



**Legislative Bulletin.....March 9, 2006**

**Contents:**

**H.R. 2829—Office of National Drug Control Policy Reauthorization Act**

**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs: 2**

**Total Cost of Discretionary Authorizations: \$3.4 billion over five years**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

**Total New State & Local Government Mandates: 0**

**Total New Private Sector Mandates: 0**

**Number of Bills Without Committee Reports: 0**

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1**

**H.R. 2829—Office of National Drug Control Policy Reauthorization Act  
(Souder, R-IN)**

**Order of Business:** The bill is scheduled to be considered on Thursday, March 9<sup>th</sup>, subject to a structured rule. A summary of the amendments made in order under the rule will be provided in a separate RSC document.

**Summary:** H.R. 2829 would reauthorize the Office of National Drug Control Policy (ONDCP). Highlights of the bill are as follows:

- Permanently reauthorizes the Office of National Drug Control Policy (the authorizations for ONDCP expired after FY2003).

- Authorizes “such sums as may be necessary” in ONDCP appropriations for FY2007-FY2011.
- Amends the definition of “demand reduction” activities in current law (i.e. activities such as treatment and prevention aimed at mitigating the demand for illegal drugs) to include drug testing of employees, interventions for drug abuse and dependence, and international coordination and cooperation to implement demand reduction policies.
- Clarifies the existing definition of the “National Drug Control Program” to include all federal activities involving “supply reduction, demand reduction, or State and local affairs.”
- Amends the definition of “State and local affairs” to include both domestic drug enforcement and intelligence, as well as facilitating federal, state, and local cooperation on drug intelligence.
- Amends the definition of “supply reduction” to include law enforcement activities outside the United States and other programs in countries from which illegal drugs originate.
- Clarifies the definition of drug “law enforcement” to include not just investigation and arrest, but also prosecution, incarceration, and other punishments of drug offenders.
- Clarifies the current responsibilities of the ONDCP Director to require the use of specific goals and performance measures to evaluate the national drug control policy.
- Provides that the ONDCP Director would have the same rank and status as the heads of the other executive departments. [This would not affect the make-up of the President’s Cabinet necessarily but would allow the Director to interact as an equal with the other executive department heads.]
- Directs the ONDCP Director to 1) coordinate with the private sector to promote private research and development of medications to treat drug addiction and 2) seek the support and commitment of state and local officials in the formulation and implementation of the National Drug Control Strategy.
- Prohibits the ONDCP Director from certifying the adequacy of any drug control program budget request that:
  - fails to adequately compensate for transfers of drug enforcement resources to non-drug related activities;
  - requests funding for border activities that do not adequately address drug interdiction;
  - requests funding for drug treatment activities that do not provide results and accountability measures;

- requests funding for drug treatment activities that do not adequately support and enhance federal drug treatment programs and capacity;
  - requests funding for the Department of Education drug control programs that do not follow reporting requirements concerning expedited consideration of student loan applications from improperly denied students; or
  - requests funding for management and operations of the Department of Homeland Security without including a specific request for funding for that Department's Office of Counternarcotics Enforcement.
- 
- Instructs the Director to submit a report to the President each year assessing whether major drug transit or production countries are fully cooperating with the United States and whether certain procedures provided for in the amended law, with respect to countries not fully cooperating, should be applied.
  - Expands the Director's duties to include new duties relating to treatment research and the coordination of efforts to assist state and local efforts against drug trafficking.
  - Requires that any drug budget request made by a federal agency include all drug control activities of that agency, including demand reduction, supply reduction, and state and local affairs.
  - Directs ONDCP to submit to Congress two separate, comprehensive strategies to address the threat of heroin coming from South America (in particular Colombia and Peru), and Afghanistan.
  - Requires that the Director regularly craft, with the concurrence of the Director of National Intelligence, a new General Counterdrug Intelligence Plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers, information sharing systems, and other counterdrug activities of the federal government.
  - Instructs the Director to submit to Congress a comprehensive strategy addressing drug trafficking at the Southwest Border between the United States and Mexico.
  - Increases the level of detail required for the National Drug Control Strategy.
  - Authorizes the High Intensity Drug Trafficking Area Program as follows:
    - FY2006: \$280 million
    - FY2007: \$290 million
    - FY2008: \$290 million
    - FY2009: \$300 million
    - FY2010: \$300 million
  - Requires that the Secretary of Homeland Security be consulted before designating a High Intensity Drug Trafficking Area, the criteria for which are increased in the bill. The ONDCP would be required to submit, as part of each annual budget proposal to

