversion cases.

Two low-cost initiatives, however, could greatly enhance multilateral enforcement cooperation against chemical diversions. First is improved data collection and dissemination on the production, sale, shipment, and use internationally of precursor and essential chemicals. This would make it easier for authorities to spot suspicious flows and transactions and target firms suspected of abetting this trade. Most countries already possess such data, and CICAD is developing a data base to store and analyze it. To make the database useful, however, certain European and Latin American countries would have to permit greater access to this type of information. The United States has urged the concept of multilateral chemical information sharing at two recent international conferences and will champion the concept again at a meeting in Lisbon this October.

Second, governments should improve coordination between regulators and enforcers by closing the knowledge and procedural gaps that separate the way they view and approach the chemical diversion problem. This could be accomplished at the multilateral level by addressing this problem in the curricula of the proposed law enforcement academy and judicial center and incorporating it into other specialized chemical control training programs.

Money Laundering: Increasing the Pressure on Money Launderers

Several multilateral and bilateral initiatives since the Summit of the Americas have focused on getting governments to put more effective laws and mechanisms in place to combat money laundering. To sustain this momentum, the hemisphere should support the concept of mutual evaluations involving on-site assessments of a country's money laundering regime by a team of experts from other countries. Mutual evaluations already are part of the CFATF program. The CICAD experts group on money laundering has undertaken initial discussion of the concept, and we should press to have it applied to the entire hemisphere.

Another important initiative is for each country to create, develop, and expand the use of Financial Intelligence Units (FIUs) as part of its national anti-money laundering system. Moreover, the countries should encourage cooperation between and among these units, including through the Egmont Group, an informal international group of FIUs. National FIUs, in coordination with the Egmont Group, may then become focal points for exchanging financial data between and among nations and for sharing expertise on money laundering methods and techniques. The CICAD experts group on money laundering has agreed to recommend that the CICAD review its model money laundering regulations to include a provision encouraging the establishment of FIUs as defined by the Egmont Group. Beyond these steps, there is considerable need to provide training and technical assistance to regulators, analysts, investigators, prosecutors, and judicial authorities so that they can detect money laundering and investigate and prosecute such crimes better. CICAD, CFATF, and the Egmont Group can help address this need as well as help foster closer coordination among investigators, prosecutors, and financial regulators.

Data: Improved collection and dissemination

Operational planning and assessment cannot proceed effectively without adequate data. Many countries in the region have, at best, only rudimentary statistics on, for instance, drug use, production, seizures, arrests, and money and chemical flows. Moreover, substantial amounts of raw data, such as a region-wide survey of the status of judicial reform efforts, have not been compiled and maintained in a usable form that would help countries develop their institutions. CICAD, in its implementation plan for the Antidrug Strategy in the Hemisphere, has identified the importance of filling data gaps and linking national data bases together to promote the exchange of information.

Multilateral Monitoring and Assessment: Exploring the Prospects

A mark of multilateral institutional development is an ability to monitor and assess national progress toward agreed goals and to therefore encourage higher levels of achievement. NATO, the OECD, the IMF, and other institutions have such mechanisms. Within the OAS structure, there are multilateral mechanisms to monitor and assess national adherence to human rights standards in individual cases. Hemispheric governments also

participate in the process of multilateral monitoring and assessment of work on money laundering through the Financial Action Task Force and the Caribbean Financial Action Task Force. By participating in this multilateral effort to combat money laundering, participating nations also derive benefits from improved financial regulation and added security for the banking industry.

Creation of a formal process of multilateral monitoring and assessment within the framework of a hemispheric counterdrug alliance, however, poses complicated challenges. The agreed goals would have to be substantive and far reaching, otherwise they would have little effect on deterring production and reducing demand. We are still well short of this level of agreement. We are currently a long way from agreeing on measures of effectiveness, how to assess them, and what remedies to apply when countries do not meet expected standards. We have had only preliminary discussions about an assessment process, and reactions so far indicate that agreement may be difficult to achieve.

Such a forum, if achievable, would provide a valuable venue to express and consult on concerns that can now be conveyed only through bilateral channels. With appropriate resources, such a process could become a valuable source of expertise and authoritative comparative data. Building on this basis, and shared experience, we will seek in the coming months to promote support for the concept of a multilateral process of reporting and monitoring of achievements of agreed national goals in the counternarcotics area.

OVERCOMING THE BARRIERS: Enhancing Will and Ability

Creating a regional antinarcotics alliance that moves beyond the development of standards and institutions to the levels of program implementation, review, and evaluation will remain a tough sell despite these initiatives. The keys to success will continue to be ensuring that countries have both the ability and will to confront the most critical--and politically challenging--targets. The barriers that have historically impeded efforts to enhance the region's ability and will are steadily crumbling. Corruption is one of the more serious barriers. If institutionalized at a high level, narcotics-related corruption threatens the rule of law and fundamental democratic and free market institutions.

While corruption will likely remain an enduring challenge, it is not an insurmountable problem. We have seen in example after example that it cannot survive in the bright light of public exposure. Accordingly, we will continue to make this threat a public issue throughout the hemisphere and support serious efforts to expose and confront it. Our policy on narcotics corruption is clear: it can have the most damaging effects on our bilateral relations, we will make finding it a top priority, and, if the evidence is solid and we can protect sources and methods, we will not hesitate to expose it.

The Inter-American Convention Against Corruption helps in this regard. A Summit of the Americas initiative, this Convention was adopted in March 1996 and reflects the growing

commitment of all nations in the hemisphere to fight this insidious threat. While wide-ranging in its application, it specifically addresses corruption arising from narcotics trafficking. It calls on the parties to consider creating, maintaining, and strengthening "oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts." The Convention further recognizes the condition of "transnational bribery" and it pledges countries, within the context of their existing laws, to make the offenses under the Convention extraditable.

We will continue to work with the region's governments to fight the drug threat by providing the resources and training that result in stronger, more effective counternarcotics institutions capable of achieving better results across the board: interdiction; investigations, arrests, prosecutions and convictions; asset seizure and forfeiture; regulation of financial institutions; chemical controls; crop reduction; public awareness; and demand reduction. After a long period when our counternarcotics budgets for the region were straight-lined or cut, we are now beginning to get the funding we need to take advantage of new opportunities, launch new initiatives, reformatory our most effective programs, and demonstrate our commitment to the region's most loyal antinarcotics units.

Improved ability usually translates into improved will: if governments are more confident of success, they are more likely to act. But governments must also act in their self-interest. And much of this strategy is intended to demonstrate that because the countries of the hemisphere share the narcotics threat, it is in our mutual interest to act together. In addition to overcoming corruption, governments must have a sense of ownership in the hemispheric antinarcotics effort and clear objectives.

We have worked together to engender ownership at several levels. Regionalizing discussions on counternarcotics has increased and the issue appears consistently on the agenda of summit meetings. In this spirit, we will propose a counternarcotics hemispheric implementation monitoring process for the Santiago Summit. As with the JIATFs, CFATF, and the proposed law enforcement academy, judicial center, and multinational counternarcotics center, we will work to ensure direct involvement of hemispheric governments in the planning, development, and operations of operational organizations.

We are similarly committed to the principles of transparency and to having governments work, individually and collectively, toward clearly defined and agreed-upon goals. The United States has undertaken several steps over the past two years to ensure that this principle is reflected in our bilateral relations. For example, we provide all of the major drug producing and transit countries in the region a clear statement of our precise narcotics control interests and the cooperative efforts needed to achieve them. We further provide them a mid-year progress report, and invite their comments, reactions, and suggestions for improvements, if necessary.

It is imperative that we keep the countries of the region engaged in substantive dialogue so that we do not lose sight of our common interests. This effort could include meetings centered on specific themes or problem areas such as sharing of forfeited assets, crop control, money laundering legislation, adoption and application of improved investigative techniques such as controlled deliveries or the use of informants, and drug abuse awareness and treatment. Such dialogue will illuminate areas of concern and weaknesses in our cooperative efforts, while giving the participating countries a stake in the goals and objectives of the hemispheric counterdrug strategy and the specific actions each country must take to achieve them.

THE CULMINATING ALLIANCE: Moving Forward at Santiago

As a result of the agreements achieved at the 1994 Miami Summit and elsewhere, we are steadily building toward a counternarcotics alliance in the hemisphere. Together, we have achieved the initial stages of the alliance-building process. The process began with the creation of goals and standards articulated, for instance, in the 1988 UN Convention, the Buenos Aires Money Laundering Communique, and the Antidrug Strategy in the Hemisphere, and continues with the development of an implementation process primarily through CICAD, CFATF, and the Dublin Group.

We will seek to build on this progress in Santiago, focusing on the next stages of alliance-development: creation of measures of effectiveness and institution of an evaluation process. We are, for instance, proposing an action item that commits governments to "develop comprehensive national drug plans to counter the production, trafficking, and consumption of illicit narcotics that include goals, objectives, and methods for evaluating progress." And we are further proposing that the region's governments, "working through the OAS/CICAD, establish a hemispheric-wide multilateral group to monitor progress in implementation of national plans and to promote opportunities for enhanced hemispheric cooperation, as part of an effort to establish a hemispheric alliance."

It will take time and patience for 34 countries to reach agreement on fair but substantive measures of effectiveness and methods to judge whether governments are achieving them. Nevertheless, the progress we have made towards achieving some of the Miami Summit's lofty goals gives us the confidence to pursue these objectives and keep the multilateral momentum moving forward.

Nationally, bilaterally, and multilaterally, the United States Government will continue to lead the process of counternarcotics cooperation in the hemisphere. Our own efforts, domestically on demand and supply reduction, and internationally in law enforcement and alternative development, will stimulate and support common action. The achievement of a hemispheric alliance will not justify a diminution of national efforts. It will, however, permit these efforts to be pursued more cooperatively and effectively.

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ENHANCED MULTILATERAL DRUG CONTROL COOPERATION:

A COUNTERNARCOTICS ALLIANCE FOR THE HEMISPHERE

Summary

Since 1993, the US has pushed for new multilateral efforts in the fight against drugs. As a result, the 34 democracies at the Miami Summit of the Americas in 1994 signed off on a vigorous action agenda that has been steadily implemented over the last three years. Taken together, these actions have begun to change the playing field for counternarcotics cooperation and offer a basis for constructing a hemispheric alliance against drugs.

Steps toward a hemispheric alliance against drugs

At the Miami Summit, leaders agreed on the need for a broad, coordinated strategy against drug use, trafficking, and production. In making this shared vision a reality, there are several necessary steps, two of which have been accomplished since Miami:

- STEP 1: **Develop hemispheric strategy and standards:** All governments have endorsed the 1996 Anti-Drug Strategy in the Hemisphere and the 1995 Buenos Aires Communiqué on Money Laundering, which lay out the common principles for cooperation. In addition, all of the Summit countries have now ratified or acceded to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, with seven doing so since Miami.
- STEP 2: **Take specific actions to carry out strategy:** Working through the OAS, senior antidrug officials elaborated more than 40 recommendations for implementing the principles outlined in the strategy.
- STEP 3: **Determine how to measure effectiveness:** Countries should develop national plans to reduce drug use, trafficking, and production, with built-in methods for evaluating their own progress.
- STEP 4: **Institute a hemispheric reporting and monitoring process:** The OAS Inter-American Drug Abuse Control Commission (CICAD) should be charged with establishing a multilateral group to monitor progress in implementation of national plans and to promote opportunities for enhanced hemispheric cooperation.

Steps 1 and 2 have been substantially set in train since the Miami Summit in 1994. There does not yet exist a hemispheric consensus on the latter two steps, and this may prove difficult to achieve. The Administration will seek to advance these steps as it moves toward the second Summit of the Americas to be held in Santiago, Chile in April 1998.

In the interim, as we move forward to the intermediate stages of building the alliance against illegal drugs, the United States should maintain its current counternarcotics efforts so that momentum and progress are not lost.

Recent examples of multilateral cooperation in counternarcotics

In word and deed, new multilateral antidrug initiatives have laid a solid foundation for an alliance against drugs. Some recent examples include:

- o President Clinton's summits with Central American presidents in Costa Rica and Caribbean heads of state in Barbados, which generated new commitments to modernize extradition treaties and criminal justice systems. President Clinton also agreed with President Zedillo of Mexico to devise a detailed, bilateral anti-drug strategy by the end of the year.
- o OAS/CICAD has developed model legislation for use against money laundering and chemical diversion, elaborated a system of data collection for supply and demand statistics, and sponsored several experts meetings and seminars on a range of issues. CICAD also helped to conclude negotiation of a regional mutual legal assistance agreement.
- o The United States, Peru, and Colombia have worked closely in the last several years to close the "air bridge" between those two countries in South America by working to monitor, identify--and force or shoot down if necessary--air traffic laden with illegal narcotics.
- o European support of counternarcotics efforts has increased in Latin America, with \$600 million pledged in loans, grants, and commodities this year. Working with the Caribbean Financial Action Task Force, the EU has pledged \$4 million (with \$500,000 from the State Department) for a training program for Caribbean and Central American countries.

Moving ahead: alliance opportunities that add value

Activities undertaken in support of the principles of the hemispheric strategy against drugs will further strengthen the potential for the alliance. Such future proposed activities include:

- o Seek approval of the hemisphere's presidents at the Santiago Summit (April, 1998) of an alliance to implement and evaluate comprehensive plans on a multilateral basis to reduce drug use, trafficking, and production.
- o Formation of a Multinational Counternarcotics Center, a civilian-led focal point to coordinate interdiction efforts, match donor resources with recipient needs, and

respond to new trends in trafficking through increased intelligence and experience sharing.

- o Establishment of the International Law Enforcement Academy (ILEA) South for mid-to upper-level career law enforcement officials. A separate judicial assistance center for judges and prosecutors is also under consideration.
- o Holding a conference of donors to revisit the concept of alternative development linked to the reduction of illicit drug crops. The current successful application of this concept in Peru is a potential model to help generate international support for this initiative.

ENHANCED MULTILATERAL DRUG CONTROL COOPERATION

A COUNTERDRUG ALLIANCE FOR THE HEMISPHERE

The growing trend toward greater counternarcotics cooperation in the Western Hemisphere is creating unprecedented opportunities for governments to eviscerate the drug threat while promoting more cordial, productive relations between the United States and the rest of the region. The era in which the region's antidrug efforts have been driven largely by a series of distinct, bilateral initiatives between the United States and selected Latin American and Caribbean countries is giving way to one that increasingly includes new multilateral approaches. The institutions and many of the mechanisms to make such cooperation succeed are in place or under development. It is in our interest--and the interests of the other countries in the region--to enhance these institutions and accelerate the multilateral process, culminating in a hemispheric alliance against the drug threat.

A hemispheric alliance could add tremendous value to existing counterdrug efforts and open opportunities to launch important new initiatives. To be effective, the alliance must establish explicit counternarcotics goals, commitments, and responsibilities in the hemisphere. Moreover, this alliance will need a mechanism to assess progress: to identify weaknesses in the alliance; determine why they exist; and agree on remedies. To accelerate the multilateral process, the United States should strengthen the multilateral narcotics control mechanisms in the hemisphere and back several new initiatives that will draw our efforts together in a stronger fight against a common threat.

