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EXECUTIVE BRANCH NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

MARCH 5, 2002

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NOMINATION OF MARY ANN SOLBERG, OF MICHIGAN, NOMINEE TO BE DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY; BARRY D. CRANE, OF VIRGINIA, NOMINEE TO BE DEPUTY DIRECTOR OF SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY; SCOTT BURNS, OF UTAH, NOMINEE TO BE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY; AND J. ROBERT FLORES, OF VIRGINIA, NOMINEE TO BE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE

TUESDAY, MARCH 5, 2002

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:06 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Joseph R. Biden presiding.

Present: Senators Biden, Hatch, and Grassley.

STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator BIDEN. The hearing will please come to order.

I have looked forward to this hearing for some time, in large part because I wanted in front of my colleagues to assume the chairmanship of this committee for a moment with Senator Hatch as the ranking member to remind me of the good old days.

The real reason we are here today is to fill some vacancies that are very, very important, and we have an illustrious panel to introduce our nominees. As is the usual procedure, we move based on seniority, but before we do let me suggest that of our three nominees, both Barry Crane and John Flores are going to be introduced or referenced by Senator Warner. Senator Bennett will speak to Mr. Burns. Senator Allen will speak to Messrs. Crane and Burns, and Senator Levin and Senator Stabenow and Congressman Levin

will speak to Ms. Solberg. We are going to proceed after opening statements in the order of seniority of those that are here.

This morning, the Judiciary Committee is going to consider the four nominations, three for deputy director positions at the Office of National Drug Control Policy and one for Administrator of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

As chairman of the Subcommittee on Crime and Drugs, I am pleased to be able to chair this hearing today. Rather than go through the impressive credentials of the nominees, I will submit my statement for the record and forgo that, since they are obviously going to be referenced by our distinguished introducers here.

[The prepared statement of Senator Biden follows:]

STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

This morning the Judiciary Committee will consider four nominations, three for Deputy Director positions at the Office of National Drug Control Policy and one to be the Administrator of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. As the Chairman of the Judiciary Subcommittee on Crime and Drugs, I am pleased to be chairing this hearing today because I will be working closely with all of our nominees.

Our first nominee is John Robert Flores, who I understand goes by Bob. Bob Flores was nominated by the President last year to be the Administrator of the Office of Juvenile Justice and Delinquency Prevention. The mission of the Office of Juvenile Justice and Delinquency Prevention is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. This mission is as critical today as it was almost 30 years ago when the Office was first created.

Juvenile crime has been down in recent years—the juvenile arrest rate for violent crime in 1999 was 36% below its peak in 1994—but it is still too high. The most recent data indicates to us that juveniles are involved in 33 percent of all burglary arrests, 24 percent of all weapons arrests, and 13 percent of all drug abuse violation arrests.

We need to do better. We need to give our young people smart crime prevention programs, and we need to tell those kids who won't change their ways that there is a consequence attached to misbehavior.

I look forward to working with the Administration to accomplish these goals. We are once again attempting to reauthorize the Juvenile Justice Act—Its authority expired in 1996 and it's time to get that Act extended. I hope the Administration can provide us with their thoughts on where to take juvenile justice in the coming years. And that is why I welcome the Administration's nominee to head the juvenile justice office here this morning.

Bob Flores was born in Puerto Rico and currently resides in Virginia. He is a graduate of Boston University and Boston University School of Law. He is a prosecutor by training. Bob spent five years as an Assistant District Attorney in the Manhattan District Attorney's Office. From 1989 to 1997, he worked at the Department of Justice in the Child Exploitation and Obscenity Section of the Criminal Division. At Justice, Bob developed policies to investigate and prosecute child pornography and sexual abuse. He left Justice to be the Vice President and Senior Counsel for the National Law Center for Children and Families.

Next, we have Mary Ann Solberg who was nominated by the President to be the Deputy Director of the Office of National Drug Control Policy.

I am pleased that the President has picked someone with such a strong prevention background to be second in command at the Drug Czar's office.

Mrs. Solberg has worked tirelessly for the past decade in her own community to reduce drug use, so she knows first hand how to get results. She is currently the Executive Director of both the Troy Michigan Community Coalition for the Prevention of Drug and Alcohol Abuse and the Coalition of Healthy Communities, two nonprofit organizations made up of businesses, government, and community leaders that seek to reduce substance use and abuse by teenagers. She has also been very involved in the Community Anti-Drug Coalitions of America and was one of eleven national leaders appointed by President Clinton in 1998 to the Advisory Committee for the Drug Free Communities Program.

Mrs. Solberg also has a great deal of experience working closely with law enforcement over the years. She has helped to establish a drug court in Troy Michigan, trained local prosecutors, and worked hand in hand with the local police.

Prior to her involvement with substance abuse prevention, Mrs. Solberg worked as a teacher, a job at which I know she excelled because she was named "Teacher of the Year."

Her nomination has been endorsed by a wide range of groups including the Partnership for a Drug Free America, the Community Anti-Drug Coalitions of America, the Legal Action Center, and the National Association for Children of Alcoholics. I welcome her here today.

Next, we have Dr. Barry Crane, who has been nominated to be the Deputy Director for Supply Reduction, meaning that he will be responsible for advising the Drug Czar on policies and programs to reduce the supply of drugs.

Barry Crane graduated from the U.S. Air Force Academy, earned a PhD in Physics from the University of Arizona, and was a National Security Fellow at Harvard's Kennedy School of Government.

He served in the Air Force for 24 years, retiring in 1991 at the rank of Colonel. He has also taught physics and engineering at Chapman College in New Mexico and the George Washington University.

Dr. Crane has spent the past decade as the Project Leader for Counterdrug Analysis at the Institute for Defense Analysis. In this capacity he has examined the effectiveness of operations to interdict cocaine and has done research and evaluations for the United States Interdiction Coordinator, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the United States Coast Guard. He has also worked closely with the State Department, the Justice Department, the Drug Enforcement Administration, the Customs Service, and the United Nations Drug Control Program.

Finally, we have Scott Burns, the nominee to be the Director of the Bureau of State and Local Affairs, meaning that he will work with state and local government agencies and public interest groups to develop and implement the National Drug Control Strategy. He will work closely with Federal law enforcement and will oversee the High Intensity Drug Trafficking Area program.

Scott Burns is no stranger to law enforcement. He has served as the County Attorney in Iron County, Utah since 1986. He has prosecuted over 100 felony jury trials, including several high profile rape, sexual abuse of children, capital murder and narcotics distribution prosecutions.

He has also served on several national and state boards including the White House Commission on Illegal Narcotics and Addiction, the Utah Police Academy Board of Trustees, the Utah Sentencing Commission, the Utah Chiefs of Police Association, and as Chairman of the Southern Utah Law Enforcement Agencies Board of Directors.

Prior to becoming County Attorney he was a partner with Burns & Burns Attorneys at Law. He also has been an adjunct professor at Southern Utah University, teaching various criminal justice and law courses from 1992 to 1998.

Scott Burns is a graduate of Southern Utah University where he was the starting quarterback for four years. He must have been good, because he was inducted into the University's Hall of Fame in 1996. He studied law at California Western School of Law where he served as Student Bar Association President.

I welcome all of our nominees here this morning and I look forward to hearing from each of them.

Senator BIDEN. With that, why don't I turn to Senator Hatch for any statement he may have, and then we will go to the introducers.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Well, thank you, Mr. Chairman. I appreciate your chairing these hearings. This is a very important hearing for four critical executive branch nominees. I want to joint Senator Biden in welcoming all of our colleagues here today and welcoming all of our nominees to today's hearing.

The Justice Department nominee, Mr. John Robert Flores, has been selected to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, an arm of the Department of Justice

whose mission is to prevent and respond to our youth delinquency problems.

We are also fortunate to have today the three nominees to be deputy directors of the White House Office of National Drug Control Policy, ONDCP. In selecting Scott Burns, a Utahn whom I personally know is up to the task to handle State and local affairs, Dr. Barry Crane to head the Office of Supply Reduction, and Mary Ann Solberg to be deputy czar, the President has assembled an excellent team of dedicated and knowledgeable professionals.

I commend President Bush for his willingness to confront the issue of drug use, especially among our youth, and ensure him that I will support him, Director Walters, and their fine team before us today in all of their efforts.

Now, I could go on and on, too, but we do have our colleagues here to speak to each and every one of these. I just want to say that having watched Scott Burns through the years, I don't know that I have ever met a better law enforcement official or prosecutor than Scott. He is just an honest, decent, wonderful man.

