

115TH CONGRESS
1ST SESSION

S. 1123

To reauthorize the Office of National Drug Control Policy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2017

Mrs. SHAHEEN (for herself and Ms. HASSAN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Office of National Drug Control Policy Reauthorization
6 Act of 2017”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ORGANIZATION OF OFFICE OF NATIONAL DRUG
CONTROL POLICY AND ROLES AND RESPONSIBILITIES

- Sec. 101. Amendments to definitions.
- Sec. 102. Office of National Drug Control Policy.
- Sec. 103. Appointment and responsibilities of the Director.
- Sec. 104. Coordination with other agencies.

TITLE II—THE NATIONAL DRUG CONTROL STRATEGY

- Sec. 201. Annual preparation and submission of national drug control strategy.

TITLE III—HIGH INTENSITY DRUG TRAFFICKING AREAS

- Sec. 301. High intensity drug trafficking areas program.

TITLE IV—DRUG INTERDICTION COORDINATOR AND COMMITTEE

- Sec. 401. Drug interdiction coordinator.

TITLE V—AUTHORIZATION OF APPROPRIATIONS AND EXTENSION OF TERMINATION DATE

- Sec. 501. Authorization of appropriations.
- Sec. 502. Extension of termination date.

TITLE VI—AMENDMENTS TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

- Sec. 601. Model Acts.
- Sec. 602. Elimination of former reporting requirements.

1 **TITLE I—ORGANIZATION OF OF-** 2 **FICE OF NATIONAL DRUG** 3 **CONTROL POLICY AND ROLES** 4 **AND RESPONSIBILITIES**

5 **SEC. 101. AMENDMENTS TO DEFINITIONS.**

6 (a) DEMAND REDUCTION.—Section 702(1) of the Of-
7 fice of National Drug Control Policy Reauthorization Act
8 of 1998 (21 U.S.C. 1701(1)) is amended—

9 (1) by redesignating subparagraphs (A) through
10 (H) as clauses (i) through (viii), respectively, and
11 adjusting the margins accordingly;

(2) by redesignating subparagraphs (I) and (J) as clauses (xii) and (xiii), respectively, and adjusting the margins accordingly;

(3) in the matter preceding clause (i), as so redesignated, by striking “‘demand reduction’ means” and all that follows through “including—” and inserting the following: “‘demand reduction’—

“(A) means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs; and

“(B) includes prevention, treatment, and recovery efforts, such as—”;

(4) by inserting after clause (viii), as so redesignated, the following:

“(ix) screening and brief interventions for substance use disorders;

“(x) promoting availability of and access to health care services for the treatment of substance use disorders;

“(xi) support for long-term recovery from substance use disorders”; and

(5) in clause (xiii), as so redesignated, by inserting “recovery,” after “treatment,”.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
 Section 702(12) of the Office of National Drug Control
 Policy Reauthorization Act of 1998 (21 U.S.C. 1701(12))
 is amended by inserting “, the Committee on Health, Edu-
 cation, Labor, and Pensions” before “, the Committee on
 Appropriations”.

(c) ILLICIT DRUG USE; ILLEGAL DRUG USE.—Sec-
 tion 702 of the Office of National Drug Control Policy
 Reauthorization Act of 1998 (21 U.S.C. 1701) is amended
 by adding at the end the following:

“(14) ILLICIT DRUG USE; ILLEGAL DRUG
 USE.—The terms ‘illicit drug use’, ‘illegal drug use’,
 ‘illegal use of drugs’, ‘illicit use of drugs’, ‘illicit
 drug’, and ‘illegal drug’ include the illegal use of
 prescription drugs.”.

SEC. 102. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) AMENDMENTS.—Section 703(b) of the Office of
 National Drug Control Policy Reauthorization Act of 1998
 (21 U.S.C. 1702(b)) is amended—

(1) in the heading, by striking “AND DEPUTY
 DIRECTORS”;

(2) by striking paragraph (2), and inserting the
 following:

“(2) RESPONSIBILITIES.—The Director, and
 such members of the Office of National Drug Con-

1 trol Policy staff as designated by the Director, shall
 2 be responsible for demand reduction activities, sup-
 3 ply reduction activities, and for State, local, and
 4 tribal affairs.”; and

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

7 “(3) OTHER DEPUTY DIRECTORS.—There shall
 8 be a Deputy Director for Demand Reduction, a Dep-
 9 uty Director for Supply Reduction, and a Deputy
 10 Director for State, Local, and Tribal Affairs.”.