ENHANCING MULTILATERALISM: New Climate, New Opportunities

The transnational nature of the drug trade requires that countries cooperate in their counternarcotics efforts at both the bilateral and multilateral levels. Nowhere is this truer than in the Western Hemisphere where aspects of the cocaine, heroin, and marijuana trades have insinuated themselves into virtually every country. No country can defeat this challenge alone. In the absence of international cooperation, drug production would likely expand; trafficking organizations would grow even more powerful, dangerous, and increasingly difficult to defeat; smuggling routes would proliferate; and abuse would go unchecked.

In the Western Hemisphere, the United States has tended to confront these threats on a bilateral basis. In 1993, the Clinton Administration decided to refocus our efforts increasingly on the source countries, specifically strengthening those host nation institutions that would be most effective in attacking the most critical drug targets: the major organizations, drug money, and drug-producing crops. We sought to make expanded use of the full array of operational, assistance, and diplomatic tools available to achieve this goal. While the policy called for increased international cooperation, the nature of the trade, the overall weakness of

the region's counternarcotics institutions, and the low level of awareness and commitment in the region at the time necessitated that the United States take the lead in trying to forge stronger bilateral counternarcotics cooperation with selected countries.

Despite these difficulties, these bilateral initiatives have succeeded in many areas, producing results that were unimaginable a few years ago. Colombia, Peru, Mexico, and other governments are now targeting high-level traffickers who have been personally responsible for staggering levels of drug-related corruption and violence in their countries. More countries than ever now accept crop control as a legitimate counternarcotics objective, and several are actively engaged in eradication programs. Many countries have enacted, and some are now beginning to implement, new laws to combat money laundering. Bilateral approaches will remain important instruments in US international drug control policy.

There are, however, limits to what bilateral initiatives can achieve. In some cases, effective operations carried out by just one or two countries are negated or countered by expanded trafficking in other countries. In addition, a narrow focus on bilateral approaches can become counterproductive if it leads to a loss of commitment by key countries who feel they are carrying a disproportionate responsibility for solving a much broader problem. Finally, a failure to consider broader multilateral approaches results in missed opportunities to pool resources and information that could result in more cost-effective and successful operations.

Fortunately, improvements in the counternarcotics climate in the region since 1993 have increased the prospects for enhanced multilateral cooperation. Frank discussions among governments increasingly focus on the shared threat we all face and the need to act in concert, rather than solely on the problems of production or consumption. This changing spirit was captured by the 1994 Summit of the Americas counternarcotics action plan which committed the hemisphere to move forward multilaterally on a wide range of counternarcotics issues. As described elsewhere in this paper, a number of promising initiatives resulting from that summit and elsewhere are now underway.

BUILDING THE FOUNDATION: A Strong Beginning

Opportunities abound for enhanced multilateral cooperation in the region. More than any other region, the Western Hemisphere has developed the basic foundations essential for an effective multilateral strategy. Effective and accepted international standards, along with mechanisms and institutions to implement them are in place. What is needed is a comprehensive commitment to implementation.

Standards: Largely in Place

The UN framework--the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 Vienna Convention), the 1961 Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances--is the basis for developing international antinarcotics cooperation. The 1988 Convention is particularly comprehensive, addressing drug issues ranging from production through use, such as control of precursor chemicals, money laundering, and various aspects of judicial reform.

One of our top counternarcotics priorities to advance multilateral cooperation is to encourage countries to ratify and implement the Vienna Convention. We have made significant progress towards ratification in this Hemisphere. When the 34 Western Hemisphere democracies met for the Summit of the Americas in Miami in 1994, seven had not yet ratified or acceded to the Convention. They committed to this goal and, by July 1996, all had achieved it.

The 1988 Vienna Convention has been the touchstone for several even more comprehensive or focused agreements in support of multilateral cooperation in the hemisphere. As mentioned, the Narcotics Action Plan from the 1994 Summit endorsed the need for a "broad, coordinated hemispheric strategy to reduce drug use and production including new enforcement methods to disrupt trafficking and money laundering networks." It further called on the nations to agree on a hemispheric response to combat money laundering and to formulate a counternarcotics strategy for the 21st century.

Both of these taskings have been achieved. At the 1995 Summit of the Americas Ministerial Conference on Money Laundering, government ministers and heads of central banks from around the hemisphere outlined a coordinated plan of action concerning legal, regulatory, and enforcement areas and called for ongoing assessments. In 1996, these same countries endorsed in Uruguay an Antidrug Strategy in the Hemisphere and, this year, developed through the Organization of American States, Inter-American Drug Abuse Control Commission (OAS/CICAD) some 40 action items to implement it. Both the money laundering communique and the antidrug strategy emphasize the importance of countries operating individually and cooperatively to combat narcotics trafficking.

Two sub-regional summits since Miami further reaffirmed at the highest levels the importance of multilateral cooperation against drugs. Heads of State from the US and Caribbean states made major commitments to cooperate in the fight against drugs and crime at the May 1997 Bridgetown Summit. These commitments were based on the Plan of Action for Drug Control Coordination and Cooperation drafted by the US, the UN, and regional governments in 1996. Focused principally on the Caribbean, the plan of action includes commitments for regional cooperation on a wide range of narcotics and law enforcement issues, with assistance coming mainly from the United States and Europe. The drug control commitments made at the 1997 Central America Summit in San Jose, Costa Rica, are also

noteworthy. Most importantly, the leaders agreed to modernize their extradition treaties and criminal justice systems. Underscoring our commitment to regional approaches, President Clinton pledged that by the end of 1997, the US would establish in Central America a regional law enforcement academy dedicated to the needs of the hemisphere.

Institutional Structures: In Place and Under Development

An equally extensive array of institutions and mechanisms are in place to help advance these commitments. The United Nations International Drug Control Program (UNDCP) is the preeminent international body for advancing the goals and objectives of the 1988 Convention. Its past activities in this hemisphere largely focused on individual country programs. Its growing interest in the Western Hemisphere is increasingly focused on facilitating information exchange, helping set international standards and guidelines for controlling precursor and essential chemicals, exploring alternative development options, and promoting judicial reform and demand reduction.

The most appropriate institution for advancing antidrug cooperation within the region, and between the region and other international and regional entities, is OAS/CICAD. Formed in 1986 to encourage countries in the hemisphere to become parties to the UN Conventions and to promote regional antidrug cooperation, CICAD has been an active policy-level forum for planning and regional discussions. It also helps Member States develop central drug commissions and effective policies, legislation, and programs, and otherwise live up to their international commitments. Some specific achievements include:

- o Development of internationally-accepted model legislation in the areas of money laundering and chemical diversion control.
- o Development of a model chemical control cooperation agreement for use by Member States with the EU.
- o Promoting successful conclusion of the Convention on Mutual Assistance in Criminal Matters (a regional mutual legal assistance agreement).
- o Development of standardized data collection systems for both demand and supply statistics as well as regional data bases and a hemispheric information collection system.
- o Development of a standardized approach to epidemiology.
- o Sponsorship of training, workshops, and expert group meetings on the whole range of anti-drug issues, from control of diversion of licit pharmaceuticals and precursor chemicals and money laundering, to drug abuse prevention programs for the

hemisphere's street children and other high-risk populations. Many of these programs include public/private sector participation.

As noted above, CICAD enabled the nations of the Western Hemisphere to negotiate and finalize the Antidrug Strategy in the Hemisphere called for by the 1994 Summit of the Americas. CICAD has identified a wide range of action items to help ensure that the commitments expressed in this document are implemented, individually and collectively.

The Summit Implementation Review Group (SIRG) provides another forum to focus high-level attention on multilateral counternarcotics cooperation in the region. Formed in 1995, it functions to ensure that countries remain aware of and continue to focus on advancing the commitments they made during the 1994 Miami Summit. The SIRG periodically hears reports from countries and international organizations on activities carried out in support of the Summit.

Meanwhile, the US has institutionalized efforts to coordinate counternarcotics assistance to Latin America (and the rest of the world) with the other major international donors through the Dublin Group. Formed in 1990 at our initiative, the Dublin Group is composed of the EU member states and Japan, Australia, Norway, Canada, and UNDCP. It includes a US-chaired working group on Latin America. At the operational level, it works through mini-Dublin Groups which consist of the ambassadors of the Dublin Group countries assigned to the aid-receiving country. The mini-Dublin Groups meet periodically in their host country to examine prospects and opportunities for coordinated assistance and then work together to develop implementation plans with the host nation. Thanks in part to the Dublin Group, the Europeans in particular have steadily increased their counternarcotics assistance to Latin America, pledging some \$600 million in loans, grants, and commodities this year. Much of this goes towards a variety of alternative development, demand reduction, and public awareness programs.

We have given special attention to combating money laundering through the Caribbean Financial Action Task Force (CFATF). The CFATF--21 Central American and Caribbean member jurisdictions plus the five Cooperating and Supporting Nations (US, UK, the Netherlands, France, and Canada) focuses on applying the 40 recommendations of the G-7's Financial Action Task Force (FATF) as well as 19 additional recommendations specific to the region. These recommendations include criminalizing money laundering activities, establishing financial record-keeping and reporting requirements, cooperating with law enforcement authorities, supporting mutual legal assistance, and strengthening financial regulatory institutions. The CFATF began conducting mutual evaluations in 1995; several examinations have been concluded and several more are currently underway. In furtherance of the President's commitment to work with the Europeans to develop regional solutions, the State Department has committed initial funding of \$500,000 to co-fund a training program with the European Union to assist member countries. The EU has pledged approximately \$4 million to this effort.

Finally, several multinational initiatives are in place or underway to enhance drug interdiction. For the past several years, the United States, Colombia, and Peru have sustained a highly complex, but well-coordinated, attack against drug-laden aircraft traversing the so-called air bridge from the coca-growing regions of Peru to the processing laboratories in Colombia. This has included efforts to share detection, monitoring, and other information to identify and track these planes so that Colombia and Peru can force--and, if necessary, shoot--them down for violating their sovereignty and posing a threat to their national security. The success of this program has been one of the reasons for the recent collapse of the coca economy in Peru and a dramatic reduction in cultivation there.

The effectiveness of the "air bridge denial" program has demonstrated the importance of having the countries that participate in interdiction (and other) operations buy into the concept and plans early on. To further this, the US is fostering greater involvement by foreign government officials in its interdiction command and planning centers. For instance, the Department of Defense (DoD)-sponsored Joint Interagency Task Forces (JIATF), which have broad responsibilities to detect and monitor drug shipments and to pass this information to law enforcement agencies for appropriate action, now include liaison officers from Colombia, Peru, Venezuela, and Ecuador (JIATF/South) and the UK and the Netherlands (JIATF/East). Some civilian intelligence officers also participate. The liaison officers assist in passing information between the United States and their countries, and help in acquiring clearances concerning drug enforcement-related flights that cross their borders.

Drug interdiction efforts in the Caribbean are benefitting from JIATF/East and other initiatives. As the trafficking threat in the region shifted from air to seaborne smuggling, the U.S. began negotiating comprehensive bilateral maritime counternarcotics agreements with several countries. These agreements address a wide range of issues including shipriders, boarding procedures, pursuit and entry, and other initiatives and, once in place, they set the stage for coordinated and standardized interdiction operations. Since 1992, we have signed bilateral Maritime Counternarcotics Agreements with eleven nations bordering the Caribbean basin; we are currently in the process of negotiating bilateral agreements with the UK, the Netherlands, and France. JIATF/East has meanwhile enabled us to develop increasingly effective working relations with the UK and the Netherlands; we are encouraging the French to provide a liaison officer to JIATF/East so we can improve coordination with them also.

In concert with the JIATF program, DoD is developing a series of counternarcotics exercises--Fuerzas Unidas--involving the militaries and civilian counterdrug agencies from the US and several Latin American countries. The exercises will seek to reinforce staff functions and procedures, synchronize communications and connectivity, and improve counterdrug interoperability for the Combined/Joint Interagency Task Force.

EFFECTIVENESS: Uneven Progress

Despite this elaborate infrastructure of standards, institutions, and mechanisms, multilateral progress in advancing the hemisphere's counternarcotics objectives has been uneven. Important gaps must be filled and additional initiatives undertaken before the hemisphere can truly demonstrate successful operational coordination against the drug threat. The most promising gains have been made in the area of drug interdiction.

The current successful air bridge denial operation reflects--but on a grander scale--other successful multilateral drug interdiction efforts that dot the history of antidrug efforts in the hemisphere. In recent years, the US worked with Guatemala and other countries to curtail air smuggling operations through Central America. Similarly, by sharing information that allowed focused enforcement efforts, the US, Colombia, and Mexico acted together to bring a relatively quick end to the blossoming trend of jet cargo aircraft transporting multi ton cocaine loads from Colombia into Mexico for distribution to the US.

These successes highlight the fact that interdiction is one of the easiest areas to achieve multilateral cooperation. It produces measurable results and is a relatively politically-safe commitment to drug control. Governments tend to run fewer political risks when they focus on seizing drug shipments than when they attempt to target powerful, politically-connected traffickers and their money, or eliminate drug crops that are grown in insurgent-dominated or otherwise inhospitable territory by large numbers of politically significant cultivators.

Interdiction alone, however, cannot effectively stem the supply of drugs. To do so, requires additional multilateral cooperation in the areas of criminal investigations, anti-money laundering efforts, chemical diversion, and crop control. Multilateral operational progress in these areas has been more problematic. Many countries simply do not have the laws, investigative and regulatory institutions, and information needed to act cooperatively and effectively against the drug threat. For instance, the lack of extradition agreements, or the absence of conspiracy statutes, seriously constrains a country's ability to cooperate in criminal investigations of the leadership of major trafficking organizations. When countries agree to support efforts to attack money laundering or control the sale of precursor chemicals, but only within the confines of their existing laws, they may not have the legal or regulatory flexibility to collect and share data internationally that would help in controlling these problems. And even if they have modern or satisfactory laws, these instruments will go unused if countries lack the institutions and trained staff to implement them. These are complex challenges that require the application of extremely sophisticated investigative and regulatory skills, and many countries are simply not up to the task.

Crop control also affords opportunities for multilateral cooperation. In recent years, the United States has developed the technology and perfected the tactics--predominantly aerial spraying--for eradicating illicit drug-producing crops. An increasing number of countries are

using, or have recently used, this technique successfully: Colombia, Mexico, Panama, Guatemala, and Venezuela. Others have begun or expanded manual eradication: Peru and Bolivia. It is essential, however, to link eradication, especially in heavily cultivated and populated areas, to alternative development. Alternative development provides a safety net to keep displaced growers from returning to the trade and it helps defuse potentially threatening public resistance to crop control programs. Nevertheless, the region lacks a comprehensive alternative development plan that describes viable programs, estimates costs, and identifies funding sources. Consequently, crop control efforts move along haltingly with no clear signal that either aid donors or recipients will sustain efforts long enough to shrink production, discourage growers, and reduce supplies permanently.