His wife is an excellent lawyer herself, and so Washington is going to get two very good lawyers to work here. I just couldn't speak more highly of any person than I can of the two of them. They have their beautiful young daughter here today and I am proud of her as well.

I will just leave it at that. There are so many nice things I would like to say about Scott, but I will count on my distinguished colleague, Senator Bennett, to carry that load.

Thanks, Mr. Chairman.

[The prepared statement of Senator Hatch follows:]

STATEMENT OF SENATOR ORRIN G. HATCH

Mr. Chairman, first I want to thank you for taking the time to chair this hearing today for four critical executive branch nominees. I want to join Senator Biden in welcoming all of our nominees to today's hearing. Our sole Justice Department nominee, Mr. John Robert Flores, has been selected to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, an arm of the Department of Justice whose mission is to prevent and respond to our youth's delinquency problems. We are also fortunate to have today the three nominees to be Deputy Directors of the White House Office of National Drug Control Policy, ONDCP. In selecting Scott Burns—a Utahn, who I personally know is up to the task—to handle State and Local Affairs, Dr. Barry Crane to head the Office of Supply Reduction, and Mary Ann Solberg to be the Deputy Czar, the President has assembled an excellent team of dedicated and knowledgeable professionals. I commend President Bush for his willingness to confront the issue of drug use, especially among our youth, and ensure him that I will support him, Director Walters, and their fine team before us today in their efforts.

Mary Ann Solberg has over 25 years of community service under her belt, and we should be grateful that she has agreed to accept the President's call to serve as Deputy Czar. She chairs the Advisory Commission on Drug-Free Communities, serves in an advisory capacity to the Center for Substance Abuse Prevention, and is a Board member of the Community Anti-Drug Coalitions of America. She has been recognized on numerous occasions for her dedicated work with families and communities to prevent youth drug use. She is supported by numerous treatment and prevention groups, including the Partnership for a Drug-Free America and the Community Anti-Drug Coalitions of America. I am confident she will continue her hard work in preventing youth drug use once confirmed.

Dr. Barry Crane also has a long history of combating drug use. Dr. Crane has served as a Project Leader for Counterdrug Research at the Institute of Defense Analyses for the last ten years. He served in the United States Air Force for 24 years where he piloted fighter jets and earned a distinguished combat record. He

is eager to bring his knowledge and experience to ONDCP to help reduce the supply of illegal drugs coming into America.

Scott Burns also has had extensive experience with combating the trafficking in and manufacturing of illegal drugs. As the Iron County Prosecutor in southern Utah for the past 12 years, he has worked closely with law enforcement and community groups to stem the rising use of Methamphetamine and other dangerous drugs. He started Utah's first narcotics task force, the model of which has been repeatedly used to form other successful narcotics task forces around the state. Scott has proven that he can bring people together to work for a common cause, and I am confident he will make an excellent Deputy for State and Local Affairs.

Our Justice Department nominee, John Robert Flores, will also play an important role in preventing our youth from going down the wrong path. The Office of Juvenile Justice coordinates federal and state programs, and provides grants and funding to localities and private organizations. Mr. Flores has been at the Department before. During his time at the Department of Justice, Mr. Flores helped develop and carry out two important enforcement programs: Operation Long Arm, which targeted American citizens importing child pornography from foreign sites, and Innocent Images, which addressed trafficking in child pornography on the Internet. He has prosecuted hundreds of criminal cases, including the first federal case involving the distribution of child pornography via computer, and written numerous amicus briefs in key obscenity and child pornography cases while serving as Senior Counsel for the National Law Center for Children and Families. We look forward to his views on how he will continue his work to protect children in his new position at the Department once confirmed.

We all agree that if we are to win the war on drugs in America, we need a comprehensive policy aimed at reducing both the demand for and supply of drugs. I was not surprised that the President's $19.2 billion anti-drug budget is supported by a comprehensive National Drug Control Strategy that sets clear and specific national goals for reducing drug use in America. The Strategy is based on three core principals: (1) Stopping drug use before it starts; (2) Healing America's drug users; and (3) Disrupting the drug market. Prevention, treatment, and interdiction, the three integral components of an effective drug control strategy, will all play a pivotal role in realizing the President's recently announced goals to reduce illegal drug use by 10 percent over 2 years, and by 25 percent over 5 years. These goals apply both to drug use among young Americans between the ages of 12 and 17 and among adults.

I am confident that these goals can and will be achieved through the tenacious work of our dedicated law enforcement agencies, community coalitions, educators, biomedical researchers, clergy, and, most importantly, caring families. However, achieving such goals will be an uphill battle considering it will require reversing a decade long trend of dramatic rises in youth drug use. And, although overall drug use has appeared to level off over the past few years, it has done so at unacceptably high levels. Additionally, youth use of particular drugs has never stabilized. According to the most recent national surveys, youth drug use of so-called "club drugs" such as Ecstasy and GHB, has been steadily rising for some time. Since 1997, use of Ecstasy among 12th graders has increased dramatically by 130 percent. It is simply shocking that by the time of graduation from high school, 54 percent of our youth have used an illicit drug. We must act immediately to reverse these soaring numbers, and I look forward to hearing our panelists's ideas on how we can bring down these numbers.

I am excited about the team of determined and no-nonsense professionals this President has selected. His Drug Strategy is aggressive, but that is what we need and the youth of this country deserve. In this regard, I am very interested to hear from Ms. Solberg how she intends to use her vast experience with, and knowledge, of community coalitions and parents groups to implement the President's Strategy and to improve prevention efforts across the country.

Furthermore, I know that the President has proposed to disrupt the drug market at home and abroad. Domestically, attacking the economic basis of the drug trade involves the cooperative, combined efforts of federal, state, and local law enforcement. Internationally, we must continue to target the supply of illegal drugs in the source countries. I look forward to hearing specifically from Mr. Burns and Dr. Crane on what ideas they have to achieve this goal.

Mr. Chairman, last year I introduced S. 304, the "Drug Abuse Education, Prevention, and Treatment Act of 2001," a bipartisan bill, that I drafted with Senator Leahy, you, and Senators DeWine, Thurmond, and Feinstein. The legislation, as you well know, seeks to increase dramatically prevention and treatment efforts, and I remain confident that S. 304 will become law this session. I am eager to get our panelists' views on this legislation to the extent they are familiar with it and to

learn what additional measures they believe should be undertaken by Congress to assist in our efforts on curbing drug abuse.

Mr. Chairman, Robert Flowers, Utah Commissioner of Public Safety, is here today to introduce and support Mr. Burns. As head of State law enforcement activity, Commissioner Flowers played an integral role in ensuring the security and success of the Salt Lake Winter Olympic games. Commissioner Flowers and his Deputy have come 2,500 miles to support Scott and I ask if you might allow him to introduce Scott along with the first panel. I am so proud of him. He was the key coordinator of the numerous federal, state, and local agencies involved in the Olympic's security. Given the success of the games and the security provided, I, and the nation, owe Bob a much deserved thank you.

Senator BIDEN. Thank you very much.

I know we don't often do this this way, but, Senator Grassley, would you like to say anything.

Senator GRASSLEY. I think I will pass.

Senator BIDEN. Thank you.

Well, why don't we begin with the chairman of the Armed Services Committee, who is apparently conducting hearings as we speak and has to get back, and also is the most senior of the panelists.

Would you like to begin, Senator Levin?

PRESENTATION OF MARY ANN SOLBERG, NOMINEE TO BE DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY BY HON. CARL LEVIN, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator LEVIN. Mr. Chairman, thank you, and Senator Hatch and Senator Grassley. Thank you for convening the hearing. Seniority has many advantages. One of them is apparent here this morning that even though I came after the other witnesses here, you allow me to go first.

Senator BIDEN. In other words, you get to turn the lights off at night.

Senator LEVIN. I notice that Senator Warner, who is my ranking member, is back there minding store, so I really had better get back quickly.

Senator BIDEN. I would very much like you to get back. [Laughter.]

Senator LEVIN. I am sure he will be here or at least will want to submit a statement.

I am here for Mary Ann Solberg. I just can't think of anybody who would be more appropriately appointed to this position than Mary Ann Solberg. As Deputy Director of the Office of National Drug Control Policy, she will be putting to great use the hands-on experience that she has had in her hometown for many, many years.

She has been the executive director of the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse, in Troy, Michigan, which is a suburb of the city of Detroit. She has been the executive director for about ten years of that coalition. She has been also the executive director of the Coalition of Health Communities.