11 (b) EFFECTIVE DATE.—The amendments made by
 12 subsection (a) shall take effect on October 1, 2017.

13 **SEC. 103. APPOINTMENT AND RESPONSIBILITIES OF THE**
 14 **DIRECTOR.**

15 (a) APPOINTMENT.—

16 (1) AMENDMENTS.—Section 704 of the Office
 17 of National Drug Control Policy Reauthorization Act
 18 of 1998 (21 U.S.C. 1703) is amended—

19 (A) in the heading, by striking “**and**
 20 **Deputy Directors**”; and

21 (B) in subsection (a)—

22 (i) by amending paragraph (1) to read
 23 as follows:

24 “(1) DIRECTOR.—The Director shall be ap-
 25 pointed by the President, by and with the advice and

1 consent of the Senate, and shall serve at the pleas-
 2 ure of the President.”;

3 (ii) by striking paragraphs (2) and
 4 (3);

5 (iii) by redesignating paragraphs (4)
 6 and (5) as paragraphs (2) and (3), respec-
 7 tively; and

8 (iv) in paragraph (2), as so redesign-
 9 nated, by striking “or a Deputy Director”.

10 (2) EFFECTIVE DATE.—The amendments made
 11 by paragraph (1) shall take effect on January 20,
 12 2018.

13 (b) RESPONSIBILITIES.—Subsection 704(b) of the
 14 Office of National Drug Control Policy Reauthorization
 15 Act of 1998 (21 U.S.C. 1703(b)) is amended—

16 (1) in paragraph (13)(E), by striking “treat-
 17 ment and prevention” and inserting “treatment, pre-
 18 vention, and recovery support”;

19 (2) in paragraph (15), by striking “prevention
 20 and drug treatment” and inserting “prevention,
 21 drug treatment, and recovery”;

22 (3) in paragraph (18), by adding “and” after
 23 the semicolon;

24 (4) in paragraph (19), by striking “; and” and
 25 inserting a period; and

1 (5) by striking paragraph (20).

2 (c) FUND CONTROL NOTICES.—Section 704(f) of the
3 Office of National Drug Control Policy Reauthorization
4 Act of 1998 (21 U.S.C. 1703(f)) is amended—

5 (1) in the first paragraph (5), in subparagraph
6 (A), by inserting “or statute” after “appropriation”;

7 (2) by striking the second paragraph (4); and

8 (3) by striking the second paragraph (5).

9 **SEC. 104. COORDINATION WITH OTHER AGENCIES.**

10 Section 705(d) of the Office of National Drug Con-
11 trol Policy Reauthorization Act of 1998 (21 U.S.C.
12 1704(d)) is amended—

13 (1) in the header by striking “EXPENDED” and
14 inserting “OBLIGATED”; and

15 (2) in paragraph (A), by striking “(A) require”
16 and inserting “(1) require”.

17 **SEC. 105. REPORT ON INTERNET PURCHASING OF SYN-**
18 **THETIC DRUGS AND PRECURSOR CHEMI-**
19 **CALS.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Director of National Drug Control Policy,
22 in consultation with the Attorney General and the Admin-
23 istrator of the Drug Enforcement Administration, shall
24 submit to Congress a report on Internet purchasing of
25 synthetic drugs and precursor chemicals that includes—

1 (1) how purchases of synthetic drugs and pre-
2 cursor chemicals are conducted on the open Internet
3 and the dark web;

4 (2) the scale of the problem described in para-
5 graph (1);

6 (3) the country of origin of the relevant Web
7 sites, manufacturers, and distributors;

8 (4) measures that can be taken to eliminate the
9 sale of synthetic drugs and precursor chemicals over
10 the Internet; and

11 (5) any recommendations for legislation nec-
12 essary to eliminate the sale of synthetic drugs and
13 precursor chemicals over the Internet.

14 **TITLE II—THE NATIONAL DRUG** 15 **CONTROL STRATEGY**

16 **SEC. 201. ANNUAL PREPARATION AND SUBMISSION OF NA-** 17 **TIONAL DRUG CONTROL STRATEGY.**

18 Section 706(a) of the Office of National Drug Control
19 Policy Reauthorization Act of 1998 (21 U.S.C. 1705(a))
20 is amended—

21 (1) in paragraph (1) by inserting before the pe-
22 riod “, and by promoting prevention, early interven-
23 tion, treatment, and recovery support for individuals
24 with substance use disorders”;

25 (2) in paragraph (2)(A)—

1 (A) in clause (i), by inserting “, including
 2 the misuse of prescription drugs,” before “and
 3 the”;

4 (B) by striking clause (ix); and

5 (C) by redesignating clauses (x) through
 6 (xiv) and clauses (ix) through (xiii), respec-
 7 tively; and

8 (3) in paragraph (3)—

9 (A) in subparagraph (B), by inserting
 10 “and” at the end;

11 (B) in subparagraph (C), by striking “;
 12 and” and inserting a period; and

13 (C) by striking subparagraph (D).