MOVING AHEAD: Alliance Opportunities That Add Value

We can get more out of our multilateral efforts by closing some gaps, undertaking new initiatives, and strengthening existing institutions, such as CICAD. Making greater use of existing institutions will take advantage of their successes and reduce the costs and duplication associated with creating new ones.

Expanded dialogue: UNGA Special Session on Narcotics and a domestic conference

We will expand our dialogue with the international community on how best to respond to the drug threat. For instance, we are supporting the convening next June of the UN General Assembly Special Session on Narcotics, an initiative that responds to a major concern of the Government of Mexico and other Latin American countries and fulfills a Summit of the Americas call "to convene a global counternarcotics conference." The draft agenda focuses on practical outcomes and renewed political will. We intend to emphasize individual countries' responsibilities to pass legislation and establish administrative capacities that will enable them to implement the UN Convention.

We should also improve the dialogue with Congress, academia, and pertinent non-governmental organizations concerning how to improve counternarcotics cooperation and performance in the hemisphere. Because their support and cooperation are essential to the success of our international drug control efforts, we must remain open to their ideas. Improving our dialogue with Congress should be a top priority. ONDCP and the Department of State are working on co-hosting a conference this fall of representatives from US Government agencies, non-governmental organizations, academia, Congress, and elsewhere to explore options and opportunities for improving our international narcotics control efforts.

Regional Cooperation: Building on the Summits

The President's visits to Central America and the Caribbean provided much-needed impetus to narcotics control, law enforcement, and other key issues. Both regions have responded enthusiastically. On August 15, Attorney General Reno and ONDCP Director

McCaffrey chaired a Central American Ministerial Conference in Washington that resulted in pledges to cooperate to make the region's legal systems more compatible and to forge alliances that transcended traditional donor/recipient bilateral relations. In a similar vein, the United States Government and Caribbean Community and Common Market (CARICOM) have agreed to form two joint committees to further our cooperation on common concerns: one on development, finance, and environment issues, the other on justice and security matters. Already the justice and security committee has begun addressing such matters as counternarcotics cooperation, arms trafficking controls, and improved procedures for returning criminal aliens. The Caribbean countries are currently considering a draft regional maritime counterdrug agreement that would broaden the legal basis for maritime cooperation.

Interdiction: Multinational Counternarcotics Center

Some of the best prospects for enhanced cooperation continue to be in the area of interdiction. The formation of a multinational counternarcotics center (MCC) would enhance cooperative law enforcement efforts in the region. It could tie together discrete, subregional interdiction operations that occur simultaneously throughout the hemisphere. It could help inventory and allocate resources so that high-cost government assets are employed efficiently. And it could become a center for sharing intelligence and experience and for testing tactical innovations.

To secure hemispheric endorsement, however, such a center would have to be responsive to hemispheric concerns. Civilian agency control would help blunt allegations that the center is a vehicle for militarizing Latin American drug efforts. While Latin American militaries can have important roles to play in terms of providing intelligence, security, and logistical support for counterdrug operations, they do not have the lead. An MCC under civilian leadership would also be in a better position to provide broader support that reaches beyond interdiction to support for and training in criminal investigations, anti-money laundering, and chemical control operations.

Law Enforcement Training: ILEA South

The United States is also creating an International Law Enforcement Academy (ILEA) for the region. At his Central American Summit, President Clinton promised to establish the ILEA before the end of 1997. Modeled after our highly successful Budapest ILEA for Eastern Europe, ILEA South would be a US-funded and managed training center for mid and upper level Latin American law enforcement officials.

The academy would serve the interests of the United States and all participating Latin American and European countries in several ways. It would establish and expand the long-term liaison relationships among foreign law enforcement officials that are critical to combatting international criminal activity, support democracy by stressing the rule of law in international and domestic police operations, and raise the professionalism of career anticrime

officials. In addition to focusing on law enforcement authorities, the curriculum may offer specialized courses for prosecutors. To further enhance its multilateral appeal and broad regional participation, the academy would employ the "visiting faculty" concept and involve the Latin Americans in developing the curriculum.

Judicial Modernization: Latin American Judicial Center

The failure of the judicial systems to keep pace with the improving efforts of the police has been one of the region's most glaring narcotics control deficits. The significant investment we have made in police training over the years--DEA, FBI, Customs, and Coast Guard train thousands of Latin American officials annually--is paying off; investigators, for instance, are increasingly demonstrating their ability to identify, develop evidence on, and apprehend leading traffickers. But too often this hard work dissipates in over-burdened, antiquated, or corrupt prosecutors offices and courts where guilty traffickers either walk or receive only token sentences. Nothing can be more devastating to the morale and commitment of the frontline authorities.

We must, therefore, assess the need to reinforce ongoing efforts at reform of prosecutorial and judicial systems. On the judicial side, there is steady demand for assistance from US organizations such as the Federal Judicial Center (FJC) in the design of training programs for judges and court personnel and in the reconfiguration of judicial structures. Other donors, such as the World Bank and the Inter-American Development Bank, already seek FJC assistance in their own projects in the region. The establishment of a Judicial Center in Latin America which could provide such services to a larger number of potential users would offer a valuable boost to judicial reform at this time.

Creation of this center should occur in tandem with a wide range of law enforcement and judicial enhancements--from ensuring the enactment of more sophisticated antidrug laws to creating a secure climate so judges can rule fairly without fearing retaliation--tailored to each country's needs. Embedded in this is the need to implement mutual legal assistance and other agreements that will foster safe exchanges of evidence and witnesses, provisional arrests, extraditions, and other measures to facilitate international cooperation among judicial institutions. The benefits of such measures will reach far beyond narcotics control to the whole concept of rule of law and democratization.

Assistance Coordination: Between and among donors and recipients

Increasing interest in the Latin American drug problem and the expanding demand for counterdrug resources necessitate much closer cooperation among aid donors and recipients. Multilateralism assumes, in part, that antidrug efforts among countries should move in pace so that gains in one country are not offset by setbacks in another. Similarly, assistance provided by donors should be complementary or additive, not redundant. The Dublin Group and

CICAD are two excellent foci for developing more comprehensive, coordinated, and long-term multilateral assistance strategies.

Alternative Development Assistance: World Bank-sponsored conference

Alternative development--which we link to comprehensive crop control strategies--has been a persistent concern throughout Latin America. The region has still not fulfilled the Miami Summit's call to convene a conference of donors to seek resources for alternative development programs. But the climate is improving. Both the World Bank and the Inter-American Development Bank now recognize narcotics control as a necessary part of overall development goals of several Latin American countries. With the US now backing a limited but highly effective alternative development program in Peru, and several of the region's governments making a stronger commitment to eradication, this is a good time to revisit this concept with a regional conference focused on concrete programs and objectives.

Chemicals: Enhancing the regulatory effort

Controlling the diversion of precursor and essential chemicals poses unique problems because of the involvement--witting or otherwise--of legitimate companies. Many countries therefore tend to approach the regulation of this problem more as a commercial than law enforcement issue, with the inherent bias towards facilitating commerce and protecting trade secrets, privacy, and the like. This creates enormous problems for law enforcement organizations responsible for investigating and prosecuting chemical diversion cases.

Two low-cost initiatives, however, could greatly enhance multilateral enforcement cooperation against chemical diversions. First is improved data collection and dissemination on the production, sale, shipment, and use internationally of precursor and essential chemicals. This would make it easier for authorities to spot suspicious flows and transactions and target firms suspected of abetting this trade. Most countries already possess such data, and CICAD is developing a data base to store and analyze it. To make the database useful, however, certain European and Latin American countries would have to permit greater access to this type of information. The United States has urged the concept of multilateral chemical information sharing at two recent international conferences and will champion the concept again at a meeting in Lisbon this October.

Second, governments should improve coordination between regulators and enforcers by closing the knowledge and procedural gaps that separate the way they view and approach the chemical diversion problem. This could be accomplished at the multilateral level by addressing this problem in the curricula of the proposed law enforcement academy and judicial center and incorporating it into other specialized chemical control training programs.

Money Laundering: Increasing the Pressure on Money Launderers

Several multilateral and bilateral initiatives since the Summit of the Americas have focused on getting governments to put more effective laws and mechanisms in place to combat money laundering. To sustain this momentum, the hemisphere should support the concept of mutual evaluations involving on-site assessments of a country's money laundering regime by a team of experts from other countries. Mutual evaluations already are part of the CFATF program. The CICAD experts group on money laundering has undertaken initial discussion of the concept, and we should press to have it applied to the entire hemisphere.

Another important initiative is for each country to create, develop, and expand the use of Financial Intelligence Units (FIUs) as part of its national anti-money laundering system. Moreover, the countries should encourage cooperation between and among these units, including through the Egmont Group, an informal international group of FIUs. National FIUs, in coordination with the Egmont Group, may then become focal points for exchanging financial data between and among nations and for sharing expertise on money laundering methods and techniques. The CICAD experts group on money laundering has agreed to recommend that the CICAD review its model money laundering regulations to include a provision encouraging the establishment of FIUs as defined by the Egmont Group. Beyond these steps, there is considerable need to provide training and technical assistance to regulators, analysts, investigators, prosecutors, and judicial authorities so that they can detect money laundering and investigate and prosecute such crimes better. CICAD, CFATF, and the Egmont Group can help address this need as well as help foster closer coordination among investigators, prosecutors, and financial regulators.

Data: Improved collection and dissemination

Operational planning and assessment cannot proceed effectively without adequate data. Many countries in the region have, at best, only rudimentary statistics on, for instance, drug use, production, seizures, arrests, and money and chemical flows. Moreover, substantial amounts of raw data, such as a region-wide survey of the status of judicial reform efforts, have not been compiled and maintained in a usable form that would help countries develop their institutions. CICAD, in its implementation plan for the Antidrug Strategy in the Hemisphere, has identified the importance of filling data gaps and linking national data bases together to promote the exchange of information.

Multilateral Monitoring and Assessment: Exploring the Prospects

A mark of multilateral institutional development is an ability to monitor and assess national progress toward agreed goals and to therefore encourage higher levels of achievement. NATO, the OECD, the IMF, and other institutions have such mechanisms. Within the OAS structure, there are multilateral mechanisms to monitor and assess national adherence to human rights standards in individual cases. Hemispheric governments also

participate in the process of multilateral monitoring and assessment of work on money laundering through the Financial Action Task Force and the Caribbean Financial Action Task Force. By participating in this multilateral effort to combat money laundering, participating nations also derive benefits from improved financial regulation and added security for the banking industry.

Creation of a formal process of multilateral monitoring and assessment within the framework of a hemispheric counterdrug alliance, however, poses complicated challenges. The agreed goals would have to be substantive and far reaching, otherwise they would have little effect on deterring production and reducing demand. We are still well short of this level of agreement. We are currently a long way from agreeing on measures of effectiveness, how to assess them, and what remedies to apply when countries do not meet expected standards. We have had only preliminary discussions about an assessment process, and reactions so far indicate that agreement may be difficult to achieve.

Such a forum, if achievable, would provide a valuable venue to express and consult on concerns that can now be conveyed only through bilateral channels. With appropriate resources, such a process could become a valuable source of expertise and authoritative comparative data. Building on this basis, and shared experience, we will seek in the coming months to promote support for the concept of a multilateral process of reporting and monitoring of achievements of agreed national goals in the counternarcotics area.

OVERCOMING THE BARRIERS: Enhancing Will and Ability

Creating a regional antinarcotics alliance that moves beyond the development of standards and institutions to the levels of program implementation, review, and evaluation will remain a tough sell despite these initiatives. The keys to success will continue to be ensuring that countries have both the ability and will to confront the most critical--and politically challenging--targets. The barriers that have historically impeded efforts to enhance the region's ability and will are steadily crumbling. Corruption is one of the more serious barriers. If institutionalized at a high level, narcotics-related corruption threatens the rule of law and fundamental democratic and free market institutions.

While corruption will likely remain an enduring challenge, it is not an insurmountable problem. We have seen in example after example that it cannot survive in the bright light of public exposure. Accordingly, we will continue to make this threat a public issue throughout the hemisphere and support serious efforts to expose and confront it. Our policy on narcotics corruption is clear: it can have the most damaging effects on our bilateral relations, we will make finding it a top priority, and, if the evidence is solid and we can protect sources and methods, we will not hesitate to expose it.

The Inter-American Convention Against Corruption helps in this regard. A Summit of the Americas initiative, this Convention was adopted in March 1996 and reflects the growing

commitment of all nations in the hemisphere to fight this insidious threat. While wide-ranging in its application, it specifically addresses corruption arising from narcotics trafficking. It calls on the parties to consider creating, maintaining, and strengthening "oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts." The Convention further recognizes the condition of "transnational bribery" and it pledges countries, within the context of their existing laws, to make the offenses under the Convention extraditable.

We will continue to work with the region's governments to fight the drug threat by providing the resources and training that result in stronger, more effective counternarcotics institutions capable of achieving better results across the board: interdiction; investigations, arrests, prosecutions and convictions; asset seizure and forfeiture; regulation of financial institutions; chemical controls; crop reduction; public awareness; and demand reduction. After a long period when our counternarcotics budgets for the region were straight-lined or cut, we are now beginning to get the funding we need to take advantage of new opportunities, launch new initiatives, reformatory our most effective programs, and demonstrate our commitment to the region's most loyal antinarcotics units.

Improved ability usually translates into improved will: if governments are more confident of success, they are more likely to act. But governments must also act in their self-interest. And much of this strategy is intended to demonstrate that because the countries of the hemisphere share the narcotics threat, it is in our mutual interest to act together. In addition to overcoming corruption, governments must have a sense of ownership in the hemispheric antinarcotics effort and clear objectives.

We have worked together to engender ownership at several levels. Regionalizing discussions on counternarcotics has increased and the issue appears consistently on the agenda of summit meetings. In this spirit, we will propose a counternarcotics hemispheric implementation monitoring process for the Santiago Summit. As with the JIATFs, CFATF, and the proposed law enforcement academy, judicial center, and multinational counternarcotics center, we will work to ensure direct involvement of hemispheric governments in the planning, development, and operations of operational organizations.

We are similarly committed to the principles of transparency and to having governments work, individually and collectively, toward clearly defined and agreed-upon goals. The United States has undertaken several steps over the past two years to ensure that this principle is reflected in our bilateral relations. For example, we provide all of the major drug producing and transit countries in the region a clear statement of our precise narcotics control interests and the cooperative efforts needed to achieve them. We further provide them a mid-year progress report, and invite their comments, reactions, and suggestions for improvements, if necessary.

It is imperative that we keep the countries of the region engaged in substantive dialogue so that we do not lose sight of our common interests. This effort could include meetings centered on specific themes or problem areas such as sharing of forfeited assets, crop control, money laundering legislation, adoption and application of improved investigative techniques such as controlled deliveries or the use of informants, and drug abuse awareness and treatment. Such dialogue will illuminate areas of concern and weaknesses in our cooperative efforts, while giving the participating countries a stake in the goals and objectives of the hemispheric counterdrug strategy and the specific actions each country must take to achieve them.