In this position, Mr. Chairman and members of the committee, she has managed a coalition of 140 organizations, institutions, and public officials. She has chaired a 200-member citywide advisory committee. She has managed almost $5 million in substance abuse prevention funds.

Her hands-on experience has led her to start a drug court in her community. She regularly helps to train judges, police, and prosecutors about substance abuse. She has worked with the local prosecutor to address emerging substance abuse issues and to establish policy.

She has been the recipient of many endorsements for this position, including by the National Association of Drug Court Professionals, Partnership for a Drug-Free America, Community Anti-Drug Coalitions of America, the National Association for Children of Alcoholics, State Associations of Addiction Services, and many other organizations. She really is extraordinarily experienced for this particular position.

My brother, Sandy, knows her even better than I do and he is here to add his words. All I can say is, as is almost always the case, he will be speaking the words of his younger brother—or at least the sentiments of his younger brother, not the words; the words are his own.

Senator BIDEN. More eloquently, did you say? Did you say more eloquently?

Senator LEVIN. Yes, probably more eloquently.

Senator BIDEN. That is what I thought.

Senator LEVIN. We always maintain that 1-percent safety valve because sometimes his words don't exactly reflect mine, but I am sure that this morning he will be, as well as Senator Stabenow, who is here to present our nominee.

I just want to thank this committee for holding these hearings again, and hope that she can be promptly recommended to the Senate so we can vote on her confirmation.

Senator BIDEN. I have one question. Was that all designed to make the case that you are younger than your brother?

Senator LEVIN. It was all designed to give him an introduction to the committee.

Senator HATCH. Sander, he has been a heavy load to carry through the years, I am sure.

Mr. LEVIN. I have no comment, Senator.

Senator BIDEN. Let me ask my colleagues from Virginia and Utah, are your time constraints—are you tight, because for continuity maybe we could continue on Solberg here?

Mr. LEVIN. I would be glad to wait.

Senator BIDEN. Well, I was going to go to Senator Stabenow next and then to you, Sander, and then we can move to the next nominees.

PRESENTATION OF MARY ANN SOLBERG, NOMINEE TO BE DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY BY HON. DEBBIE STABENOW, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator STABENOW. Well, thank you, Mr. Chairman. It is my great pleasure to be here with Senator Levin and Congressman Levin, and I will not comment on the age of my colleagues or anything else related to my colleagues.

Senator BIDEN. Other than to note you are younger than both of them.

Senator STABENOW. Yes, that is right.

I am extremely pleased to be here, and I thank you for giving me the opportunity to offer my very strong and enthusiastic support for the President's nomination of Mary Ann Solberg as deputy director in charge of drug policy for the National Office of Drug Control Policy. I am very pleased and appreciate very much the President's nomination.

As Executive Director of the Troy Community Coalition for the Prevention of Alcohol and Drug Abuse, Mary Ann has been able to get real results, and I think that is what is so important about this nomination. This is someone who knows how to get results by mobilizing a broad community coalition in the war on drugs.

The coalition's 140 members include local schools and businesses, law enforcement, the courts, and agencies and service groups. Working together, this coalition has been able to change behavior and attitudes toward drugs and alcohol in both children and adults, and we know that that is no small task to be able to accomplish that.

In certain targeted areas, drug and alcohol abuse has dropped by 50 percent, with the added benefit that child abuse rates have also dropped. The war against drugs and alcohol abuse has my full support, as does this nomination. I know that the casualties of inaction are the health of our children and our families.

The only thing that makes me sad about supporting this nomination is that Michigan will sorely miss her leadership, but we know that we will benefit by this nomination going to confirmation and the leadership of this wonderful woman that will take place in touching the lives of families around this Nation. We are very proud of her talents. We know that it is now our turn to share Mary Ann Solberg with the rest of the Nation, and I am extremely proud and pleased to be here to support this nomination.

Thank you.

Senator BIDEN. Thank you very much, Senator.

Congressman Levin.

PRESENTATION OF MARY ANN SOLBERG, NOMINEE TO BE DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY BY HON. SANDER LEVIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Representative LEVIN. Thank you so much, Mr. Chairman, and Senator Hatch and Senator Grassley. It has been my privilege as I have been in this institution to come to know all three of you and I cherish our relationship. That makes me especially pleased to be here today with colleagues from the Senate, one of whom I served with in the House, and others I know very well, including Senator Bennett's sense of humor.

I have known Mary Ann Solberg now for about nine years. I first came to know her when the district changed and I represented Troy and she was the Executive Director of the Troy Community coalition. It was the leading light in this effort in the State of Michigan, and I think beyond, and I saw her work across all kinds of lines.

I saw her work with law enforcement officials, with the faith-based community, with parents, with students. I saw her essentially work with everybody, and as a result the experience in Troy

spread. They formed the Coalition of Healthy Communities which encompassed other communities around the city of Troy, which is a little less than 100,000 people in suburban Detroit.

Because of her activities more than anything else, I became deeply involved and came to work with Rob Portman on the Drug-Free Communities Act. So in substantial measure, Troy was one of the two or three models that sparked this Federal legislation that I think has been meaningful in this battle against the scourge of drugs. So she brings here a broad-based experience across all lines with drug courts, with law enforcement, with faith-based communities, with the business community, and with the education community.

After the Act was put into place, the advisory committee was set up, and Mary Ann was appointed to it and later became its Chair. Through that and her other work on national committees, and she has been involved in several, she came to know this town, though never forgetting where she came from, and had a chance to work with people throughout the country.

I would like to say to the three of you and to all the staff that is here from other members and to the other Senators, I was struck when I walked in the door by the number of people who were here from the groups that she has worked with. The Drug-Free Communities Advisory Committee I have come to know; I have served on it. I came in the door and I saw those faces, and the people who came here to support here believe in her capabilities.

The head of CADCA and other representatives from CADCA with whom she has very much worked, and also the National Association of State Alcohol and Drug Directors and the Legal Action Center—their attendance here says so much, I think, about who she is and their feelings about her capabilities to serve in this capacity.

So I have a written statement and I would ask that it be entered into the record.

Senator BIDEN. Without objection, it will be.

Representative LEVIN. This isn't the time, because your colleagues need to go on, but I would be glad, if there are any questions, to answer them. I think that with the person appointed by the President as the new drug czar that Mary Ann will be a terrific team. I think it is a reflection of the commitment of the administration to make drug policies and programs work at all levels that they decided to appoint Mary Ann Solberg.

So I could not recommend anybody more highly, and as I said to one of you earlier, I think as she performs you will be very proud of Mary Ann, as Troy is, as Michigan is, as the advisory committee is that is so well represented here, as CADCA is proud of her, so well represented, and the other national organizations she has worked with, including the First Lady of Ohio.

Thier attendance here, I think, says so much about how capable she is and how she will bring to this function dedication, determination. She is hard-nosed, she is a tough administrator. In other words, she will be terrific, and I hope you will vote her out and she will be confirmed.

[The prepared statement of Mr. Levin follows:]

STATEMENT OF REPRESENTATIVE SANDER LEVIN

Mr. Chairman. Members of the Committee. I have had the privilege of working with Mary Ann Solberg for the last ten years. I am honored to be here before you on her behalf.

Mary Ann Solberg has the commitment, credentials, and charisma to be an outstanding Deputy Director of the Office of National Drug Control Policy (ONDCP).

She is an accomplished activist on behalf of reducing the demand for drugs in our nation. I have seen first hand the work she has done in Troy, Michigan as the Executive Director for the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse and I have seen her bring this experience to the national level.

Consider, that in the last ten years I have known Mary Ann, she has developed and sustained one of the best anti-drug coalitions in the country. She has fostered the growth of numerous other community efforts in the surrounding communities; including, but not limited to forming and running the 17-community umbrella organization, Coalition of Healthy Communities. She provided the inspiration and the real life examples that led Rob Portman and myself to author the Drug Free Communities program, a federal grant program that Congress has recently extended for a second five years.

She has brought this expertise to the national level through leadership positions with numerous boards and advisory committees. She was appointed to the Advisory Committee to Develop a National Prevention System for the National Center for Substance Abuse Prevention. She was appointed to the Advisory Committee of the National AD Council's Community Anti-Drug Campaign. She was appointed to the Advisory Commission on Drug Free Communities and was subsequently elected to serve as co-chairperson.

If you want to bring the best from the "field" to Washington, D.C., you are doing so by confirming Mary Ann Solberg's nomination. Mary Ann will devote herself to making what ONDCP does every day meaningful to our local communities.

Yet the person that I have come to know in Mary Ann Solberg has a set of skills that in many respects is even more important then the vitally important perspective she will bring to the position of Deputy Director of ONDCP.