Congress, a spending plan indicating the specific amount proposed to be spent on each High Intensity Drug Trafficking Area. Allows for an incidental amount of resources in this program to be used for terrorism investigations.

- Earmarks “at least \$7,000,000” in High Intensity Drug Trafficking Area Program funds for use in qualified areas with “severe neighborhood safety and illegal drug distribution problems.” [This section of the bill contains findings about the retaliatory firebombing of a woman’s home in Baltimore after she notified police about illegal drug distribution in her neighborhood.]
- Changes the title of the ONDCP’s “Director of Technology” to “Chief Scientist” and gives him explicit authority to oversee and coordinate a technology transfer program to state and local law enforcement. Instructs the Chief Scientist to give priority to drug enforcement technologies affecting southern and northern border operations.
- Reauthorizes the national youth antidrug media campaign, yet implements new restrictions of funds (including a \$1.5 million annual cap on creative services, subject to a \$500,000 extension) in an “urgent” situation. Requires the ONDCP Director to test nearly all advertisements to ensure they are effective and meet industry-accepted standards (including independent evaluation by an outside entity).
- Requires that 77% of the amounts appropriated for the media campaign be used for the purchase of advertising time and space. This limit would change to 82% when less than \$125 million is appropriated for the program, and to 72% when more than \$195 million is appropriated for the program. Prohibits funding for advertising not containing a primary message intended to prevent illegal drug use or encourage private-sector support for the media campaign. Prohibits express advocacy in support of, or to defeat, any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal. Encourages the Director to use the media campaign to emphasize the prevention of youth marijuana use.
- Authorizes a total of \$60 million over three years to create **two new awards programs** for demonstration programs by local partnerships to shut down illegal drug-market hot-spots and to convince chronic hard-drug users to abstain from such abuse.
- Requires that each advertisement or other communication paid for by ONDCP, either directly or through a contract awarded by ONDCP, would have to include a prominent notice informing the target audience that the advertisement or other communication is paid for by ONDCP.
- Requires that any policy of the ONDCP Director relating to needle exchange programs for intravenous drug users be “based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use” (in consultation with the National Institutes of Health and the National Academy of Sciences).

**Additional Background:** As the House Government Reform Committee writes on its website:

Congress created the ONDCP in 1988 to be the primary shaper, coordinator and proponent of Federal policies targeted at reducing the impact of drug abuse and its consequences in our society and communities. The Director of the ONDCP, popularly known as the “Drug Czar,” advises the President on drug control policy and strategy, reviews and certifies the budgets of national drug control programs and works to ensure their effective coordination.

**Committee Action:** The bill was marked up by the Government Reform Committee (6/16/05), the Energy & Commerce Committee (2/16/06), and the Judiciary Committee (3/2/06). All three reported the bill favorably to the full House. The version of the bill under consideration today is the Judiciary Committee’s version.

**Administration Position:** At press time, no official Administration position is available.

**Cost to Taxpayers:** CBO reports that this legislation would authorize \$657 million in FY2007 and a total of \$3.382 billion over the FY2007-FY2011 period. In FY2006, \$479 million was appropriated for the programs administered by the ONDCP.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill would create two new programs and expand certain ONDCP authorities.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** CBO confirms that this bill contains no mandates on state governments, local governments, or the private sector.

**Constitutional Authority:** The Judiciary Committee, in House Report 109-315 Part III, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause of authority. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718