THE CULMINATING ALLIANCE: Moving Forward at Santiago

As a result of the agreements achieved at the 1994 Miami Summit and elsewhere, we are steadily building toward a counternarcotics alliance in the hemisphere. Together, we have achieved the initial stages of the alliance-building process. The process began with the creation of goals and standards articulated, for instance, in the 1988 UN Convention, the Buenos Aires Money Laundering Communique, and the Antidrug Strategy in the Hemisphere, and continues with the development of an implementation process primarily through CICAD, CFATF, and the Dublin Group.

We will seek to build on this progress in Santiago, focusing on the next stages of alliance-development: creation of measures of effectiveness and institution of an evaluation process. We are, for instance, proposing an action item that commits governments to "develop comprehensive national drug plans to counter the production, trafficking, and consumption of illicit narcotics that include goals, objectives, and methods for evaluating progress." And we are further proposing that the region's governments, "working through the OAS/CICAD, establish a hemispheric-wide multilateral group to monitor progress in implementation of national plans and to promote opportunities for enhanced hemispheric cooperation, as part of an effort to establish a hemispheric alliance."

It will take time and patience for 34 countries to reach agreement on fair but substantive measures of effectiveness and methods to judge whether governments are achieving them. Nevertheless, the progress we have made towards achieving some of the Miami Summit's lofty goals gives us the confidence to pursue these objectives and keep the multilateral momentum moving forward.

Nationally, bilaterally, and multilaterally, the United States Government will continue to lead the process of counternarcotics cooperation in the hemisphere. Our own efforts, domestically on demand and supply reduction, and internationally in law enforcement and alternative development, will stimulate and support common action. The achievement of a hemispheric alliance will not justify a diminution of national efforts. It will, however, permit these efforts to be pursued more cooperatively and effectively.

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Divider Title: _____



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

April 30, 1997

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The purpose in writing to you today is to present to Congress a reauthorization bill entitled the "Office of National Drug Control Reauthorization Act of 1997" for ONDCP. Established by the 1988 Anti Drug Abuse Act, as amended (P.L. 100-690), ONDCP's authorization expires September 30, 1997. The enclosed bill ensures comprehensive oversight of ONDCP and establishes a framework for a 10-year National Drug Control Strategy. This proposal has the full support of the President's Drug Policy Council. A section-by-section analysis is attached for your convenience.

Background.

Over the past decade, aggressive, well-funded drug control policies and bipartisan Congressional support for ONDCP have led to a nearly 50 percent decrease in the number of casual drug users from the 1979 level of 25 million Americans to the current level of approximately 12.8 million. In 1995, 1.5 million Americans were current cocaine users, a 74 percent decline from 5.7 million a decade earlier. These decreases represents a extraordinary change in behavior of which we can all be proud. They also underscore that America can successfully tackle its toughest problems when partners in government work together cooperatively, guided by facts, logic, creativity, and resourcefulness. Congress is, and has been, a principal partner in the Administration's efforts to reduce the trafficking and abuse of illegal drugs.

Much, however, remains for us to do. The most alarming trend is the increasing use of illegal drugs, tobacco, and alcohol among our youth. Today, for example, nearly one in four high school seniors uses marijuana on a "past month" basis, and the mean age of first marijuana use has dropped from 17.8 years in 1987 to 16.3 years in 1994. Chronic drug use also remains at an unacceptably high level of approximately 3.6 million people.

Moreover, our nation's health care, social service, and criminal justice systems are overwhelmed by the effects of drug abuse. Drug-related illness, death, and crime cost America about \$66.9 billion. In addition, too many nations remain under the power and influence of drug trafficking cartels that threaten the integrity of our borders, U.S. interests abroad, and the stability of democracies and economies worldwide. Accordingly, we need a dynamic national drug control system that has the capability to respond to future drug control challenges. The attached reauthorization contains suggested amendments to ONDCP's current authorities (21 USC 1501 et seq.) as part of a continuing effort to improve our nation's efforts to develop, coordinate and implement the national drug control program.

Office of National Drug Control Reauthorization Act of 1997

The major ONDCP authorization modifications contained in the enclosed bill are:

1. **Ten-Year National Strategy.** This long range drug policy implements the President's objective of a comprehensive and dynamic ten-year drug control strategy, has been endorsed by the President's Council on Drug Policy, and has been the guiding principle in the formulation of the *1997 Strategy*. To support the long-term planning approach, the Director will provide budget recommendations to the National Drug Control Program agencies for five-year budget projections to support the priorities in the national ten-year strategy. The bill would also allow modification to the ten-year strategy as may be necessary to meet new and varying challenges, as well as to improve or eliminate programs in our supply and demand reduction efforts.

2. **Performance Measures.** As part of our effort to provide measures of the effectiveness of the strategy, and federal drug control programs which support that strategy, we have expanded the language of the 1994 reauthorization that required the Director to do an assessment of drug related data instruments. The new language reflects ONDCP's work to develop and implement meaningful assessments of federal programs to achieve the strategy goals and objectives.

3. **Goals and Initiatives.** The *1997 Strategy* provides a series of five goals and 32 objectives for reducing drug use and the consequences of drug use in the United States. The proposed reauthorization provides for an annual report to Congress measuring the effectiveness of efforts to implement the *1997 National Drug Control Strategy's* goals and objectives. The annual report would also include updates on drug abuse trends, patterns, and consequences that are currently part of the strategy reporting requirements.

4. **Underage Use of Alcohol and Tobacco.** The bill would clarify ONDCP's responsibility over underage alcohol and tobacco use under the auspices of the *National Drug Control Strategy*. This proposal codifies the practice begun five years ago by the Bush Administration of including underage tobacco and alcohol use in the National Drug Control Strategy. The *1992 Strategy* sharpened the focus on the treatment and prevention of underage alcohol abuse. Similarly, the *1992 Strategy* stated that underage tobacco use is a gateway to other harmful drugs and that reducing underage tobacco use should also be a focus of prevention and treatment efforts. Reducing the use of alcohol and tobacco by our youth has long been recognized as key to effective drug prevention and education. The Clinton Administration has carried forward efforts against underage alcohol and tobacco use, and the *1997 Strategy* reflects a continuation of those efforts.

5. **Deputy Director.** Congress appropriated funds for the new position of Deputy Director. The bill adds this position to those ONDCP officers appointed by the President and confirmed by the Senate. The bill also clarifies the chain of command and succession issues among the Deputy Directors. Additionally, the bill changes the titles of the Deputy Director for Supply Reduction and Demand Reduction and elevates the Associate Director position to that of a Deputy to reflect that position's enhanced responsibilities for intergovernmental relations.

6. **Creation of a new Office of Intergovernmental Relations.** The new office would supersede

6. **Creation of a new Office of Intergovernmental Relations.** The new office would supersede current Bureau of State and Local Affairs and would clarify that the role of the new office would include coordination of Federal, State and local drug enforcement policies. This change reflects not only BSLA's role in coordinating ONDCP's liaison with State and local governments, but also its current role in the coordination of Federal, State and local domestic drug law enforcement activities on behalf of ONDCP.

7. **High Intensity Drug Trafficking Areas (HIDTA) Program.** The bill would establish HIDTA as a separate program within ONDCP and give ONDCP the authority to issue regulations for the program. For Federal, State and local drug control agencies participating in the HIDTA program, the issuance of regulations would clarify the administrative, record keeping, funds management, and other requirements for efficient HIDTA operation.

8. **Center for Counter Drug Technology (CTAC).** The draft bill would clarify the research conducted by CTAC to enhance demand reduction activities.

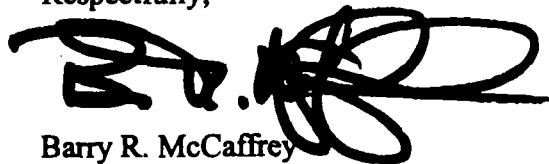
9. **Twelve-Year Extension of ONDCP.** The bill would extend ONDCP's authorization for 12 years. This recommendation is consistent with the implementation of a ten-year *National Drug Control Strategy*. After the implementation of the strategy, the Federal government will then have two years to evaluate the effectiveness of ONDCP and to recommend the best method to continue oversight of the drug issue.

10. **Miscellaneous.** The proposed bill includes minor changes to the current statute that reflect changes to various internal ONDCP procedures, and it would eliminate obsolete and redundant sections of the current statute.

The Office of Management and Budget has advised ONDCP that the enactment of this proposal would be in accord with the program of the President.

Look forward to continuing our work together on these issues of national importance to the American people. Your leadership on our common effort to reduce drug use and its consequences in America, and to reauthorize ONDCP, are sincerely appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read 'Barry R. McCaffrey', with a large, stylized flourish at the end.

Barry R. McCaffrey
Director

Enclosure

OFFICE OF NATIONAL DRUG CONTROL POLICY
REAUTHORIZATION BILL

This packet is designed to facilitate reviewing the changes to existing law, 21 USC 1501 et seq. It has two parts: Part I, the Section by Section Analysis, summarizes the principal modifications and the reasoning behind them. Part II is the existing law as codified, which notes new language in **bold** and deleted language in ~~strikeout~~. The regular type reflects the law Congress passed in 1994, the last reauthorization.

PART I: SECTION BY SECTION ANALYSIS

a. 21 USC 1500 - Definitions

The definitions have been moved to the beginning of the authorization statute and some definitions have been reordered to assist in comprehension of the statute.

(3) The term "drug control" is clarified to include activities to reduce the underage use of tobacco or alcoholic beverages. This proposal restates the current inclusion in the National Drug Control Strategy of underage tobacco and alcohol use. This has long been recognized as key to effective drug prevention and education programming.

The 1992 National Drug Control Strategy sharpened the focus of the strategy on the treatment and prevention of alcohol abuse. The 1992 Strategy acknowledged that drug prevention programs are more likely to succeed if they also address the problem of underage drinking. Thus, beginning in FY 1993, the National Drug Control Budget included estimates of resources devoted to treating those under 21 who use alcohol. Similarly, the 1992 Strategy stated that underage tobacco use is a gateway to other more harmful drugs and that tobacco use by underage youth should also be a focus of drug prevention and treatment efforts.

The Clinton Administration carried forward the Bush Administration's efforts against underage alcohol and tobacco use as part of the National Drug Control Strategy. In August, 1996, the Administration announced a series of initiatives by the Food and Drug Administration to stop the sales of cigarettes and smokeless tobacco to minors and to prevent tobacco companies from appealing to children in their advertisements. In addition, the Substance Abuse and Mental Health Administration has promulgated regulations to implement the Public Health Service Act requirement that as a condition of receiving Federal block grant funds, each State enact and enforce laws banning the sale and distribution of tobacco products to people under 18.

(4) The definition of supply reduction eliminates the use of the word "supply" in the definition; recognizes that for purposes of this statute "supply reduction" activities include more than enforcement activities; and recognizes that ONDCP's focus is on strategic drug intelligence rather than individual, case specific intelligence. The responsibilities of the CIA Director for the conduct of intelligence activities to implement drug control policies relating to supply reduction are

unaffected by the provisions of this statute, including the definition of "supply reduction."

(5) The definition of demand reduction eliminates the use of the word "demand reduction" in the definition which is expanded to include drug-free workplace and drug testing programs

(6) This new paragraph defines the term "Intergovernmental Relations." The additional language is for ONDCP internal purposes and reflects the organizational plan for the agency that Director McCaffrey has instituted. Enforcement operations of the National Drug Control Program agencies, how the agencies interact with ONDCP components, and budget scoring are not affected by this new language.

(10) A technical change is made to reflect that the strategy is a ten year document.

b. 21 USC 1501 - Establishment of Office of National Drug Control Policy

(a) This subsection is modified with new language that adds ONDCP's purpose.

(b) This subsection is modified by the addition of the new position of "Deputy Director of National Drug Control Policy" that Director McCaffrey established, with Congressional approval, last year. The subsequent sections are renumbered accordingly.

(b)(3) The supply and demand reduction positions have been renamed Deputy Director for International Drug Policy and Deputy Director for Demand Reduction Policy respectively, with responsibilities keyed to the statutory definitions in 1500(4)(A-C) and (E) and 1500(5).

(c) The provisions in existing 1501(c) establishing the Bureau of State and Local Affairs are deleted. The existing Associate Director of the Bureau of State and Local Affairs (BSLA) has been replaced in (b)(3) by the new Deputy Director for Intergovernmental Relations, with responsibilities keyed to the activities covered in the definitions in 1500(4)(D) and 1500(6). This change reflects not only BSLA's role in coordinating ONDCP's liaison with State and local governments, but also its current role in the coordination of Federal, State and local domestic drug law enforcement activities on behalf of ONDCP. BSLA management of the HIDTA program is indicative of this latter responsibility.

(d) This new section clarifies ONDCP's existing gift receipt authority. The proposed solicitation authority gives ONDCP the flexibility to sponsor conferences with public and private co-sponsors. ONDCP currently has the authority to accept gifts. Explicit solicitation authority avoids any question about the propriety of accepting gifts for these occasions. If enacted by the Congress, this provision requires ONDCP to develop regulations governing gift solicitation and acceptance practices. These regulations will include measures of accountability; solicitation practices and purposes; agency approval processes before solicitations are made; and covered prohibited sources.

c. 21 USC 1502 - Appointment and duties of Director and Deputy Directors

The Title is amended to reflect change in title of the Associate Director.

(a)(1) Subsection is modified by the addition of the Deputy Director to those ONDCP officers appointed by the President and confirmed by the Senate.

(a)(2)&(3) The proposed changes clarify succession in the agency in the absence of the Director or when a vacancy exists in the Office of the Director.

(a)(5) The existing political campaigning paragraph found at 21 USC 1502(f)(sic) has been moved and renumbered for consistency.

(b) The changes to this subsection regarding the Director's responsibilities include the addition of the word "goals" and the responsibility to consult and assist with State and local governments with respect to their relations with drug control program agencies and in the formulation and implementation of the National Drug Control Policy.

(b)(2) Striking the word "annual" and replacing it with "annual Strategy Report" reflects the change to a ten-year strategy.

(b)(8) The current responsibility to provide by July 1 of each year budget recommendations to the heads of drug control department and agencies for the second following fiscal year is expanded to include the four subsequent fiscal years to promote long-range planning.

d. 21 USC 1502(c) - National Drug Control Program Budget

(c)(1) The consolidated budget proposal would be submitted to the President. This is consistent with current practice and practical reality.

(c)(2)(B) This is existing 21 USC 1502(c)(5) which is moved for reasons of consistency.

(c)(2)(C) This is existing 21 USC 1502(c)(8).

Current section (4) is renumbered as (D) for consistency.

(c)(4) A new heading is added to this subsection to clarify reprogramming responsibilities.