Mary Ann Solberg is also a skillful manager who will build consensus, demand accountability, and focus like a laser beam on results. The City of Troy, or for that matter southeast Michigan, are not easy areas in which to organize. Mary Ann has captured people's attention, she has brought everybody to the strategic table, kept them involved in numerous activities, and together they have delivered results. I would hazard to guess that there is not a constituency group with which Mary Ann is unfamiliar. She has trained police, prosecutors and judges. She has partnered with them on numerous projects; including the establishment of a new drug court. She has generated active engagement by the business and faith communities. She has done this at home and she has trained numerous others to do the same nationally.

I have seen Mary Ann in action in small group meetings, larger conferences and national meetings. She is a tremendous force; always generating countless ideas on how to further the cause of reducing substance abuse, always focusing everyone on concrete action steps, always empowering everyone to participate fully and always, always doing so with an energy, enthusiasm, and commitment to purpose which is contagious.

I am confident that Mary Ann will excel in this position as she has in all others. She will inspire us to be tireless in our efforts, to look at a problem from all different angles, to bring all forces and all constituencies together to develop a solution and to demand at all times that ONDCP is working for those like her who work day-in and day-out devoting their lives to reducing drug abuse in our local communities.

Senator BIDEN. Thank you very much, Congressman.

Now, I know all of you have busy schedules, so those of you who have already introduced, we fully understand your need to leave.

Now, we will hear from one of the two men from Utah, which I learned in the last month or so is the first among the States in the Utah now. What a tremendous job you all did on the Olympics. We are going to hear from Mr. Flowers in a moment, which is an unusual practice. After these introducers, we will ask Mr. Flowers from Salt Lake to introduce one of our nominees as well. What an

incredible job you all did, you and Orrin and the governor and Mit Romney. You have made America proud. Congratulations to Utah.

Senator Bennett?

PRESENTATION OF SCOTT BURNS, NOMINEE TO BE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY BY HON. ROBERT BENNETT, A U.S. SENATOR FROM THE STATE OF UTAH

Senator BENNETT. Thank you very much for those kind words, Mr. Chairman, and I will accept them, as will Orrin, on behalf of the State, but recognize that they really belong to a whole bunch of people. Mr. Flowers is very much one of those, so I appreciate your allowing him to appear here. The Olympics were a great experience and we will bask in the glow of them for some time.

I first got acquainted with Scott Burns and Alice Burns 10 years ago when we were going through an arcane trial by ordeal that is established in Utah's political laws; that is, we were both running for office and going through a series of 29 country conventions. You go to each one.

In our case, there were four candidates for the Senate; five candidates for governor; two candidates for attorney general, one of which was Scott Burns; and an indeterminate number of candidates for the House, depending on which district you were in. But those of us who were running statewide had to go to every one.

You are allowed two minutes and you sit there through all of that. And in the process of moving from county to county, you get to know the other people on the road show pretty well. Scott and Alice Burns were a very attractive young couple with a very attractive new baby, and his first experience at statewide politics. He was running for attorney general and he was running under a fairly significant handicap which ultimately prevented him from winning, although he came within a few hundred votes. As he put it, "I come not from rural Utah, but from remote Utah." Most of the candidates for statewide office all come from the Salt Lake area and he came from Cedar City, where he was the Iron County attorney.

In that process, as I say, I became well acquainted with him and with Alice, and enormously found of them. So after the election was over and he had failed to gain the attorney general spot by just a few hundred votes—and I think if he had lived a little farther north and would have been taken care of—I continued the friendship and found, as I would call him from time to time about various things relating to law enforcement, that he not only was a good law enforcement officer himself, which is his basic credential, but he was the most wired, plugged-in guy I had ever come across.

There wasn't anybody in law enforcement across the country that he didn't know. I would call him with weird questions and he would say "I will get back to you." And he would get on the phone and call his network of friends and come back with the answer that was spot-on. I was tremendously impressed with that. A county attorney in Iron County, Utah, is not supposed to know the network of law enforcement people around the country, but he did.

So when he shows up as the nominee for Deputy Director for State and Local Affairs, I cannot think of a better fit. There isn't

anybody who would come into this job with a better network of contacts in State and local affairs on drug issues than Scott Burns.

So you have his official biography in front of you and you have all of the information in front of you. Senator Hatch, who has been the driving force behind this nomination, is to be congratulated on recognizing Scott's talent. I simply want to make it clear that I have absolutely no reservations whatsoever in recommending him to this committee and to this Senate and to this Nation as the very best possible man to have this particular assignment. His background qualifies him, his network of contacts prepares him, and I think the country will be extremely well served as he assumes this responsibility.

Senator BIDEN. Well, thank you, Senator. Scott should understand that your recommendation also means a lot to this committee, and the fact that the former chairman and maybe chairman again of this committee thinks highly of him quite frankly about assures his nomination, at least as far as I am concerned. I thank you very much for your comments.

Senator Allen?

PRESENTATION OF BARRY D. CRANE, NOMINEE TO BE DEPUTY DIRECTOR OF SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY AND J. ROBERT FLORES, NOMINEE TO BE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DEPARTMENT OF JUSTICE BY HON. GEORGE ALLEN, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator ALLEN. Thank you, Mr. Chairman, Senator Hatch, Senator Grassley. I would like to introduce Dr. Crane and Robert Flores. Mr. Burns has been well handled by all these others, as well as obviously Ms. Solberg.

Seeing Mr. Burns and seeing their 11-year-old daughter, Carlie—I have a son who is 10 and who will soon be 11—when they move here, I hope they move to Virginia. It seems like they would be a good pair.

Senator BENNETT. I have already recommended that to them.

Senator ALLEN. Virginia? Good, good, good.

Representative LEVIN. A little young.

Senator ALLEN. A little young, but you also have to think ahead.

Senator BIDEN. Keep your registration in Utah.

By the way, that young man behind you is writing a paper on government. I told her she could start off with one word, "confusion."

Senator ALLEN. Well, let me first introduce Mr. Crane here, Mr. Chairman, since we are talking about the Office of Drug Control Policy.

Dr. Barry Crane is the nominee by the President to be Deputy Director for Supply Reduction at the National Office of Drug Control Policy. Dr. Barry Crane has a reputation, and it is a well-earned reputation, as a man committed to the principle of unbiased analytical research driving policy decisions. That is also coupled with the combination of operational practicability and academic rigor in the area of supply reduction, and that will help him serve with distinction upon his confirmation by the Senate.

You have his resume and his record of achievement and performance. I would like to highlight a few. In the last ten years, he has served as project leader for the counter-drug research effort at the Institute of Defense Analysis. In this position, he has led research scientists and consultants in examining the effectiveness of interdiction operations against the cocaine business enterprise and the technical performance of many interdiction systems.

Furthermore, Dr. Crane has worked extensively with the Department of State and the Department of Justice, the Drug Enforcement Administration, the U.S. Customs Service, and the United Nations drug control program efforts in Bogota, Lima, and Vienna.

He obviously possesses in-depth knowledge of the complex heroin and cocaine business and their markets. He is always looking for better ways of doing it and he is the person ideally suited for this position. I would say that he also has a distinguished career—besides the distinguished career in various drug control efforts, he served our Nation for 24 years in the Air Force, where among other duties he piloted fighter jets and earned a distinguished combat record.

He earned his bachelor's degree in physics from the U.S. Air Force Academy in 1967, and his M.S. in 1976 and his Ph.D. in physics from the University of Arizona. Continuing his education, he did become a National Security Fellow at Harvard's JFK School of Government in 1987.

He has been married for 34 years to Sherrie Crane, who is a docent at Gunston Hall, which is the home of George Mason, who wrote the Virginia Declaration of Rights which became the embodiment of the Bill of Rights—another reason why you should move to Virginia because of all that wonderful history.

It is my pleasure obviously to highly recommend Dr. Crane for this nomination, and hope your swift confirmation will be forthcoming.

Now, I also have the pleasure of introducing and presenting to this committee John Robert Flores, who is President Bush's nominee to be Administrator of the Office of Juvenile Justice and Delinquency Prevention in the Justice Department.

Mr. Flores is a graduate of Boston University School of Law and is a member of the bar in New York, Massachusetts, and Virginia.

Both of these individuals, by the way, live in Virginia, showing good judgment, I might say, Dr. Crane in Burke. Mr. Flores, though, has extensive backgrounds actually outside of Virginia. He has been a lawyer for 17 years and has held a number of positions in and outside of government.