14 **TITLE III—HIGH INTENSITY**
 15 **DRUG TRAFFICKING AREAS**

16 **SEC. 301. HIGH INTENSITY DRUG TRAFFICKING AREAS**
 17 **PROGRAM.**

18 Section 707 of the Office of National Drug Control
 19 Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is
 20 amended—

21 (1) by striking subsections (k), (l), and (m) and
 22 inserting the following:

23 “(k) EVALUATION OF HIDTA AS PART OF THE NA-
 24 TIONAL DRUG CONTROL STRATEGY.—

1 “(1) REPORT.—The Director shall, as part of
2 the National Drug Control Strategy and after con-
3 sulting with the Executive Boards of each des-
4 ignated high intensity drug trafficking area, submit
5 a report to Congress that describes, for each des-
6 ignated high intensity drug trafficking area—

7 “(A) the specific purposes for the high in-
8 tensity drug trafficking area;

9 “(B) the specific long-term and short-term
10 goals and objectives for the high intensity drug
11 trafficking area;

12 “(C) the measurements that will be used to
13 evaluate the performance of the high intensity
14 drug trafficking area in achieving the long-term
15 and short-term goals;

16 “(D) the reporting requirements needed, if
17 appropriate, to evaluate the performance of the
18 high intensity drug trafficking area in achieving
19 the long- and short-term goals; and

20 “(E) an evaluation of the performance of
21 the high intensity drug trafficking area in ac-
22 complishing the specific long-term and short-
23 term goals and objectives identified under sub-
24 paragraph (B).

1 “(2) ASSESSMENT OF DRUG ENFORCEMENT
2 TASK FORCES IN HIGH INTENSITY DRUG TRAF-
3 FICKING AREAS.—The Director, as part of the re-
4 port required under paragraph (1), shall—

5 “(A) assess the number and operation of
6 all federally funded drug enforcement task
7 forces within each high intensity drug traf-
8 ficking area; and

9 “(B) describe—

10 “(i) each Federal, State, local, and
11 tribal drug enforcement task force oper-
12 ating in the high intensity drug trafficking
13 area;

14 “(ii) how such task forces coordinate
15 with each other, with any high intensity
16 drug trafficking area task force, and with
17 investigations receiving funds from the Or-
18 ganized Crime and Drug Enforcement
19 Task Force;

20 “(iii) what steps, if any, each such
21 task force takes to share information re-
22 garding drug trafficking and drug produc-
23 tion with other federally funded drug en-
24 forcement task forces in the high intensity
25 drug trafficking area;

1 “(iv) the role of the high intensity
2 drug trafficking area in coordinating the
3 sharing of such information among task
4 forces;

5 “(v) the nature and extent of coopera-
6 tion by each Federal, State, local, and trib-
7 al participant in ensuring that such infor-
8 mation is shared among law enforcement
9 agencies and with the high intensity drug
10 trafficking area;

11 “(vi) the nature and extent to which
12 information sharing and enforcement ac-
13 tivities are coordinated with joint terrorism
14 task forces in the high intensity drug traf-
15 ficking area; and

16 “(vii) any recommendations for meas-
17 ures needed, if appropriate, to ensure that
18 task force resources are utilized efficiently
19 and effectively to reduce the availability of
20 illegal drugs in the high intensity drug
21 trafficking areas.

22 “(3) ASSESSMENT OF LAW ENFORCEMENT IN-
23 TELLIGENCE SHARING IN HIGH INTENSITY DRUG
24 TRAFFICKING AREAS PROGRAM.—The Director, as

1 part of the report required under paragraph (1),
2 shall—

3 “(A) evaluate existing and planned law en-
4 forcement intelligence systems supported by
5 each high intensity drug trafficking area, or
6 utilized by task forces receiving any funding
7 under the Program, including the extent to
8 which such systems ensure access and avail-
9 ability of law enforcement intelligence to Fed-
10 eral, State, local, and tribal law enforcement
11 agencies within the high intensity drug traf-
12 ficking area and outside of it;