(c)(4)(C) This is existing 21 USC 1502(c)(7) modified and redesignated to change ONDCP's reporting requirement to Congress on drug related reprogramming. Under current law, ONDCP is required to approve drug control reprogrammings greater than \$5 million. However, the law also requires ONDCP to report quarterly to Congress on all drug-related reprogrammings. This quarterly input is very time-consuming as it involves surveying all program agencies for details on

reprogramming for all amounts of appropriated funds. There are more effective, cost efficient ways to monitor the use of funds. The reporting requirement to Congress should be governed by the \$5 million approval threshold. This new provision accomplishes this objective on an annual basis. This provision does not supplant the reprogramming reporting requirements of the various national drug control program agencies to their congressional appropriators.

e. 21 USC 1502(d) - Powers of the Director

(d)(1) The existing language assigning a fixed number of ONDCP personnel has been deleted.

(d)(5) This subsection is modified by giving ONDCP permanent gift solicitation authority, and authority to solicit from the private sector.

(d)(7)(C) The new language gives the Director the power to commission special studies and reports with the concurrence of the national drug control program agencies. This proposal is not intended to interfere with the peer review process of the national drug control program agencies in awarding grants or contracts for studies and reports, nor to require agencies to expend funds that are not available.

(d)(8) The new language clarifies that the existing authority to transfer 2% runs to programs, activities, and functions as defined in the consolidated National Drug Control Budget with the concurrence of the head of the affected agency.

(d)(9) This change reorders the clauses to begin with a verb consistent with other subparagraphs. This restates the Director's existing authority to issue a funds control notice as Congress authorized in 1994.

(d)(10) This new subsection clarifies the participation of the Director, ONDCP, in the 22 USC 2291j certification process.

f. 21 USC 1502(e) - Personnel detailed to the Office

(e)(1) This modification inserts the subheading "evaluation" to identify the subject matter of subsection (1).

(e)(2) This modification inserts the subheading "compensation" to identify the subject matter of subsections (A)-(D).

g. 21 USC 1502(f) - Funds control notices

(f)(sic) The former section (f)(sic) dealing with the prohibition on political campaigning has been moved to 1501(d).

h. 21 USC 1503 - Coordination with executive branch departments and agencies in international drug policy, demand reduction policy, and intergovernmental relations

This title is amended to reflect ONDCP's responsibility for the coordination of a comprehensive drug control policy.

(a)(1) The addition "cooperate with" moves the "cooperation" requirement into the proper section, in a concise manner. Former section 21 USC 1504(b)(6) is no longer necessary.

i. 21 USC 1504 - Development, submission, implementation and assessment of National Drug Control Strategy

The Title is amended to reflect responsibility to monitor implementation and assessment of the Strategy.

(a) New language is added to the title to reflect better the scope of the section.

(a)(1),(2),(3) The changes to these subsections require the President to submit a 10-year comprehensive national drug control strategy by February 1, 1997. This report would include 5-year budget projections for program and budget priorities, long and short term measurable objectives, and assessment of state and private sector drug control activities. The range of individuals and organizations with whom the Director shall consult is expanded to include organizations.

(a)(4)(D)(iv) This existing subsection has been merged into the performance measurement section, new section 1504 (b)(1). The subject of treatment effectiveness is more properly included in the new section addressing performance measurements for all drug control programs.

(a)(6) This existing subsection is dropped from the statute in its current form. It is redundant of the language contained in 21 USC 1503 (a) governing the Director's access to information of other government agencies.

(a)(7) This existing subsection is deleted from the statute because it has been included in the new section addressing performance measures.

j. Section 1005(b) (21 USC 1504(b)) - Annual Strategy Report

(b) This new subsection is old 1504(a)(4)), and adds the requirement of an annual report from the President on the implementation and progress of the 10-year plan. This report would also clarify that ONDCP's technology mandate includes demand reduction activities and adds a discussion of C-TAC's R&D agenda in both supply reduction and demand reduction.

(b)(1) The new language in this subsection provides for measurement of the achievement of Strategy goals and objectives using the performance measurement system.

(b)(2) This new subsection provides for modification of the ten-year strategy in the event of changed circumstances.

(b)(4) This new subsection expands the language of the 1994 reauthorization that required the Director to do an assessment of data instruments. It now includes reporting on measures of effectiveness for the entire Federal drug control effort. The data measurements responsibilities are made part of the performance measurement responsibility.

(b) Existing subsection (b) is deleted. It duplicates the new language describing what will be in the National Drug Control Strategy, and other changes made in this reauthorization proposal. See new 1504(a)(2)(C).

(c) This new section sets out the performance measurement system.

k. 21 USC 1504(c) - High Intensity Drug Trafficking Areas Program

This new section is old 1504(c), added to describe more clearly the HIDTA program. It will be codified as 21 USC 1505.

(b) The changes to this subsection clarify the authority of the Director to obligate HIDTA appropriations, detail personnel to the HIDTA's, and promulgate regulations for the operation of the HIDTA program. The issuance of regulations will clarify for the National Drug Control programs agencies and State and local agencies participating in the HIDTA program the administrative, record keeping, funds management, and other requirements for the efficient operation of the HIDTA program. It also emphasizes the roles the Department of Treasury and HHS in the HIDTA program.

(c)(3) This new subsection empowers the Director to examine state and local demand reduction activities in considering a HIDTA designation.

(c)(3) This existing subsection is deleted as obsolete. New reporting requirements are in the new subsection dealing with performance measures.

l. 21 USC 1504(d) - Lead Agencies

(d) Existing subsection is deleted. The 1990 National Drug Control Strategy complied with this statutory requirement (Appendix C, page 112). That document stated ONDCP "coordinates all national drug control policy and thereby is, in essence, the 'lead' agency for national policy in this area. Coordination of particular drug-related activities is also achieved through the various committees of both Supply and Demand Reduction Working Groups, under the auspices of the Director of ONDCP."

ONDCP has followed the precedent set by the 1990 Strategy. The national drug control program agencies have areas of lead responsibility reflected in their agency mission statements and appropriations. The Director has the flexibility to resolve any disputes among the agencies through the Cabinet Council on Drug Policy, IWG on International Counternarcotics Policy, and the Supply Reduction and Demand Reduction Working Groups.

m. 21 USC 1506 - Counter-Drug Technology Assessment Center

(b) In this subsection, the title of Chief Scientist is changed to the Director of Technology to reflect ONDCP's current organizational plan. Medicine is added to the scientific disciplines from which the Director of Technology may be selected.

(c)(1)(B) This subsection clarifies C-TAC's current authority to conduct demand reduction technology research in consultation with affected National Drug Control Program agencies with funds appropriated to ONDCP.

(c)(1)(E) This new subsection is added to provide CTAC support for measures of effectiveness.

(d) Existing subsection is dropped as it is redundant of the Director's overall budget authority in 21 USC 1502(c).

(e) Existing subsection is dropped to reflect ONDCP's present organizational chart.

(f) Existing subsection (f) is modified as new (d) to recognize that CTAC should obtain the assistance and support of both DOD and HHS in the development of counterdrug technology.

n. 21 USC 1507 - Termination of Office of National Drug Control Policy

This amendment extends ONDCP's authorization for a twelve year period to be consistent with the implementation of a ten year National Drug Control Strategy. This will provide two years after the implementation of the strategy for the Federal government to evaluate ONDCP and recommend the best approach to continue oversight of the drug issue. The title is renumbered to reflect the designation of HIDTA as a separate title.

o. 21 USC 1508 - Authorization of appropriations

This amendment provides authorization for such sums appropriate for ONDCP in FY 1998 and the subsequent 11 fiscal years.

21 USC § 1500

Chapter 20 - National Drug Control Program

§1500. Definitions

As used in this subtitle --

(1) the term "Office" means the Office of National Drug Control Policy;

~~(1)~~(2) the term "drug" has the same meaning as the term "controlled substance" has in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));

~~(2)~~(3) the term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction, **including activities to reduce the underage use of tobacco or alcoholic beverages;**

~~(3)~~(4) the term "supply reduction" means any ~~enforcement~~ activity of a program conducted by a National Drug Control Program agency that is intended to reduce the ~~supply~~ **availability** or use of drugs in the United States and abroad, including --

(A) international drug control;

(B) foreign and domestic drug ~~enforcement~~ intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users;

~~(4)~~(5) the term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the ~~demand for use of~~ drugs, including **drug abuse--**

(A) ~~drug abuse~~ education;

(B) prevention;

(C) treatment;

(D) research; ~~and~~

(E) rehabilitation;

(F) **drug free workplace programs; and**

(G) drug testing;

(6) the term "intergovernmental relations" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including --

(A) coordination and facilitation of Federal, state and local law enforcement drug control efforts;

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various states, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, state, territory, and local levels.

(5) (7) the term "National Drug Control Program" means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy;

(6) (8) the term "National Drug Control Program agency" means any department or agency and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated --

(A) jointly by the Director and the head of the department or agency; or

(B) by the President;

(7) (9) the term "Director" means the Director of the Office of National Drug Control Policy; and

(8) (10) the terms "National Drug Control Strategy" and "Strategy" means ~~a~~ the strategy developed and submitted to the Congress under section 1005 [21 USC §1504].

21 USC §1501 (1996)

§1501. Establishment of Office of National Drug Control Policy

(a) Establishment of Office. There is established in the Executive Office of the President the "Office of National Drug Control Policy" that --

(1) develops national drug control policy;

(2) coordinates and oversees its implementation;

(3) assesses and certifies the adequacy of national drug control programs and budgets; and

(4) evaluates their effectiveness.

(b) Director and Deputy Directors.

(1) There shall be at the head of the Office of National Drug Control Policy a Director of National Drug Control Policy.

(2) There shall be in the Office of National Drug Control Policy a Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this Act.

(3) There shall be in the Office of National Drug Control Policy a ~~Deputy Director for Demand Reduction~~, and a ~~Deputy Director for Supply Reduction~~.

(A) Deputy Director for International Drug Policy, who shall be responsible for the activities described in section 1001a(4)(A-C) [21 USC 1500 (4)(A-C)];

(B) Deputy Director for Demand Reduction Policy, who shall be responsible for the activities described in section 1001a(5) [21 USC 1500(5)]; and

(C) Deputy Director for Intergovernmental Relations, who shall be responsible for the activities described in section 1001a(4)(D) and (6) [21 USC 1500(4)(D) and (6)].

(4) ~~The Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction shall assist the Director in carrying out the responsibilities of the Director under this Act.~~

~~(c) Bureau of State and Local Affairs~~

~~(1) There is established in the Office of National Drug Control Policy a Bureau of State and Local Affairs.~~

~~(2) There shall be at the head of such bureau an Associate Director for National Drug Control Policy.~~

(c)(d) Access by Congress. The location of the Office of National Drug Control Policy in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to --

(1) information, documents, and studies in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office of National Drug Control Policy.

(d) Office of National Drug Control Policy Gift Fund. There is established in the Treasury a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under Section 1003(c). The Office is authorized to accept, hold, administer and, solely to encourage funding for conferences, solicit contributions to the fund. Amounts deposited in the fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director. The Director is required to establish written rules setting forth the criteria to be used in determining whether the solicitation and acceptance of real and personal gifts (pursuant to Section 1002(d) of the National Narcotics Leadership Act of 1988 (21 USC 1501(d)) would reflect unfavorably upon the ability of the Office of National Drug Control Policy or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of its programs or of any official involved in those programs. [Expansion of Director's existing authority §1502(d)(5).]

21 USC §1502 (1996)

1502. Appointment and duties of Director, ~~and Deputy Directors, and Associate Director~~

(a) Appointment.

(1) The Director, ~~the Deputy Director~~, the Deputy Director for Demand Reduction Policy, the Deputy Director for ~~Supply Reduction~~ **International Drug Policy**, and the ~~Associate Deputy~~ Director for **Intergovernmental Relations** shall each be appointed by the President, by and with the advice and consent of the Senate.

(2) The Deputy Director shall --

(a) carry out the duties and powers prescribed by the Director; and

(b) serve as the Director in the absence of the Director or during any period in which the office of Director is vacant.

(3) In the absence of the Deputy Director, or if the office of Deputy Director is vacant, the Director shall designate such other officer of the Office to serve as the Director if the Director is absent or unable to serve.

~~(2)~~ (4) The Director, ~~the Deputy Director~~, the Deputy Director for Demand Reduction Policy, the Deputy Director for ~~Supply Reduction~~ **International Drug Policy**, and the ~~Associate Deputy~~ Director for **Intergovernmental Relations** shall each serve at the pleasure of the President. No person shall serve as Director or a Deputy Director, ~~or Associate Director~~ while serving in any other position in the Federal Government.

(5) Prohibition on political campaigning. A Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and

consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this subsection from making contributions to individual candidates. [Old section 1502(f)(sic)]

(b) Responsibilities. The Director shall --

(1) establish policies, **goals**, objectives, and priorities for the National Drug Control Program;

(2) ~~annually~~ promulgate the National Drug Control Strategy **and annual Strategy Report** in accordance with section 1005 [21 USC §1504];

(3) coordinate and oversee the implementation by National Drug Control Program agencies of the policies, **goals**, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding --

(A) changes in the organization, management, and budgets of Federal drug control program agencies; and

(B) the allocation of personnel to and within such departments and agencies to implement the policies, **goals**, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to **the formulation and implementation of National Drug Control Policy** and their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of such agency under the National Drug Control Strategy and transmit a copy of each such notification to the President; and

(8) provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall apply to the ~~second following fiscal year~~ **next budget year scheduled for formulation under the Budget and Accounting Act of 1921, as amended, and each of the 4 subsequent fiscal years**, and address funding priorities developed in the ~~annual~~ National Drug Control Strategy.

(c) National Drug Control Program budget.

(1) The Director shall develop for each fiscal year, with the advice of the program managers of departments and agencies with responsibilities under the National Drug Control Program, a consolidated National Drug Control Program budget proposal to implement the National Drug Control Strategy, and shall ~~transmit~~ **submit** such budget proposal to the President ~~and prior to submission~~ to the Congress.

(2) Responsibilities of national drug control program agencies.

(A) Each Federal Government program manager, agency head, and department head with responsibilities under the National Drug Control Strategy shall transmit the drug control budget request of the program, agency, or department to the Director at the same time as such request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to the Congress under section 1105(a) of title 31, United States Code.

(B) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request. **[Former section 1502(c)(5)]**

(C) The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of drug control budget requests transmitted pursuant to subsection (c)(2), in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget. **[Former section 1502(c)(8)]**

(3) Certification. The Director shall --

(A) review each drug control budget request transmitted to the Director under paragraph (2);

(B) certify in writing as to the adequacy of such request in whole or in part to implement the objectives of the National Drug Control Strategy and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request adequate; ~~and~~

(C) notify the program manager, agency head; or department head, as applicable, regarding the Director's certification under subparagraph (B); ~~and~~

~~(4)(D) The Director shall~~ maintain records regarding certifications under paragraph (3)(B).

~~(5) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding~~

~~requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request. [Section moved to 1502(c)(2)(B)]~~

~~(6)~~ **(4) Reprogramming and Transfer.**

(A) No National Drug Control Program agency shall submit to the Congress a reprogramming or transfer request with respect to any amount of appropriated funds greater than \$5,000,000 which is included in the National Drug Control Program budget unless such request has been approved by the Director.

(B) The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request.