He served as an assistant district attorney in the Roxbury, Massachusetts, public defender's office. He also served as an acting deputy chief and senior trial attorney in the Child Exploitation and Obscenity Section of the Justice Department's Criminal Division, and most recently as senior counsel and vice president for the National Law Center for Children and Families in Fairfax, Virginia. His commitment to justice is well-known. He has been a tireless advocate on behalf of children and families, addressing the issues of child sexual abuse and exploitation.

Also, since 1997, Mr. Flores has assisted a research effort on international sex trafficking that is currently based at Johns Hop-

kins University's School for Advanced International Studies. Mr. Flores brings substantial management expertise to this position, having managed national investigative programs, a section within the Justice Department's Criminal Division, and a non-profit educational organization that assists State and local law enforcement.

Mr. Flores has also shown an ability to work constructively with both sides of the aisle on important issues. For example, Mr. Flores was part of the congressionally-created Commission on Online Child Protection. The commission was charged with informing the Congress on what avenues should be taken to increase protection of children on the Internet. The commission reached several unanimous conclusions and Mr. Flores was instrumental in bridging gaps between commissioners.

In addition to his honorable service to his country, Mr. Flores is a devoted husband and father. He is married to Ingrid Flores, who is here, and they have three children, Robert, Catherine, and Clare.

Senator BIDEN. I might add they are showing incredible patience. I don't mean with your comments; I mean with all of us. [Laughter.]

Senator ALLEN. I know. I have one that just turned 4 and I was just amazed at how quiet they were even in the beginning. I think, Mr. Chairman, the perspective of a parent does help, understanding what his children might be faced with and those challenges.

I would also add, Mr. Chairman, Mr. Flores is a Hispanic American. He can serve as a role model. I know there are members and many of us who are concerned with the challenge that the office will face with the issue of disproportionate minority confinement, and I think that brings a special sensitivity and understanding in that leadership role.

So as a teacher, a scholar, and a commentator on constitutional and criminal law, Mr. Flores has certainly shown and demonstrated the skills necessary to lead this effort in the Office of Juvenile Justice and Delinquency Prevention. I highly recommend him to the committee, and thank you all for your consideration.

Senator BIDEN. Well, I thank you, Senator, and I thank all of our colleagues. We appreciate your time and your effort and your input. Thank you very, very much.

Senator ALLEN. I would say that my remarks are also on behalf of Senator Warner, who is in the Armed Services Committee undoubtedly now, and I know he shares my feelings.

Senator BIDEN. Well, I was about to say, with the permission of the committee, Senator Warner has signed statements—he apologized for not being able to be here—with regard to both the nominees mentioned by his colleague and I will enter those in the record, as if read, along with an introductory and complimentary statement relating to the nominees from the chairman of the committee, Senator Patrick Leahy.

[The statements of Senator Warner follow:]

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF BARRY CRANE TO SERVE AS DEPUTY DIRECTOR OF THE OFFICE OF SUPPLY REDUCTION AT THE OFFICE OF NATIONAL DRUG CONTROL

Chairman Leahy, Senator Hatch, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased today to introduce to the Committee

Colonel Barry Crane, a Virginian, who has been nominated to serve as Deputy Director of the Office of National Drug Control Policy's ("ONDCP") Office of Supply Reduction.

As you know, the ONDCP's purpose is to establish policies, priorities, and objectives for the Nation's drug control program. The division within the ONDCP that Mr. Crane has been nominated for, the Office of Supply Reduction, is responsible for advising the Drug Czar on policies and programs to reduce the supply of drugs in this country.

In my view, Mr. Crane's background makes him well-suited for this position.

Mr. Crane is currently a project leader in the Operational Evaluation Division at the Institute for Defense Analysis where he examines the effectiveness of interdiction operations against the cocaine business enterprise.

Prior, Mr. Crane served in the United States Air Force for over 20 years, starting as a cadet at the Air Force Academy, later becoming a fighter pilot, and eventually retiring as a Colonel in September of 1991.

In addition to his military service, Colonel Crane, also has an extensive education. After graduating from the Air Force Academy with a B.S. in Physics, Mr. Crane attended the University of Arizona where he received both a master's degree and a Doctorate. Mr. Crane later served as a National Security Fellow at the Kennedy School of Government at Harvard University.

Colonel Crane has dedicated a large portion of his career to public service, and I thank him for his willingness to serve our country again as Deputy Director of the Office of Supply Reduction.

I look forward to the Committee reporting his nomination favorably and for a confirmation vote before the full Senate.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF ROBERT FLORES TO SERVE AS ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AT THE DEPARTMENT OF JUSTICE

Chairman Leahy, Senator Hatch, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased today to introduce to the Committee Mr. J. Robert Flores, a Virginian, who has been nominated to serve as Administrator for the Office of Juvenile Justice and Delinquency Prevention ("OJJDP") within the Department of Justice.

The OJJDP's mission is to provide leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP accomplishes this by developing prevention and intervention programs and by working to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services.

As you all know, the OJJDP has an important mission. In my view, Mr. Flores' extensive background in public service, the law, and in child protection makes him well qualified to work in support of OJJDP's mission.

Mr. Flores started his career after graduating from law school at Boston University by becoming an Assistant District Attorney in Manhattan. During his 5 years as prosecutor in New York, Robert Flores prosecuted a wide array of criminal cases.

In 1989, Mr. Flores joined the U.S. Department of Justice, working as a Senior Trial Attorney in the Criminal Division's Child Exploitation and Obscenity Section. In this position, Mr. Flores worked extensively in child sexual exploitation and computer crimes.

In 1997, Mr. Flores joined the National Law Center for Children and Families, whose objective is focused on the protection of children and families from the harmful effect of illegal pornography. In this role, Mr. Flores specialized in providing advice and assistance to federal and state prosecutors across the country on the investigation and prosecution of child pornography, child sexual abuse, and crimes of a similar nature.

Mr. Flores has obviously dedicated a large part of his career to both public service and to protecting children. I am grateful that he is willing to continue his public service, and I believe that his background will serve him well at the OJJDP.

I look forward to the Committee reporting his nomination favorably and for a confirmation vote before the full Senate.

Senator BIDEN. Thank you, gentlemen. We appreciate it very much.

Now, in a very unusual procedure, in deference to our colleague, Senator Hatch, but also in recognition of the incredible job the Commissioner of Public Safety in Salt Lake City, Utah, did during

the Olympics—and I really cannot exaggerate the importance of the job done by Robert L. Flowers and the whole State of Utah, but as Commissioner of Public Safety he had an enormous responsibility. The whole world was looking at him and he conducted it with great class, skill, and efficiency, and we welcome him here today.

This is the time, sir, that you should wish you were being nominated for something because it would be done by acclamation at this point. But welcome, Mr. Flowers.

Would you like to make any comment, Senator?

Senator HATCH. Well, I would like to thank you, Mr. Chairman, for permitting this. This is highly unusual to have another witness in this type of a hearing, but I just can't tell you what this man has meant to the world at large in helping to bring about security for the Olympic Games that really was second to none, and in helping to bring about one of the few times in history where State, local, and Federal agencies all worked together in unison, resolving difficulties as they go, to provide the protection for one of the world's most impressive and important events. Bob Flowers deserves an awful lot of the credit for that, and others who are here with him.

So it is a privilege to have you here, Mr. Flowers, and I just want you to know how proud we all are of you and how proud we are of the way the Olympics went. Our country is very much impressed with what went on.

Senator BIDEN. There is one condition, Commissioner, that you not announce for the United States Senate at any time in the near future. Otherwise, you will not be permitted to proceed.

STATEMENT OF ROBERT L. FLOWERS, COMMISSIONER OF PUBLIC SAFETY, SALT LAKE CITY, UTAH

Mr. FLOWERS. No, sir. I can personally commit to you that is not going to happen. I am from remote Utah and we only have like 30 voters out there, so I probably wouldn't get very far with that.

Senator BIDEN. Well, I will tell you the whole world watched with initially a bit of dread and a great deal of concern. And I cannot exaggerate how important it was, the coordination and the work and the incredible—I mean, having dealt with the criminal justice system and coordination between State and local officials for the bulk of my public career of 29 years in the Senate, it is incredibly difficult.

It was gigantic in its proportions, and its consequences, if you had failed, would have been beyond being able to be calculated, in my view, in terms of the impact on this country. So we in Delaware owe you a lot.

But at any rate, please proceed.

