

112TH CONGRESS  
1ST SESSION

# H. R. 759

To require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. KLINE, Mr. MCKEON, Mrs. McMORRIS RODGERS, Mr. HUNTER, Mr. CHAFFETZ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. WALDEN, Mr. HERGER, Mr. LAMBORN, Mr. CRAVAACK, and Mr. CANSECO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy, 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 “Federal Lands  
5 Counterdrug Strategy Act”.

1 **SEC. 2. FEDERAL LANDS COUNTERDRUG STRATEGY.**

2 (a) IN GENERAL.—Not later than 120 days after the  
3 date of enactment of this Act, and every 2 years there-  
4 after, the Director of National Drug Control Policy shall  
5 submit to the Congress a Federal Lands Counterdrug  
6 Strategy.

7 (b) PURPOSES.—The Federal Lands Counterdrug  
8 Strategy shall—

9 (1) set forth the Government’s strategy for pre-  
10 venting the illegal production, cultivation, manufac-  
11 ture, and trafficking of controlled substances on cov-  
12 ered lands;

13 (2) state the specific roles and responsibilities  
14 of the relevant agencies, including the National  
15 Drug Control Program agencies, the Forest Service,  
16 the National Park Service, and the Bureau of Land  
17 Management, for implementing that strategy; and

18 (3) identify the specific resources required to  
19 enable the relevant agencies, including the National  
20 Drug Control Program agencies, the Forest Service,  
21 the National Park Service, and the Bureau of Land  
22 Management, to implement that strategy.

23 (c) SPECIFIC CONTENT RELATED TO MARIJUANA  
24 ERADICATION.—The Federal Lands Counterdrug Strat-  
25 egy shall include—

1           (1) a strategy to reduce the cultivation and  
2 trafficking of marijuana on covered lands; and

3           (2) an examination of how technology available  
4 when the Federal Lands Counterdrug Strategy is  
5 being prepared, including herbicides, can be used to  
6 reduce the cultivation and trafficking of marijuana  
7 on covered lands.

8           (d) SPECIFIC CONTENT RELATED TO THE EFFECT  
9 OF LAND-MANAGEMENT LAWS ON THE ENFORCEMENT  
10 OF DRUG LAWS.—The Federal Lands Counterdrug Strat-  
11 egy shall include an analysis of the effect of Federal laws  
12 related to the management of covered lands on the en-  
13 forcement of the Controlled Substances Act (21 U.S.C.  
14 801 et seq.) and on such other Federal laws related to  
15 the importation, manufacture, distribution, possession, or  
16 use of controlled substances as the Director considers ap-  
17 propriate. The analysis shall include an assessment of—

18           (1) whether such land-management laws hinder  
19 enforcement on covered lands of such laws related to  
20 controlled substances;

21           (2) whether any hindrance of enforcement de-  
22 scribed in paragraph (1) results from restrictions  
23 under such land-management laws that—

24                   (A) limit the use of tools or strategies, in-  
25 cluding motor vehicles, used by law enforcement

1 personnel to enforce such laws related to con-  
2 trolled substances in areas that are not on cov-  
3 ered lands; or

4 (B) result in a lack of access to areas on  
5 covered lands that creates havens for the impor-  
6 tation, manufacture, distribution, possession, or  
7 use of controlled substances; and

8 (3) whether any additional authorities, includ-  
9 ing exceptions from or waiver authority with respect  
10 to such land-management laws, are needed to pre-  
11 vent the importation, manufacture, distribution, pos-  
12 session, or use of controlled substances on covered  
13 lands and to secure such lands from related criminal  
14 activity.

15 (e) CONSULTATION WITH OTHER AGENCIES.—The  
16 Director shall issue the Federal Lands Counterdrug Strat-  
17 egy in consultation with the heads of the relevant agencies,  
18 including the National Drug Control Program agencies,  
19 the Forest Service, the National Park Service, the Bureau  
20 of Land Management, and any relevant State, local, and  
21 tribal law enforcement agencies.

22 (f) LIMITATION.—The Federal Lands Counterdrug  
23 Strategy shall not change existing agency authorities or  
24 the laws governing interagency relationships, but may in-

1 clude recommendations about changes to such authorities  
2 or laws.

3 (g) REPORT TO CONGRESS.—The Director shall pro-  
4 vide a copy of the Federal Lands Counterdrug Strategy  
5 to the appropriate congressional committees (as defined  
6 in section 702(12) of the Office of National Drug Control  
7 Policy Reauthorization Act of 1998 (21 U.S.C.  
8 1701(12))).

9 (h) TREATMENT OF CLASSIFIED OR LAW ENFORCE-  
10 MENT SENSITIVE INFORMATION.—Any content of the  
11 Federal Lands Counterdrug Strategy that involves infor-  
12 mation classified under criteria established by an Execu-  
13 tive order, or whose public disclosure, as determined by  
14 the Director or the head of any relevant National Drug  
15 Control Program agency, would be detrimental to the law  
16 enforcement or national security activities of any Federal,  
17 State, local, or tribal agency, shall be presented to Con-  
18 gress separately from the rest of the strategy.

19 (i) DEFINITIONS.—In this section:

20 (1) CONTROLLED SUBSTANCE.—The term  
21 “controlled substance” has the meaning given such  
22 term in section 102(6) of the Controlled Substances  
23 Act (21 U.S.C. 802(6)).

24 (2) COVERED LANDS.—The term “covered  
25 lands” means units of the National Park System,

1 National Forest System lands, and public lands (as  
2 such term is defined in section 103(e) of the Federal  
3 Land Policy and Management Act of 1976 (43  
4 U.S.C. 1702(e))).

5 (3) NATIONAL DRUG CONTROL PROGRAM AGEN-  
6 CY.—The term “National Drug Control Program  
7 agency” has the meaning given such term in section  
8 702(7) of the Office of National Drug Control Policy  
9 Reauthorization Act of 1998 (21 U.S.C. 1701(7)).

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