13 “(B) describe the extent to which Federal,
14 State, local, and tribal law enforcement agen-
15 cies participating in each high intensity drug
16 trafficking area are sharing law enforcement in-
17 telligence information to assess current drug
18 trafficking threats and design appropriate en-
19 forcement strategies; and

20 “(C) describe the measures needed, if ap-
21 propriate, to improve effective sharing of infor-
22 mation and law enforcement intelligence regard-
23 ing drug trafficking and drug production among
24 Federal, State, local, and tribal law enforce-
25 ment participating in a high intensity drug traf-

1 ficking area, and between such agencies and
 2 similar agencies outside the high intensity drug
 3 trafficking area.”;

4 (2) by redesignating subsections (n), (o), (p),
 5 and (q) as subsections (l), (m), (n), and (o), respec-
 6 tively; and

7 (3) by amending subsection (n), as so redesign-
 8 nated, to read as follows:

9 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
 10 is authorized to be appropriated to the Office of National
 11 Drug Control Policy \$290,000,000 for fiscal year 2018
 12 and such sums as are necessary to carry out this section
 13 for each of fiscal years 2019 through 2023.”.

14 **TITLE IV—DRUG INTERDICTION** 15 **COORDINATOR AND COMMITTEE**

16 **SEC. 401. DRUG INTERDICTION COORDINATOR.**

17 Section 711 of the Office of National Drug Control
 18 Policy Reauthorization Act of 1998 (21 U.S.C. 1710) is
 19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (B)—

23 (I) by striking “on or before
 24 March 1 of each year and”;

1 (II) by striking “Command and
2 Control” and inserting “Coordina-
3 tion”; and

4 (III) by inserting “and revising
5 the plan as necessary on or before
6 March 1 of each year” before the
7 semicolon at the end; and

8 (ii) in subparagraph (D), by striking
9 “Command and Control” and inserting
10 “Coordination”;

11 (B) in paragraph (3), by striking “to the
12 Office of Supply Reduction for that purpose”
13 and inserting “to the Office to assist the United
14 States Interdiction Coordinator in carrying out
15 the responsibilities described in paragraph (2)”;
16 and

17 (C) in paragraph (4)—

18 (i) by striking “Command and Con-
19 trol” each time that term appears and in-
20 serting “Coordination”;

21 (ii) in subparagraph (A)(iii), by strik-
22 ing “required” and inserting “that will be
23 used”; and

24 (iii) in subparagraph (D), by striking
25 “include” and all that follows through the

period at the end and inserting “a copy of
the current National Interdiction Coordi-
nation Plan and the most recent Interdic-
tion Performance Assessment.”; and

(2) in subsection (b)(1)(B)—

(A) by striking “annual” and inserting
“revised”; and

(B) by striking “Command and Control”
and inserting “Coordination”.

TITLE V—AUTHORIZATION OF APPROPRIATIONS AND EX- TENSION OF TERMINATION DATE

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Office of National Drug Control
Policy Reauthorization Act of 1998 (21 U.S.C. 1711) is
amended by striking “2006 through 2010” and inserting
“2018 through 2023”.

SEC. 502. EXTENSION OF TERMINATION DATE.

Section 715(a) of the Office of National Drug Control
Policy Reauthorization Act of 1998 (21 U.S.C. 1712(a))
is amended by striking “2010” and inserting “2023”.

1 **TITLE VI—AMENDMENTS TO THE**
 2 **OFFICE OF NATIONAL DRUG**
 3 **CONTROL POLICY REAU-**
 4 **THORIZATION ACT OF 2006**

5 **SEC. 601. MODEL ACTS.**

6 Section 1105 of the Office of National Drug Control
 7 Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note)
 8 is amended by striking subsection (b) and inserting the
 9 following:

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 11 is authorized to be appropriated to carry out this sub-
 12 section such sums as are necessary for each of fiscal years
 13 2018 through 2023.”.

14 **SEC. 602. ELIMINATION OF FORMER REPORTING REQUIRE-**
 15 **MENTS.**

16 The Office of National Drug Control Policy Reau-
 17 thorization Act of 2006 (Public Law 109–469; 120 Stat.
 18 3502) is amended—

19 (1) in section 802 (120 Stat. 3535)—

20 (A) in subsection (a), by striking “(a) IN
 21 GENERAL.—”; and

22 (B) by striking subsection (b) (21 U.S.C.
 23 1532 note); and

- 1 (2) by repealing sections 1103, 1104, 1109,
- 2 1111, and 1114 (120 Stat. 3540, 3543, and 3544).

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