Mr. FLOWERS. Well, thank you very much. It is an honor to be here, first off, but we can't emphasize enough that this was an effort both Federal, State, and local. We came out here after September 11 looking for additional support and the doors were open, and it was an American event, not a Utah event. We were just pleased to be a part of that. It went well because of Brian Stafford at the Secret Service and many others who were assisting, some of them in this room, actually.

First of all, it is a little unraveling to be here. When I looked down and saw my name as a second panel and then, Senator Biden, you saying that was an unusual practice—that worried me a bit. You know, we were a little bit unraveled when we walked in the door.

I will just take a few minutes and talk about Mr. Burns. As a former police chief and now Commissioner of Public Safety, we faced a heck of a problem in southern Utah. We were a border town on the Arizona-Nevada border. We had Mexican mafia, motorcycle gangs. You know, when you are in a border town you are kind of on your own there. We had individuals who were committing homicides living in Nevada, selling their drugs in Arizona, and dumping their bodies in Utah.

I had worked with Mr. Burns. We had probably one of the first task forces in the West, frankly, and it was very successful and we were taking hundreds of kilos of cocaine off the interstates, hundreds of thousands of dollars. We were quite successful.

We came out and talked with the DEA and they were quite impressed with what we did and wanted to know how we were doing that. A lot of it was frankly led by the prosecutor, because without a strong prosecutor who has a balanced position on things, you run into some problems.

Then I was selected as a police chief and I inherited this problem. I didn't really know how to deal with it. We were, again, a border town on three States, and I went to Mr. Burns and I said, you know, I don't know what to do with this. We were being overrun by meth. We had some real issues in our high schools. Through Senator Hatch, we were able to get the DEA down there and they helped us solve our problem. So as far as being networked, I have to agree with Senator Bennett. I don't know how he did that, but I know I and my community will be eternally grateful for that because our city did change.

One of the things also that Mr. Burns was talking about long before it was popular was things like drug courts and rehabilitation and things like that, and making sure that the law enforcement officers were approaching this legally, that we were doing things right, and that our case could stand up in court.

I mean this sincerely: he formed my enforcement policy. I have every intention of modeling his leadership style and drug task force leadership statewide. Now, we are looking in Colorado, we are looking into Wyoming, and we are trying to team up with Nevada. So we are looking at this task force concept and making it really work in our three- or four-State area out there.

So as far as it goes from Utah law enforcement—and I also spoke to my Wyoming counterparts, my Colorado counterparts, and an individual from Nevada, and they said please express our support for Scott Burns in this nomination, and if there is anything we can do, we are here to assist that.

With that, I will be brief and I will go back and sit down, but thank you for the opportunity. It is an honor to be here, Senator Biden, and be before you also, Senator Hatch.

Senator BIDEN. Well, it is an honor to have you here.

I know Moab. I got off a raft on the Colorado River for two days in Moab, Utah, and it is a great place. The water got kind of calm

down there, Scott, and I got tired. After 10 days I got off the river and went to the hot spots in Moab, in 1974 and 1975. It is a beautiful and fascinating part of the world, although things have changed a little bit, as you have said, with the growth of trafficking in meth and a lot of other substances.

It is an example of what rural communities—and I know it is not a little town, but what rural communities and isolated communities, particularly on borders between States, are undergoing. Most people don't realize it, but you realize it, that a child is more likely to be exposed to meth and to cocaine in rural America than in urban America today.

Mr. FLOWERS. That is right.

Senator BIDEN. Fifty-five percent of the over 3,000 counties in America have no psychologists, no psychiatry, no treatment, no anything in those facilities. So the job is a heck of a lot tougher, and it is a credit to you and to the person you are praising that you have got things pretty well under control.

So welcome, and unless the Senator has anything more to say——

Senator HATCH. Let me just thank you, Bob, and I thank the chairman here for allowing you to testify because I think it is very important for this country to hear your story and to know what you have been able to do, along with Earl here and others who are here with you, and Scott Burns in particular. I have inestimable respect for all of you.

Scott, you have to be very pleased that these folks have traveled all the way back to support you. You and Alice have to be pleased with that, and it says a lot about you that I know this committee will take into consideration.

So thanks for being here and thanks for taking the time.

Mr. FLOWERS. It is an honor to be here, sir.

Senator HATCH. And thanks for what you did for the whole world out there in Utah.

Mr. FLOWERS. Well, we are glad it went off well. It was unraveling and we were a bit nervous for 13 days, and that roar at the end was us; it was not the crowd at the closing ceremonies. So thank you.

Senator BIDEN. Thank you.

Now, I would ask all of our nominees to come forward—Mary Ann Solberg, Barry Crane, Scott Burns, and John Robert Flores.

I think, Mary Ann, they are seating you on my left here, and then Dr. Crane, Mr. Burns, and Mr. Flores. We will proceed in that order, but before we begin I would like you all to remain standing while I swear you in.

Do you swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Ms. SOLBERG. I do.

Mr. CRANE. I do.

Mr. BURNS. I do.

Mr. FLORES. I do.

Senator BIDEN. Please be seated.

I would invite you, Ms. Solberg, to begin with any opening statement you may have, and then we will move to your left and then will proceed with questioning. Welcome.

STATEMENT OF MARY ANN SOLBERG, NOMINEE TO BE DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY

Ms. SOLBERG. Thank you. Chairman Biden, Ranking Member Hatch, and Senator Grassley, it is an honor to be here today to be considered for the position of Deputy Director of the Office of National Drug Control Policy.

I would like to take just a moment, if I may, to introduce to all of you my daughter, Laura, who is sitting behind me, and her friend, Kent Trowbridge. I would also like to introduce to you, because they have traveled so far today, the president of the Troy Community Coalition, Ida Edmunds, and the Superintendent of the Troy School District, Dr. Jamet Jopke, both instrumental in my program.

Senator BIDEN. Would you both please stand?

[Ms. Edmunds and Ms. Jopke stood.]

Senator BIDEN. Welcome.

Ms. SOLBERG. I have submitted a statement for the record and I would like it to be included in full.

Senator BIDEN. It will be included.

Ms. SOLBERG. I will keep my remarks brief this morning.

I have for the past 11 years worked across the continuum of substance abuse prevention, treatment, and interdiction. I have worked at every level of government and I have worked with a huge variety of sectors, including parents, police, the courts, the faith community, and business.

I have taken Federal programs and I have translated them to community outcomes, decreasing substance abuse, as is noted in my statement, across multiple ages and multiple drugs. I understand Federal programs, I understand community needs.

It is important that we continue the reduction in substance abuse that we have witnessed recently. The President and Congress care about this issue. You have provided the tools. I have the experience and the ability to motivate and to involve that vast volunteer cadre that really is necessary if we are going to achieve the goals in the 2002 national drug control strategy.

I look forward to working with Director Walters, with Dr. Barthwell, and with my fellow nominees. Together, we have a vast array of expertise, the expertise the American people deserve. Together, as a team, I believe that we have a wonderful chance of reducing substance in the United States.

I thank you.

[The prepared statement of Ms. Solberg follows:]

TESTIMONY OF MARY ANN SOLBERG, NOMINEE TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

Chairmen Leahy and Biden, Ranking Member Hatch, and distinguished members of the Committee: It is an honor to appear before you today as you consider my nomination for Deputy Director of National Drug Control Policy.

Over the course of my career in the field of prevention, I have observed how deeply the power of a movement lies in the will of the people. Churchill understood that

simple fact. So did Franklin Roosevelt and Abraham Lincoln, Ronald Reagan and Martin Luther King. It is a power that I have seen produce miracles, large and small, in substance abuse prevention and reduction. It is the power of what each of us, working together, can achieve. In my estimation, it is the power that gives energy to the motto "Prevention Works." Prevention DOES work. Treatment works. Moreover, they work hand in hand with law enforcement and interdiction efforts that are equally important in controlling this scourge that threatens our youth, families and communities.

Where there is community will and volunteer commitment and experienced leadership to balance the professional contributions of law enforcement and the federal government, the public health problem that is substance abuse can, indeed, be controlled if not eradicated. The effectiveness of community coalitions is one of the best-kept secrets in the United States. I know—I am part of a highly successful community coalition. The spirit of the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse grabbed me immediately and kept me in its thrall for 11 years in a field where burnout is endemic.

We changed laws. We changed attitudes of youth related to drug use. We increased the knowledge and capacity of local youths, adults, and institutions to respond effectively to substance abuse issues. We partnered with law enforcement and the courts, with business and schools. We become an active player at several community leadership tables. And today, we are seeing some effects on actual drug use: marijuana use is declining, binge drinking is declining, middle school tobacco use is declining, and age-of-onset of first use of tobacco is increasing. We have affected not only knowledge and attitudes, but we also have had a real effect on behavior. Moreover, when the news of our success filtered to surrounding communities, they, too, were eager to join in. The result is the Coalition of Healthy Communities, a collaboration of seven substance abuse prevention coalitions encompassing seventeen communities in southeast Oakland County, Michigan.