~~(7)~~ **(C)** The Director shall **report annually submit to the Congress on a quarterly basis regarding the need for a report describing the approval of any reprogramming or transfer of appropriated funds pursuant to this section** ~~for National Drug Control Program activities.~~

~~(8) The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of drug control budget requests transmitted pursuant to subsection (c)(2), in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget. [Moved to section 1501(c)(2)(C)]~~

(d) Powers of Director. In carrying out the responsibilities established under subsection (b), the Director may --

(1) select, appoint, employ, and fix compensation of ~~up to 75~~ and such additional officers and employees as may be necessary to carry out the functions of the Office of National Drug Control Policy under this title;

(2) request the head of a department or agency or program to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department or agency in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(5) accept, use, **and solicit** donations of property **and gifts** from Federal, State, and local government agencies, **and the private sector, as authorized in section 1002(d) [21 USC 1501(d)];**

(6) use the mails in the same manner as any other department or agency of the executive branch.

(7) monitor implementation of the National Drug Control Program, including --

(A) conducting program and performance audits and evaluations; ~~and~~

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations; **and**

(C) commission special studies and reports by a National Drug Control Program Agency, with the concurrence of the head of the affected agency;

(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, **and with the concurrence of the head of the affected agency and upon advance approval of notice** to the Committees on Appropriations of each House of Congress, transfer funds appropriated to a National Drug Control Program agency ~~account program, activity, or function designated by the Director pursuant to subsection (c)~~ to a different National Drug Control Program agency ~~account program, activity, or function designated by the Director pursuant to subsection (c)~~ in an amount that does not exceed 2 percent of the amount appropriated to either ~~account program, activity, or function; and~~

~~(9) in order to ensure compliance with the National Drug Control Program, issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f);~~

(9) issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f) to ensure compliance with the National Drug Control Program; and

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act (22 USC 2291j).

(e) Personnel detailed to the Office.

(1) **Evaluations.** Notwithstanding any provision of chapter 43 of title 5, United States Code [5 USC §§4301 et seq.], the Director shall perform the evaluation of the performance of any employee detailed to the Office of National Drug Control Policy for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) **Compensation.**

(A) Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office of National Drug Control Policy.

(B) An amount paid under this paragraph to an employee for any period shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period.

(C) Any payment under this paragraph to an employee shall be in addition to the basic pay of such employee.

(D) The aggregate amount paid during any fiscal year to an employee detailed to the Office of National Drug Control Policy as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(f) Funds control notices.

(1) A funds control notice may direct that all or part of an amount appropriated to a National Drug Control Program agency account be obligated by --

(A) months, fiscal year quarters, or other time periods; and

(B) activities, functions, projects, or object classes.

(2) An officer or employee of a National Drug Control Program agency shall not make or authorize an expenditure or obligation contrary to a funds control notice issued by the Director.

(3) In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

~~(f)(sic) Prohibition on political campaigning. A Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advise and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this subsection from making contribution to individual candidates. [Moved to section 1502(a)(5)]~~

21 USC §1503 (1996)

§1503. Coordination with executive branch departments and agencies in supply reduction, demand reduction, and intergovernmental relations

(a) Access to information.

(1) Upon request of the Director, and subject to laws governing disclosure of information, the head of each National Drug Control Program agency shall **cooperate with and** provide to the Director such information as may be required for drug control **and the annual report to Congress. [Combines former §1504(6)]**

(2) (A) The authorities conferred on the Office of National Drug Control Policy and its Director by this Act shall be exercised in a manner consistent with provisions of the National Security Act of 1947. The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this Act regarding intelligence sources and methods.

(B) The Director of Central Intelligence shall, to the fullest extent possible in accordance with subparagraph (A), render full assistance and support to the Office of National Drug Control Policy and its Director.

(b) Certification of policy changes by Director.

(1) 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 such department or 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 department or agency head in writing whether such change is consistent with the National Drug Control Strategy.

(2) If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Director as soon as practicable. The Director shall review such change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Program.

(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.

21 USC §1504 (1996)

§1504. Development, **and** submission, **implementation and assessment** of National Drug Control Strategy

(a) **Timing, content, and process** for development and submission of the National Drug Control Strategy

(1) ~~Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy.~~ **February 1, 1997, the President shall submit to the Congress a National Drug Control Strategy, which shall set forth a comprehensive 10-year**

plan for reducing drug abuse and its consequences in the United States by limiting the availability of and reducing the demand for illegal drugs. Any part of such strategy that involves information properly classified under criteria established by an Executive Order shall be presented to the Congress separately **from the rest of the strategy.**

(2) The National Drug Control Strategy submitted under paragraph (1) shall **include --**

(A) ~~include~~ comprehensive, research-based, long-range goals for reducing drug abuse and the consequences of drug abuse in the United States;

(B) ~~include short-term~~ measurable objectives to accomplish long-term goals the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the strategy;

(C) ~~describe the balance between resources devoted to supply reduction and demand reduction;~~ **5-year projections for program and budget priorities;** and

(D) **a review of State, and local, and private sector** drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(3) **Consultations --**

(A) In developing **and effectively implementing** the National Drug Control Strategy, the Director shall consult with --

(i) the heads of the National Drug Control Program agencies;

(ii) Congress;

(iii) State and local officials;

(iv) private citizens **and organizations** with experience and expertise in demand reduction; and

(v) private citizens **and organizations** with experience and expertise in supply reduction;

(B) ~~At the time the President submits the~~ **The National Drug Control Strategy and each annual Strategy Report to the Congress,** the Director shall ~~transmit a report to the Congress indicating~~ **indicate** the persons consulted under this paragraph.

(b)(4) **Annual Strategy Report.** ~~The Director shall include with each National Drug Control Strategy an evaluation of the effectiveness of Federal drug control during the preceding year. The evaluation shall include an assessment of Federal drug control efforts;~~ **Not later than**

February 1, 1998, and on February 1 of each year thereafter, the President shall submit to Congress an annual report on the progress in implementing the Strategy under subsection (a), which shall include:

(1) an assessment of the Federal effectiveness in achieving the Strategy goals and objectives using the performance measurement system described in subsection (c);

(2) any modifications of the Strategy;

(3) an ~~complete~~ assessment of how the budget proposal submitted under section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy: [Old 1504 (b)(4)]

(4) an assessment of current drug use and availability, impact of drug use, and treatment availability. This assessment will include --

(A) ~~assessment of the reduction of drug use, including~~ estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of --

(i) casual and chronic drug use;

~~(i)~~(ii) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, ~~and~~ probationers, and juvenile delinquents; and

~~(ii)~~(iii) drug use in the workplace and the productivity lost by such use:

(B) an assessment of the reduction of drug availability **against an ascertained baseline**, as measured by --

(i) the quantities of cocaine, heroin, ~~and~~ marijuana, **methamphetamine, and other drugs** available for consumption in the United States;

(ii) the amount of **marijuana**, cocaine, and heroin entering the United States;

(iii) the number of hectares of **marijuana**, poppy, and coca cultivated and destroyed;

(iv) the number of metric tons of **marijuana**, heroin, and cocaine seized;

(v) the number of cocaine **and methamphetamine** processing labs destroyed;

(vi) changes in the price and purity of heroin and cocaine;

(vii) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(viii) the effectiveness of Federal technology programs at improving drug detection capabilities **in interdiction, and** at United States ports of entry;

(C) **an** assessment of the reduction of the consequences of drug use and availability, which shall include estimation of --

(i) burdens drug users placed on hospital emergency ~~rooms~~ **departments** in the United States, such as the quantity of drug-related services provided;

(ii) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other ~~communicable~~ **infectious** diseases as a result of drug use;

(iii) the extent of drug-related crime and criminal activity; and

(iv) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States, ~~and~~

(D) **a** determination of the status of drug treatment in the United States, by assessing --

(i) public and private treatment capacity within each State, including information on the ~~number of treatment slots~~ **capacity** available in relation to the ~~number capacity~~ actually used; ~~including data on intravenous drug users and pregnant women;~~

(ii) the extent, within each State, to which treatment is available; ~~on demand, to intravenous drug users and pregnant women;~~

(iii) the number of drug users the Director estimates could benefit from treatment; **and**

(iv) ~~identification of~~ the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; **[moved from 1504(a)(5)(D)]**

(E) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs.

(5) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control. [moved from 1504(b)(2)]

~~(iv) the success of drug treatment programs, including an assessment of the effectiveness of the mechanisms in place federally, and within each State, to~~

determine the relative quality of substance abuse treatment programs, the qualifications of treatment personnel, and the mechanism by which patients are admitted to the most appropriate and cost effective treatment setting. [covered by 1504 (b)(1)]

(c) Performance Measurement System. ~~(5)~~ The Director shall include with the National Drug Control Strategy required to be submitted not later than February 1, 1995, and with every second such strategy submitted thereafter include with the annual Strategy Report a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that --

(1) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(2) revises performance objectives, measures, and targets to conform with National Drug Control Program Agency budgets;

(3) identifies major programs and activities of National Drug Control Program Agencies that support the goals and objectives of the National Drug Control Strategy;

(4) evaluates implementation of major program activities supporting the National Drug Control Strategy developed under section 1005 (21 USC 1504(a));

(5) monitors consistency between the drug-related goals and objectives of National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy;

(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including --

(i) (A) an assessment of the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(ii) (B) an assessment of the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups at-risk for drug use; and

(iii) (C) an assessment of the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) (b)(4)(A) and (B); and

(D) identification of the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals. [Moved to 1504(b)(4)(E)]

~~(6) Federal agencies responsible for the collection or estimation of drug-related information required by the Director shall cooperate with the Director, to the fullest extent possible, to enable the Director to satisfy the requirements of sections [paragraphs] 4 and 5.~~
[Moved to 1503(a)(1)]

~~(7) With each National Drug Control Strategy, the Director shall report to the President and the Congress on the Director's assessment of drug use and availability in the United States, including an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect in the preceding year in reducing drug use and availability. [now covered by 1504(b)(1)]~~

~~(b) Goals, objectives, and priorities. Each National Drug Control Strategy shall include--~~

~~(1) a complete list of goals, objectives, and priorities for supply reduction and demand reduction; [Moved to 1504(a)(2)(A) & (B)]~~

~~(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control; [moved to 1504(b)(5)]~~

~~(3) 3 year budget projections for program and budget priorities and achievable projections for reductions of drug use and availability; [now a 5-year projection under 1502(c)]~~

~~(4) a complete assessment of how the budget proposal submitted under section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy; [moved to 1504(b)(3)]~~

~~(5) designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c); and [see new 1505]~~

~~(6) a plan for improving the compatibility of automated information and communications systems to provide Federal agencies with timely and accurate information for purposes of this subtitle. [now addressed in new 1504(c)(6)]~~

21 USC § 1505

§ 1505 High Intensity Drug Trafficking Areas Program [Old 21 USC 1504(c)]

(a) There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b)(1) The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Health and Human Services, heads of National Drug Control Program agencies, and the Governors of the several each States, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may--

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Area Program;

~~(A)~~**(2)** direct the temporary reassignment of Federal personnel to such area, subject to the approval of the Secretary of the department or head of the agency which employs such personnel;

~~(B)~~**(3)** take any other action authorized under section 1003 [21 USC § 1502] to provide increased Federal assistance to such areas; and

~~(C)~~**(4)** coordinate actions under this paragraph with State and local officials, and:

(5) in consultation with affected National Drug Control Program agencies, promulgate such regulations for the effective implementation of the High Intensity Drug Trafficking Areas Program.

~~(2)~~**(c)** When considering the designation of an area under this subsection as a high intensity drug trafficking area, the Director shall consider, along with other criteria the Director may deem appropriate, **the extent to which --**

~~(A)(1) the extent to which~~ the area is a center of illegal drug production, manufacturing, importation, or distribution;

~~(B)(2) the extent to which~~ State and local 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) State and local demand reduction agencies have committed resources to respond to drug abuse in the area thereby indicating a determination to respond to the problem;

~~(C)(4) the extent to which~~ drug-related activities in the area are having a harmful impact in other areas of the country; and

~~(D)(5) the extent to which~~ a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

~~(3) Before March 1, 1991, the Director shall submit a report to the House of Representatives and to the Senate concerning the effectiveness of and need for the designation of areas under this subsection as high intensity drug trafficking areas, along with any comments or recommendations for legislation: [measurement of the HIDTA program effectiveness covered at 1504(b)(1)]~~

~~(d) Lead agencies:~~

~~(1) The President shall designate lead agencies with areas of principal~~

responsibility for carrying out the National Drug Control Strategy

~~(2) The Director shall require that any National Drug Control Program agency that conducts a major supply reduction activity which is in the area of principal responsibility of a lead agency designated under paragraph (1) shall --~~

~~(A) notify such lead agency in writing of the activity; and~~

~~(B) provide such notification prior to conducting such activity, unless exigent circumstances require otherwise.~~

~~(3) If a lead agency objects to the conduct of an activity described under paragraph (2), the lead agency and the agency planning to conduct such activity shall notify the Director in writing regarding such objection.~~

21 USC §~~1505~~-1506(1996)

§1506. Counter-Drug Technology Assessment Center

(a) Establishment. There is established within the Office of National Drug Control Policy, the Counter-Drug Technology Assessment Center (hereinafter in this section referred to as the "Center"). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug **enforcement technology** research and development organization of the United States Government.

(b) ~~Chief Scientist~~ . **Director of Technology**. There shall be at the head of the Center the ~~Chief Scientist of Counter-Drug Technology~~ **Director of Technology** (hereinafter in this section referred to as the "Chief Scientist"). The ~~Chief Scientist~~ **Director of Technology** shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, **medicine**, engineering, or technology.

(c) Additional responsibilities of the **Director of National Drug Control Policy**.

(1) The Director, acting through the ~~Chief Scientist~~ **Director of Technology** shall --

(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug **enforcement supply reduction** agencies, including --

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;
(iv) data fusion, advanced computer systems and artificial intelligence; and
(v) chemical, biological, radiological (including neutron, electron, and graviton) and other means of detection;

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including --

(i) treatment through neuroscientific advances;
(ii) transfer of bio-medical research to the clinical setting; and
(iii) developing new advances in drug abuse prevention programming.

(iv) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examine addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Strategy Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments; and

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) under the general authority of the Director of National Drug Control Policy, pursuant to the authority of the Director under section 1003(21 USC 1502), submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug enforcement technology research and development.

(2) The authority granted to the Director under this section shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) Counter-drug budget submission. Beginning with the budget submitted to Congress for fiscal year 1992 pursuant to section 1105 of title 31, United States Code, the President shall submit a separate and detailed request relating to those Federal departments and agencies having responsibility for counter-drug enforcement research and development programs.