The Troy program advanced rapidly because of the resources provided by a seed grant from the Federal government, through SAMHSA's Center for Substance Abuse Prevention. This job is too big for communities to go it alone. They need guidance and support from their state and federal government; they need the expertise and professionalism that ONDCP and other Federal agencies such as CSAP and NIDA can offer. My experience as a grant recipient will be invaluable as I work at ONDCP. I understand the process but more importantly this first hand knowledge will allow me to target real community needs as I work nationally to achieve lasting reduction in drug abuse.

And the results must be evaluated. We have been fortunate in having a university in our community that was willing to provide us evaluative services from the outset. Documenting our progress was the credibility factor the community required. In Troy we operate our community coalition as a business, not just a prevention program. Our inspiration comes as much from management Guru Peter Drucker as it does from Professor Hawkins and Catalano, whose theory of risk factors in their book the early 1990s "Communities that Care" so changed the landscape of substance abuse prevention. That means targeting goals, setting up a business plan, and marketing, marketing, marketing.

Only a few months after our formation, a community survey revealed that nearly 60 percent of the community recognized our name and could describe our mission. That's huge. Our volunteer pool is immense. The secret? Letting people know how vital is their role as mentors and coaches, engaged in skills training and finding community solutions to such problems as alternative activities for kids. These are lessons learned that will be invaluable in my work at ONDCP. If I have a single mantra about substance abuse prevention it is this: multiple strategies over multiple sectors. The comprehensive approach outlined by the President is crystal clear: attacking this problem on multiple fronts is the only route to success. This means stopping the drug dealers in our cities and our rural communities. It means stopping the traffickers who seek to make their millions off the souls of our children. It means strengthening our families so that our youth have the resilience to say "no." It means bolstering the job market so that adults won't turn to drugs as an antidote for their failures. It means giving our police and our courts the tools they need to deal with the problem when the other strategies have failed. And it means stripping substance abuse of its glamour and mystique that attracts young people like a siren's song.

The ONDCP Media Campaign has been invaluable in this respect. Its messages to parents are superb. The parenting aspects of the media campaign have been incredibly helpful, as has been their work with the Ad Council to promote coalitions, a campaign that has given coalitions both national visibility and credibility. We know we can't do it all, and we can't do it alone. We can't grab their attention—

be it parents or youth—as television does. However, if the media wasn't a player in this campaign, the negative messages would prevail. It is vital we maintain this relationship and explore every possible means of reaching people. The media campaign has also taught us to talk to our kids and, even more importantly, to listen. It is a strategy that has been part of the foundation of the Troy Community Coalition since its inception. We bring in the movers and the shakers of the community as well as parents and clergy, law enforcement and health providers. Then we let the young people talk, and we listen. We listen hard, and then take action. The youth become our mentors, our coaches and our partners.

Another reason we have been successful in Troy is that we are relentlessly inclusive. We try to have everyone at the table at all times. We make special effort to involve groups who aren't used to being part of the community as a whole. And once we get them to the table, we keep them there. We have not lost a single member of the coalition since its inception save those who have moved away. We cultivate and nurture our community partners. We make sure our volunteers are regularly recognized. We give back to our businesses and schools and corporations. That inclusiveness is important for ONDCP as well, as it seeks to involve all sectors in a balanced effort to stop drugs: community activism, dedicated law enforcement and interdiction efforts that go far beyond our borders.

Prevention alone won't solve this public health problem. Clearly we need treatment for those already caught in the vicious cycle of drug abuse, and we need to do everything in our power to stem the flow of drugs into our communities. The same research that has alerted us to the risk and protective factors that underlie drug use has shown us that availability leads to early use. Make it harder for kids to get drugs, and fewer of them will become users. We have to control access with as much fervor as we mobilize communities. My commitment to multiple strategies across multiple sectors is perfectly reflected in the balanced approach that ONDCP espouses: the coordination of efforts to eliminate or reduce drug trafficking through the High Intensity Drug Trafficking Area (HIDTA) Program, the counterdrug enforcement research and development efforts, the National Youth Anti-Drug Media Campaign, and support of community efforts through the Drug-Free Communities program. There's room for all strategies here: Prevention, Education, Treatment and Interdiction. The four strike a balanced approach that leads to lowered drug use.

Moreover, we need to continue to support the work being done at the National Institutes of Health, specifically at the National Institute on Drug Abuse, in the research arena. Knowing how drugs affect the brain, both short and long term, is vital information to get out to the community. Second to parents, it's one of the best antidotes I know. I have had some experience in community-based treatment through the drug court program. A drug court that was recently established in Troy decided to take on some of the hard-core cases that some drug courts shun. The results have been miraculous. The reward/reinforcement approach coupled with sound treatment clearly works. And this is a big problem, bigger than many of us realize. As a coalition leader, the most frequent question I get asked is about treatment, even though my focus is prevention. It's a recurring question: "I have a wife, a daughter, a son, a grandparent with a problem. Where can I take them to get help?" We make our communities and our businesses and our insurers understand how vital treatment is to achieving our goals of reducing substance abuse. And we must continue to advocate relentlessly against legalization, a step that I believe would cancel many of the gains we have made in the past decade.

As deputy director of ONDCP, I would work tirelessly to mobilize our communities and our national will to continue the campaign against substance abuse, to end the tragic loss of life that it incurs and to reverse the significant losses in productivity and earnings, estimated in the billions, that serve as its collateral damage. We need to tirelessly promote the reality that all organizations and agencies in communities, all concerned citizens, and all local, state and federal policy makers have an important role to play in ridding our country of drugs.

Just as our leaders and our Congress has made clear that the war on terrorism will be a complicated, drawn out process, so, too, is our campaign against drug abuse. But for every community, every neighborhood, every shop, every precinct, every school, every street corner, and every family where substance abuse has left its mark, we can collectively make a difference.

Thank you for this opportunity to testify and I look forward to answering any questions the Committee may have.

[The biographical information of Ms. Solberg follows:]

Senate Committee on the Judiciary
Questionnaire for Nonjudicial Nominees

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. **Full name (include any former names used).**

   Mary Ann Setina Solberg

2. **Address: List current place of residence and office address(es).**

   Residence: 1662 Martinique, Troy, Michigan 48084
   Office: 4420 Livernois, Troy, Michigan 48098

3. **Date and place of birth.**

   April 24, 1942
   Detroit, Michigan

4. **Marital status: (include name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   Married to Clifford Solberg
   Retired from General Motors Truck Division

5. **Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.**

   Western Michigan University: September 1960 - June 1964, B.A. Degree: June 1964
   Michigan State University: 1966 - 1968, 20 graduate hours

6. **Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.**

   Farmington Public Schools: September 1964 - June 1972
   Homemaker: June 1972 - September 1977
   Troy School District, Adult Education: 1977 - 1991 (part-time)
   Troy School District, Troy Community Coalition: September 1991 - present

7. **Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharged received.**

I have not had any military service.

8. **Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.**

I have not received any awards from this category.

9. **Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.**

I am not an attorney.

10. **Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.**

The Community Anti-Drug Coalitions of America lobbies before public bodies. Other Memberships: Prevention Coalition of Southeast Michigan and Michigan Prevention Association.

11. **Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses of any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.**

I am not an attorney.

12. **Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.**

I have not written for publication. I have not spoken on constitutional law or legal policy. Over the years I have written many short articles and inserts. I do not have specific records.

13. **Health: What is the present state of your health: List the date of your last physical examination.**

I am in good health. My last physical exam was in June 2001.

14. <u>Public Office</u>: **State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.**

    I was elected as a Republican precinct delegate for one term in Troy, Michigan from 1970 – 1972.

15. **Legal Career:**

    I am not an attorney.

16. **Litigation:**

    I am not an attorney.

17. **Legal Activities:**

    I am not an attorney.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. **List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.**

   I do not anticipate any deferred income during my service in the position to which I have been nominated. I will receive a pension from the State of Michigan based on prior service.

2. **Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.**

   See attached letter.

3. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so explain.**

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service in the position to which I have been nominated.

4. **List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)**

   See attached disclosure report.

5. **Please complete the attached financial net worth statement in detail (add schedules as called for).**

   See attached disclosure report.

6. **Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.**

   I have never held a position or played a role in a political campaign.