~~(e) Personnel. Subject to subsections (d) and (e) of section 1003-21 USCS §1502 (d) and (e) the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering, and technical affairs.~~

~~(f)(d)~~ Assistance and support to Office of National Drug Control Policy. The **Department of Defense and the Department of Health and Human Services Director of the Advanced Research Project Agency** shall, to the fullest extent possible, render assistance and support to the Office of National Drug Control Policy and its Director, **in the conduct of counter-drug technology assessment.**

21 USC § ~~1506~~-1507(1996)

§1507. Termination of Office of National Drug Control Policy

Effective on September 30, 2009, this subtitle and the amendments made by this subtitle, ~~other than section 1007~~, are repealed. ~~on September 30, 1997.~~

21 USC §1508 (1996)

§1508. Authorization of appropriations

~~For the purposes of carrying out this subtitle, There are authorized to be appropriated \$3,500,000 for fiscal year 1989 and to carry out this subtitle, such sums as may be necessary for each of the 8 succeeding fiscal years, to remain available until expended, such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009.~~

21 USC §1509 (1996)

§1509. Establishment of special forfeiture fund

(a) In general. There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the "Fund") which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations acts.

(b) Deposits. There shall be deposited into the Fund the amounts specified by section 524~~(c)(9)~~ **(c)(8)** of title 28, United States Code, and section ~~9307~~ **9703**(g) of title 31, United States Code, and any earnings on the investments authorized by subsection (d).

(c) Super surplus.

(1) Any unobligated balance up to \$20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.

(d) Investment of fund. Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(e) President's budget. The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, United States Code, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control ~~strategy~~ **Strategy**.

(f) Funds provided supplemental. Funds disbursed under this subsection shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

(g) Annual report. No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.

A BILL

To reauthorize 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.**

4 This Act may be cited as the "Office of National
5 Drug Control Policy Reauthorization Act of 1997".

6 **SEC. 2. REAUTHORIZATION OF OFFICE OF NATIONAL** 7 **DRUG CONTROL POLICY.**

8 (a) DEFINITIONS- -Section 1010 of the
9 National Narcotics Leadership Act of 1988 (21 U.S.C. 1507) is amended by
10 redesignation as Section 1001a (21 USC 1500):

11 (1) by adding the section designation and the section

1 heading and inserting the following Section 1001(a):

2 **"SEC. 1001a. DEFINITIONS";**

3 (1) by redesignating paragraphs (5) through
4 (8) as paragraphs (7) through (10), respectively;

5 (2) by redesignating paragraphs (2) through
6 (4) as paragraphs (3) through (5), respectively;

7 (3) by striking paragraph (1) and inserting the
8 following:

9 "(1) the term 'Office' means the Office of National
10 Drug Control Policy;"

11 "(2) the term 'drug' has the same meaning as the term
12 'controlled substance' has in section 102(6) of the Controlled
13 Substances Act (21 USC 802(6));

14 (4) in paragraph (3), as redesignated, by inserting "including
15 activities to reduce the underage use of tobacco or alcoholic beverages;"
16 after "demand reduction,";

17 (5) in paragraph (4), as redesignated

18 (A) by striking "enforcement" after "any";

19 (B) by striking "supply" and inserting "availability"
20 after "reduce the";

21 (C) in subparagraph (B) striking "enforcement" after
22 "drug";

23 (6) in paragraph (5), as redesignated

24 (A) by striking "demand for" and inserting "use
25 of" before "drugs";

1 (B) by inserting "drug abuse" after
2 "including";
3 (C) in subparagraph (A), by striking
4 "drug abuse";
5 (D) in subparagraph (D), by striking
6 "and" at the end;
7 (E) by adding at the end the following:
8 "(F) drug-free workplace programs; and"
9 (F) by adding at the end the following:
10 "(G) drug testing:";
11 (7) by inserting after paragraph (5), as redesignig-
12 nated, the following:
13 "(6) the term 'intergovernmental relations' means
14 domestic activities conducted by a National Drug Control Program
15 agency that are intended to reduce the availability and use of drugs,
16 including --
17 "(A) coordination and facilitation of Federal, state, and
18 local law enforcement drug control efforts;
19 "(B) promotion of coordination and cooperation among
20 the drug supply reduction and demand reduction agencies of the
21 various states, territories, and units of local government; and
22 "(C) such other cooperative governmental activities
23 which promote a comprehensive approach to drug
24 control at the national, state, territory, and local levels.
25 (8) in paragraph (10), as redesignated, by

1 (i) inserting "and 'Strategy'" after "National Drug
2 Control Strategy";

3 (ii) striking "a" and inserting "the" after "means";

4 (b) ESTABLISHMENT OF OFFICE OF NATIONAL DRUG

5 CONTROL POLICY.-- Section 1002 of the National

6 Narcotics Leadership Act of 1988 (21 U.S.C. 1501) is

7 amended --

8 (1) by striking subsection (a) and inserting the

9 following:

10 "(a) Establishment of Office. There is established in the Executive

11 Office of the President the "Office of National Drug Control Policy" that --

12 "(1) develops national drug control policy;

13 "(2) coordinates and oversees its implementation;

14 "(3) assesses and certifies the adequacy of national drug
15 control programs and budgets; and

16 "(4) evaluates their effectiveness.

17 (2) by striking subsection (b) and inserting the

18 following:

19 "(b) Director and Deputy Directors.--

20 "(1) There shall be at the head of the Office of National Drug

21 Control Policy a Director of National Drug Control Policy.";

22 "(2) There shall be in the Office of National Drug Control Policy

23 a Deputy Director of National Drug Control Policy, who shall assist the

24 Director in carrying out the responsibilities of the Director under this

25 Act.";

1 “(3) There shall be in the Office of National Drug Control Policy
2 a --
3 (A) Deputy Director for International Drug Policy, who
4 shall be responsible for the activities described in Section
5 1001a(4)(A-C);
6 (B) Deputy Director for Demand Reduction Policy, who
7 shall be responsible for the activities described in Section
8 1001a(5); and
9 (C) Deputy Director for Intergovernmental Relations,
10 who shall be responsible for the activities described in Section
11 1001a(4)(D) and (6).”;
12 (3) by striking subsection (c) and redesignating
13 subsection (d) as subsection (c);
14 (4) by adding at the end the following:
15 “(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT
16 FUND. There is established in the Treasury a fund for the receipt of gifts, both
17 real and personal, for the purpose of aiding or facilitating the work of the Office
18 under Section 1003(c). The Office is authorized to accept, hold, administer,
19 and, solely to encourage funding for conferences, solicit contributions to the fund.
20 Amounts deposited in the fund are authorized to be appropriated, to remain
21 available until expended for authorized purposes at the discretion of the Director.
22 The Director is required to establish written rules setting forth the criteria to be
23 used in determining whether the solicitation and acceptance of real and personal
24 gifts (pursuant to Section 1002(d) of the National Narcotics Leadership Act of
25 1988 (21 USC 1501(d)) would reflect unfavorably upon the ability of the Office

1 of National Drug Control Policy or any employee to carry out its responsibilities
2 or official duties in a fair and objective manner, or would compromise the
3 integrity, or the appearance of the integrity, of its programs or of any official
4 involved in those programs.

5 (c) APPOINTMENT AND DUTIES OF DIRECTOR AND
6 DEPUTY DIRECTORS.--Section 1003 of the National Narcotics Leadership
7 Act of 1988 (21 U.S.C. 1502) is amended--

8 (1) by striking the section designation and the
9 section heading and inserting the following:

10 "SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR AND
11 **DEPUTY DIRECTORS.**";

12 (2) in subsection (a)--

13 (A) in paragraph (1)--

14 (i) by inserting "the Deputy Director,"
15 after "The Director"; and

16 (ii) by inserting "Policy" after "Demand
17 Reduction";

18 (iii) by striking "Deputy Director for Supply
19 Reduction" and inserting "Deputy Director for
20 International Drug Policy";

21 (iv) by striking "Associate Deputy Director for
22 National Drug Control Policy" and inserting "Deputy
23 Director for Intergovernmental Relations";

24 (B) by redesignating paragraphs (3) and (4) as paragraphs
25 (5) and (6) and redesignating paragraph (2) as paragraph (4);

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) The Deputy Director shall--

4 “(A) carry out the duties and powers pre-
5 scribed by the Director; and

6 “(B) serve as the Director in the absence of the
7 Director or during any period in which the office of the
8 Director is vacant.”

9 “(3) In the absence of the Deputy Director, or if the office
10 of the Deputy Director is vacant, the Director shall designate such
11 other officer of the Office to serve as the Director if the Director is
12 absent or unable to serve.”;

13 (D) in paragraph (4), as redesignated--

14 (i) by inserting “the Deputy Director,”
15 after “The Director”;

16 (ii) by inserting “Policy” after “Demand
17 Reduction”;

18 (iii) by striking “Deputy Director for Supply
19 Reduction” and inserting “Deputy Director for
20 International Drug Policy”;

21 (iv) by striking “Associate Deputy Di-
22 rector for National Drug Control Policy”
23 and inserting “Deputy Director for Inter-
24 governmental Relations”;

25 (iii) by striking “Director, a Deputy”

1 and inserting "Director or a Deputy Director"; and
2 (iv) by striking " , or Associate Direc-
3 tor"; and
4 (E) in paragraph (6) as redesignated:
5 (i) section 5313 of title 5, United States Code, is
6 amended by adding at the end "Deputy Director of
7 National Drug Control Policy";
8 (ii) section 5314 of title 5, United States Code,
9 is amended --
10 (a) by adding "Policy" after "Deputy
11 Director for Demand Reduction";
12 (b) by striking "Supply Reduction"
13 and inserting "International Drug Policy" after
14 "Deputy Director for"; and
15 (c) by adding "Deputy Director for
16 Intergovernmental Relations, Office of National
17 Drug Control Policy", after Administrator, Office
18 of Information and Regulatory Affairs";
19 (iii) section 5315 of title 5, United States Code,
20 is amended by deleting the following: "Associate
21 Director for National Drug Control Policy"; and
22 (F) by adding at the end the following:
23 "(7) PROHIBITION ON POLITICAL CAMPAIGN-
24 ING.--
25 "A Federal officer in the Office of National Drug Control

1 Policy who is appointed by the President, by and with the advice
2 and consent of the Senate, may not participate in Federal election
3 campaign activities, except that such official is not prohibited by
4 this subsection from making contributions to individual
5 candidates.”

6 (3) in subsection (b)--

7 (A) in paragraph (1), by inserting “goals” in front
8 of objectives”;

9 (B) by striking paragraph (2) and inserting the following:

10 “(2) promulgate the National Drug Control Strategy and annual
11 Strategy Report in accordance with Section 1005;”

12 (C) in paragraph (3) by adding “goals,” after “policies,”;

13 (D) in paragraph (4)(B) by inserting “goals” after “the
14 policies”;

15 (E) in paragraph (5), by inserting “the formulation
16 and implementation of National Drug Control Policy
17 and”; after “respect to”; and

18 (F) in paragraph (8)--

19 (i) by striking “second following fiscal
20 year” and inserting “next budget year scheduled for
21 formulation under the Budget and Accounting Act
22 of 1921, as amended, and each of the 4 subsequent
23 fiscal years,”; and

24 (ii) by striking “annual”; and

25

1 (4) in subsection (c)--
2 (A) in paragraph (1) --
3 (i) by striking "transmit" and inserting "submit"
4 after "shall";
5 (ii) by striking "and" and inserting "prior to
6 submission" after "President";
7 (B) by striking paragraph (2) and inserting the following:
8 "(2) RESPONSIBILITIES OF NATIONAL
9 DRUG CONTROL PROGRAM AGENCIES.--
10 "(A) Each Federal Government program manager,
11 agency head, and department head with responsibilities under the
12 National Drug Control Strategy shall transmit the drug control
13 budget request of the agency or department to the Director at the
14 same time as such request is submitted to their superiors (and
15 before submission to the Office of Management and Budget) in
16 the preparation of the budget of the President submitted to
17 Congress under section 1105(a) of title 31, United States Code.";
18 and
19 (C) by adding at the end the follow-
20 ing:
21 "(B) The Director shall request the head of
22 a department or agency to include in the department's or
23 agency's budget submission to the Office of Management
24 and Budget funding requests for specific initiatives that
25 are consistent with the President's priorities for the National

1 Drug Control Strategy and certifications made pursuant to
2 paragraph (3), and the head of the department or agency shall
3 comply with such a request.”; and

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

5 “(C) The head of each National Drug Control
6 Program agency shall ensure timely development and
7 submission to the Director of drug control budget
8 requests transmitted pursuant to subsection (c)(2), in such
9 format as may be designated by the Director with the
10 concurrence of the Director of the Office of Management and
11 Budget.”

12 (E) in paragraph (3)--

13 (i) by striking “(3) The Director” and

14 inserting the following:

15 “(3) CERTIFICATION.--The Director shall--”;

16 (ii) in subparagraph (B), by striking “and”

17 after “adequate”;

18 (iii) in subparagraph (C), by inserting “; and”

19 following “(B)”;

20 (F) in paragraph (4), by striking “(4)” and redesignating
21 it as “(D)” and striking “the Director shall”;

22 (G) by striking paragraphs (5), (7), and (8), and
23 redesignating paragraph (6) as paragraph (4); and

24 (H) in paragraph (4), as redesignated --

25 (i) by inserting “Reprogramming and Transfer”

1 Transfer Requests” after “(4)”;

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

3 “(C) The Director shall annually submit to

4 Congress a report describing the approval of any

5 reprogramming or transfer of appropriated funds

6 pursuant to this section.”;

7 (5) in subsection (d)--

8 (A) in paragraph (1) --

9 (i) by striking “up to 75 and” after “of”;

10 (ii) by striking “additional” after “such”; and

11 (B) in paragraph (5)--

12 (i) by striking “accept and use” and inserting

13 “accept, use, and solicit”;

14 (ii) by inserting “ and gifts” after

15 “property”; and

16 (iii) by inserting “, and the pri-

17 vate sector, as authorized in section 1002(d)” before the

18 semicolon;

19 (C) in paragraph (7)--

20 (i) in subparagraph (A), by striking

21 “and” at the end; and

22 (ii) in subparagraph (B), by adding “and” at the

23 end; and

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

25 “(C) commission special studies and reports by a

1 National Drug Control Program agency, with the
2 concurrence of the head of the affected agency”;

3 (D) by striking paragraph (8) and replacing it
4 with:

5 “(8) except to the extent that the Director’s authority
6 under this paragraph is limited in an annual appropriations Act,
7 and with the concurrence of the head of the affected agency and
8 upon advance notice to the Committees of Appropriations of each
9 House of Congress, transfer funds appropriated to a National
10 Drug Control Program agency program, activity, or function
11 designated by the Director pursuant to subsection (c) to a
12 different National Drug Control Program agency program,
13 activity, or function designated by the Director pursuant to
14 subsection (c) in an amount that does not exceed 2 percent of the
15 amount appropriated to either program, activity, or function;”

16 (E) by striking paragraph (9) and insert-
17 ing the following:

18 “(9) issue to the head of a National Drug Control
19 Program agency a funds control notice described in subsection (f)
20 to ensure compliance with the National Drug Control Program;
21 and”

22 “(10) participate in the drug certification process
23 pursuant to section 490 of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2291j).”;
25 (6) in subsection (e) -

1 (A) in paragraph (1) --

2 (i) by inserting "Evaluations" after "(1)";

3 (ii) by inserting "Compensation" after "(2)";

4 (iii) by indenting subparagraphs (A), (B), (C),

5 and (D) below and to the right; and

6 (7) by striking the second subsection designated

7 as subsection (f).

8 (d) COORDINATION WITH EXECUTIVE BRANCH DE-

9 PARTMENTS AND AGENCIES

10 Section 1004 of the National Narcotics Leadership Act of 1988

11 (21 U.S.C. 1503) is amended--

12 (1) by striking the section designation and the

13 section heading and inserting the following:

14 **"SEC. 1004 COORDINATION WITH EXECUTIVE BRANCH DE-**

15 **PARTMENTS AND AGENCIES IN SUPPLY RE-**

16 **DUCTION, DEMAND REDUCTION, AND INTER-**

17 **GOVERNMENTAL RELATIONS";**

18 (2) in subsection (a)(1) --

19 (A) by inserting "cooperate with and" be-

20 fore "provide" ; and

21 (B) by inserting "and the annual report to Congress."

22 after "control.";

23 (e) DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG

24 CONTROL STRATEGY.--

25 Section 1005 of the National Narcotics Leadership Act of 1988

1 (21 U.S.C. 1504) is amended to read as follows:

2 **"SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
3 **AND ASSESSMENT OF NATIONAL DRUG CONTROL**
4 **STRATEGY.**

5 **"(a) TIMING, CONTENT, AND PROCESS FOR DEVEL-**
6 **OPMENT AND SUBMISSION OF THE NATIONAL DRUG CON-**
7 **TROL STRATEGY.--**

8 **"(1) Not later than February 1, 1997, the President shall submit**
9 **to the Congress a National Drug Control Strategy, which shall**
10 **set forth a comprehensive 10-year plan for reducing drug abuse and its**
11 **consequences in the United States by limiting the availability of and**
12 **reducing the demand for illegal drugs. Any part of such strategy that**
13 **involves information properly classified under criteria established by an**
14 **Executive order shall be presented to Congress separately from the rest of**
15 **the strategy.";**

16 **"(2) The National Drug Control Strategy submitted**
17 **under paragraph (1) shall include--**

18 **"(A) comprehensive, research-based, long-**
19 **range goals for reducing drug abuse and the**
20 **consequences of drug abuse in the United**
21 **States;**

22 **"(B) measurable objectives to accomplish**
23 **long-term goals;**

24 **"(C) 5-year projections for program and**
25 **budget priorities; and**

1 “(D) a review of State, local, and private sector drug
2 control activities to ensure that the United States pursues
3 well-coordinated and effective drug control at all levels of
4 government.

5 “(3) CONSULTATIONS.--

6 “(A) In developing and effectively implementing the
7 National Drug Control Strategy, the Director shall consult with--

8 “(i) the heads of the National Drug
9 Control Program agencies;

10 “(ii) Congress;

11 “(iii) State and local officials;

12 “(iv) private citizens and organizations with
13 experience and expertise in demand reduction; and

14 “(v) private citizens and organizations
15 with experience and expertise in supply reduction;

16 “(B) The National Drug Control Strategy and each
17 annual Strategy Report shall indicate the persons consulted under
18 this paragraph.

19 “(b) ANNUAL STRATEGY REPORT.-- Not later than February 1,
20 1998, and on February 1 of each year thereafter, the President shall submit to
21 Congress an annual report on the progress in implementing the Strategy under
22 subsection (a), which shall include--

23 “(1) an assessment of the Federal effectiveness in achieving the
24 Strategy goals and objectives using the performance measurement system
25 described in subsection (c);

1 “(2) any modifications of the Strategy;

2 “(3) an assessment of how the budget proposal submitted under

3 section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy

4 and whether the funding levels contained in such proposal are sufficient

5 to implement such strategy;

6 “(4) an assessment of current drug use and availability, impact of

7 drug use, and treatment availability. This assessment will include --

8 “(A) estimates of drug prevalence and frequency of use

9 as measured by national, State, and local surveys of illicit drug

10 use and by other special studies of--

11 “(i) casual and chronic drug use;

12 “(ii) high-risk populations, including school

13 dropouts, the homeless and transient, arrestees, parolees,

14 probationers, and juvenile delinquents; and

15 “(iii) drug use in the workplace and the

16 productivity lost by such use;

17 “(B) an assessment of the reduction of drug

18 availability against an ascertained baseline, as measured by--

19 “(i) the quantities of cocaine, heroin,

20 marijuana, methamphetamine, and other drugs

21 available for consumption in the United States;

22 “(ii) the amount of marijuana, cocaine,

23 and heroin entering the United States;

24 “(iii) the number of hectares of mari-

25 juana, poppy, and coca cultivated and destroyed;

1 “(iv) the number of metric tons of
2 marijuana, heroin, and cocaine seized;
3 “(v) the number of cocaine and
4 methamphetamine processing laboratories destroyed;
5 “(vi) changes in the price and purity
6 of heroin and cocaine;
7 “(vii) the amount and type of con-
8 trolled substances diverted from legitimate
9 retail and wholesale sources; and
10 “(viii) the effectiveness of Federal
11 technology programs at improving drug de-
12 tection capabilities in interdiction, and at United
13 States ports of entry;
14 “(C) an assessment of the reduction of the
15 consequences of drug use and availability, which
16 shall include estimation of--
17 “(i) burdens drug users placed on
18 hospital emergency departments in the United
19 States, such as the quantity of drug-related services
20 provided;
21 “(ii) the annual national health care
22 costs of drug use, including costs associated with
23 people becoming infected with the human immuno-
24 deficiency virus and other infectious diseases as a
25 result of drug use;

1 “(iii) the extent of drug-related crime
2 and criminal activity; and

3 “(iv) the contribution of drugs to the
4 underground economy, as measured by the retail
5 value of drugs sold in the United States;

6 “(D) a determination of the status of drug
7 treatment in the United States, by assessing--

8 “(i) public and private treatment ca-
9 pacity within each State, including information on
10 the treatment capacity available in relation to the
11 capacity actually used;

12 “(ii) the extent, within each State, to
13 which treatment is available;

14 “(iii) the number of drug users the
15 Director estimates could benefit from treatment; and

16 “(iv) the specific factors that restrict
17 the availability of treatment services to those seeking
18 it and proposed administrative or legislative remedies
19 to make treatment available to those individuals;

20 “(E) a review of the research agenda of the Counter-Drug
21 Technology Assessment Center to reduce the availability
22 and abuse of drugs;

23 “(5) an assessment of private sector initiatives and cooperative
24 efforts between the Federal Government and State and local governments
25 for drug control.

1 “(c) Performance Measurement System. The Director shall include with
2 the annual Strategy Report a description of the national drug control performance
3 measurement system, designed in consultation with affected National Drug
4 Control Program agencies, that--

5 “(1) develops performance objectives, measures, and targets for
6 each National Drug Control Strategy goal and objective;

7 “(2) revises performance objectives, targets, and measures to
8 conform with National Drug Control Program Agency budgets;

9 “(3) identifies major programs and activities of the National Drug
10 Control Program Agencies that support the goals and objectives of the
11 National Drug Control Strategy;

12 “(4) evaluates implementation of major program activities
13 supporting the National Drug Control Strategy developed under section
14 1005 (21 USC 1504(a));

15 “(5) monitors consistency between the drug-related goals and
16 objectives of the National Drug Control Program agencies and ensures
17 that drug control agency goals and budgets support and are fully
18 consistent with the National Drug Control Strategy;

19 “(6) coordinates the development and implementation of national
20 drug control data collection and reporting systems to support policy
21 formulation and performance measurement, including--

22 “(A) an assessment of the quality
23 of current drug use measurement instruments
24 and techniques to measure supply reduction
25 and demand reduction activities;

1 “(B) an assessment of the adequacy of the
2 coverage of existing national drug use measurement
3 instruments and techniques to measure the casual
4 drug user population and groups that are at risk for drug
5 use; and

6 “(C) an assessment of the actions the Director
7 shall take to correct any deficiencies and limitations
8 identified pursuant to subparagraphs (b)(4)(A) and (B);

9 (d) HIGH INTENSITY DRUG TRAFFICKING AREAS

10 PROGRAM---The National Narcotics Leadership Act of
11 1988 is amended by inserting after section 1005 the following:

12 **“SEC 1005A HIGH INTENSITY DRUG TRAFFICKING AREAS**
13 **PROGRAM.**

14 “(a) There is established in the Office a program to be known as the
15 High Intensity Drug Trafficking Areas Program.

16 “(b) The Director, upon consultation with the Attorney
17 General, the Secretary of the Treasury, the Secretary of Health
18 and Human Services, heads of the National Drug Control
19 Program agencies, and the Governors of each State, may
20 designate any specified area of the United States as a high intensity
21 drug trafficking area. After making such a designation and in order
22 to provide Federal assistance to the area so designated, the Director may --

23 “(1) obligate such sums as appropriated for the High
24 Intensity Drug Trafficking Area Program;

25 “(2) direct the temporary reassignment of Federal

1 personnel to such area, subject to the approval of the Secretary
2 of the department or head of the agency that employs such
3 personnel;

4 “(3) take any other action authorized under
5 section 1003 to provide increased Federal assistance to
6 such areas;

7 “(4) coordinate actions under this para-
8 graph with State and local officials; and

9 “(5) in consultation with affected National Drug Control
10 Policy agencies, promulgate such regulations for the effective
11 implementation of the High Intensity Drug Trafficking Areas
12 Program.

13 “(c) When considering the designation of an area under
14 this section as a high intensity drug trafficking area, the Director shall
15 consider, in addition to such other criteria as the Director considers to be
16 appropriate, the extent to which--

17 “(1) the area is a center of illegal drug produc-
18 tion, manufacturing, importation, or distribution;

19 “(2) State and local law enforcement agencies
20 have committed resources to respond to the drug
21 trafficking problem in the area, thereby indicating a
22 determination to respond aggressively to the prob-
23 lem;

24 “(3) State and local demand reduction agencies
25 have committed resources to respond to drug abuse

1 in the area, thereby indicating a determination to re-
2 spond to the problem;

3 “(4) drug-related activities in the area are hav-
4 ing a harmful impact in other areas of the country; and

5 “(5) a significant increase in allocation of Fed-
6 eral resources is necessary to respond adequately to
7 drug-related activities in the area.”

8 (g) COUNTER-DRUG TECHNOLOGY ASSESSMENT

9 CENTER---Section 1008 of the National Narcotics Lead-
10 ership Act of 1988 (21 U.S.C. 1505) is amended to read
11 as follows:

12 **“SEC. 1008 COUNTER-DRUG TECHNOLOGY ASSESSMENT**

13 **CENTER.**

14 “(a) ESTABLISHMENT. --There is established within the
15 Office the Counter-Drug Technology Assessment Center (in this section
16 referred to as the ‘Center’). The Center shall operate under the
17 authority of the Director of National Drug Control Policy
18 and shall serve as the central counter-drug technology research and
19 development organization of the United States Government.

20 “(b) DIRECTOR OF TECHNOLOGY.--There shall be
21 at the head of the Center the Director of Technology, who shall be
22 appointed by the Director of National Drug Control Policy from among
23 individuals qualified and distinguished in the area of science, medicine,
24 engineering, or technology.

25 “(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-

1 TOR OF NATIONAL DRUG CONTROL POLICY.--

2 "(1) The Director, acting through the
3 Director of Technology shall--

4 "(A) identify and define the short-, me-
5 dium-, and long-term scientific and techno-
6 logical needs of Federal, State, and local drug supply
7 reduction agencies, including-

8 "(i) advanced surveillance, tracking,
9 and radar imaging;

10 "(ii) electronic support measures;

11 "(iii) communications;

12 "(iv) data fusion, advanced computer
13 systems, and artificial intelligence; and

14 "(v) chemical, biological, radiological
15 (including neutron, electron, and graviton),
16 and other means of detection;

17 "(B) identify demand reduction basic and
18 applied research needs and initiatives, in consultation with
19 affected National Drug Control Program agencies, includ-
20 ing--

21 "(i) improving treatment through
22 neuroscientific advances;

23 "(ii) improving the transfer of bio-
24 medical research to the clinical setting, and

25 "(iii) developing new advances in drug

1 abuse prevention programming;

2 “(iv) in consultation with the National

3 Institute on Drug Abuse, and through

4 interagency agreements or grants, examine

5 addiction and rehabilitation research and the

6 application of technology to expanding the

7 effectiveness or availability of drug treatment;

8 “(C) make a priority ranking of such

9 needs identified in subparagraphs (A) and (B)

10 according to fiscal and technological feasibility,

11 as part of a National Counter-Drug Enforce-

12 ment Research and Development Program;

13 “(D) oversee and coordinate counter-

14 drug technology initiatives with related

15 activities of other Federal civilian and

16 military departments;

17 “(E) provide support to the development

18 and implementation of the national drug control

19 performance measurement system; and

20 “(F) pursuant to the authority of the Di-

21 rector of National Drug Control Policy under

22 section 1003 (21 USC 1502), submit requests to

23 Congress for the reprogramming or transfer of funds

24 appropriated for counter-drug technology research

25 and development.

1 “(2) The authority granted to the Director under this section
2 shall not extend to the award of contracts, management of individual
3 projects, or other operational activities.

4 “(d) ASSISTANCE AND SUPPORT TO OFFICE OF NA-
5 TIONAL DRUG CONTROL POLICY.--The Department of
6 Defense and the Department of Health and Human Services shall, to the
7 fullest extent possible, render assistance and support to the Office
8 and its Director, in the conduct of counter-drug technology assessment.”

9 (h) TERMINATION OF OFFICE OF NATIONAL DRUG
10 CONTROL POLICY.--Section 1009 of the National Narcot-
11 ics Leadership Act of 1988 (42 U.S.C. 1506) is amended
12 to read as follows:

13 **“SEC 1009 TERMINATION OF OFFICE OF NATIONAL DRUG**
14 **CONTROL POLICY.**

15 “Effective on September 30, 2009, this subtitle and
16 the amendments made by this subtitle are repealed.”

17 (i) AUTHORIZATION OF APPROPRIATIONS. Section
18 1011 of the National Narcotics Leadership Act of 1988
19 (21 U.S.C. 1508) is amended to read as follows:

20 **“SEC. 1011 AUTHORIZATION OF APPROPRIATIONS**

21 “There are authorized to be appropriated to carry out
22 this subtitle, to remain available until expended, such
23 sums as may be necessary for each of the fiscal years
24 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
25 2007, 2008, and 2009.”

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(j) ESTABLISHMENT OF SPECIAL FORFEITURE

FUND. Section 6073 of the Asset Forfeiture Amend-
ments Act of 1988 (42 U.S.C. 1509) is amended--

(1) in subsection (b),

(A) by striking "section 524(c)(9)"

and inserting "section 524(c)(8)";

(B) by striking "section 9307(g)"

and inserting "section 9703(g)";

(2) in subsection (e), by striking "strategy" and inserting
"Strategy".