III: GENERAL (PUBLIC)

1. **An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.**

   I am not an attorney.

2. **Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion – through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.**

   I do not currently belong to any organization which discriminates on the basis of race, sex, or religion through either formal membership requirements or the practical implementation of membership policies. I belonged to a social sorority which was limited to female university students from 1960 to 1964.

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Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes) Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐ Termination Date *(If Appl.)*
Reporting Individual's Name	Last Name: Solberg		First Name and Middle Initial: Mary Ann	
Position for Which Filing	Title of Position: Deputy Director		Department or Agency *(If Applicable)*: Office of National Drug Control Policy	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: 4420 Livernois, Troy, MI 48098		Telephone No. *(Include Area Code)*: (248)823-5088	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Co-Chair, Advisory Commission of Drug-Free Communities (September 1997- Present)			
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Committee on the Judiciary		Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: Marybann Solberg		Date *(Month, Day, Year)*: 9-20-01	
Other Review (If desired by agency)	Signature of Other Reviewer		Date *(Month, Day, Year)*	
Agency Ethics Official's Opinion: On the basis of the information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below or on attached sheet).	Signature of Designated Agency Ethics Official/Reviewing Official: David R. Shute		Date *(Month, Day, Year)*: 9/21/01	
Office of Government Ethics Use Only	Signature		Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

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Supersedes Prior Editions, Which Cannot Be Used.

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U.S. Office of Government Ethics

Reporting Individual's Name: Solberg, Mary Ann

SCHEDULE A

Page Number: 2

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income. *

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				x												x																
	Doe Jones & Smith, Hometown, State			x																												Law Partnership Income $110,000	
	Kempstone Equity Fund					x								x																			
	IRA: Heartland 500 Index Fund							x						x											x								
1	School District, Troy, MI (Fiduciary for Coalitions-Sched. D)																															Salary: $109,113.08	
2	General Motors Corporation (Truck & Bus Division) (S)																															Salary: (Until June 2001)	
3	General Motors Corporation Exec. Buy-out/Retirement (S)**	Value unascertainable																														Not ascertainable	
4	Fidelity Mutual OTC Growth Fund (J)		x											x			x					x											
5	Fidelity Mutual Aggressive Growth Fund (J)		x											x			x							x									
6	Fidelity Mutual Dividend Growth Fund (J)	x												x			x			x													

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

** includes defined benefit

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Reporting Individual's Name: Solberg, Mary Ann

SCHEDULE A continued
(Use only if needed)

Page Number: 3

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Fidelity Mutual Fund (J)	X												X			X			X		X											
2	ProMark Income Fund (J)	X												X						X		X											
3	Putnam Voyager A Fund (J)		X											X						X		X											
4	Putnam Health Science A&Y Fund (J)		X											X						X	X												
5	Delphi Automotive Common Stock (J)	X															X			X		X											
6	Gemstar Common Stock (J)			X																	X												
7	NetZero Common Stock (J)		X																		X												
8	General Motors Common Stock (J)					X											X						X										
9	General Motors H Stock (J)					X															X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Reporting Individual's Name: Solberg, Mary Ann

SCHEDULE A continued
(Use only if needed)

Page Number: 4

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Elumens Common Stock (J)			X																	X												
2	Oakland County, MI, Health Department																															Aggregate Fee Paid: $600.00	2/7/00 4/1/00
3	Cygnus Corporation, Washington, DC																															Fee Paid: $600.00	1/31/00
4	DARE Officers' Association, Wilbraham, MA																															Fee Paid: $500.00	4/19/00
5	Giles County, VA, Partnership																															Fee Paid: $500.00	11/17/00
6	Crawfordsville, IN, Partnership																															Fee Paid: $500.00	10/27/00
7	Valparaiso, IN, Task Force																															Fee Paid: $500.00	4/27/01
8	Michigan Public School Employee's Retirement Fund	Value unascertainable																			X												
9	Savings Account - Catholic Credit Union, Clawson, MI		X																X				X										

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Solberg, Mary Ann

SCHEDULE B

Page Number: 5

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange*	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	$250,001-$500,000	$500,001-$1,000,000	$1,000,001-$5,000,000	$5,000,001-$25,000,000	$25,000,001-$50,000,000	over $50,000,000	Certificate of divestiture
Example	Central Airlines Common				2/1/99											
1																
2																
3																
4																
5																

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

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Reporting Individual's Name: Solberg, Mary Ann

SCHEDULE C

Page Number: 6

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None [X]

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (x): $10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			x								
	John Jones, 123 St., Washington, DC	Promissory note	1999	10%	on demand					x						
1																
2																
3																
4																
5																

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None [ ]

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	Will receive retirement pension and health benefits upon resignation - based on length of service and routine buy-in to age 62	MI Public School Employees' Retirement Fund	9/64
2			
3			
4			
5			
6			

Prior Editions Cannot Be Used.

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Reporting Individual's Name	SCHEDULE D	Page Number
Solberg, Mary Ann		7

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/52	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	Troy Community Coalition-Prev. of Drug & Alch. Abuse*	Non-Profit - Substance Abuse	Executive Director	9/91	Pres.
2	Coalition of Healthy Communities *	Non-Profit - Community Wellness	Executive Director	9/95	Pres.
3	*Location=Troy, MI				
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☐

	Source (Name and Address)	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Troy, MI, School District - Fiduciary for above coalitions	Salary as employee - includes compensation for both coalition positions, above
2		
3		
4		
5		
6		

Prior Editions Cannot Be Used.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS		LIABILITIES	
Cash on hand and in banks	$5,000	Notes payable to banks-secured	
U.S. Government securities-add schedule		Notes payable to banks-unsecured	
Listed securities-add schedule	$170,797	Notes payable to relatives	
Unlisted securities-add schedule		Notes payable to others	
Accounts and notes receivable:		Accounts and bills due	$58,057
Due from relatives and friends	$30,000	Unpaid income tax	
Due from others		Other unpaid income and interest	
Doubtful		Real estate mortgages payable-add schedule	$180,000
Real estate owned-add schedule	$420,000	Chattel mortgages and other liens payable	
Real estate mortgages receivable		Other debts-itemize:	
Autos and other personal property	$275,000		
Cash value-life insurance	$7,000		
Other assets itemize:			
Coins/Silver	$7,000		
Antiques	$14,800		
Retirement/Exec. Buy-out, 2001	$70,000		
		Total liabilities	$238,057
		Net Worth	$761,540
Total Assets	$999,597	Total liabilities and net worth	$999,597
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	No	Are any assets pledged? (add schedule)	No
On leases or contracts	No	Are you defendant in any suits or legal action?	No
Legal Claims	No	Have you ever taken bankruptcy?	No
Provisions for Federal Income Tax	No		
Other special debt	No		

This statement was prepared to the best of my knowledge from available records.

LISTED SECURITIES

Gemstar Common Stock	$6,469.
NetZero Common Stock	$281.
Elumens Common Stock	$15,000.
General Motors Common Stock	$18,197.
General Motors H Stock	$117,880.
Fidelity Mutual Aggressive Growth Fund	$10,134.
Fidelity Mutual OTC Growth Fund	$2,836.

REAL ESTATE MORTGAGES PAYABLE

Residence	$180,000

Accounts and Bills Due

Visa	$12,081
American Express	$8,100
Marshall Fields	$4,777
HRS-USA	$1,900
General Motors Acceptance Corp.	$31,199

Mary Ann Solberg
1662 Martinique, Troy, Michigan 48084

September 11, 2001

David A. Shull, Esquire
Alternate Designated Agency Ethics Official
Office of National Drug Control Policy
Executive Office of the President
Washington, DC 20503

Dear Mr. Shull:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Director of National Drug Control Policy.

As required by 18 U.S.C. §208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver pursuant to section 208(b)(1), or qualify for a regulatory exemption pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any persons or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation I will resign my positions as Executive Directors of the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse and the Coalition of Healthy Communities, as well as my position as an employee of the Troy School District, Troy, Michigan. Furthermore, pursuant to 5 C.F.R.§2635.502, for one year after I terminate those positions, I will not participate in any particular matter involving specific parties in which either coalition for the Troy School District is a party or represents a party, unless I am authorized to participate.

Additionally, I also understand that the following stock holdings present a potential conflict of interest under section 208(a), although it has been determined that it is not necessary at this time for me to divest these interests: Gemstar and General Motors (Common and H Stock). You have notified me that each of those parent companies currently directly control subsidiary companies that are involved in the advertising buys under the National Youth Anti-Drug Media Campaign managed by the Office of National Drug Control Policy. These subsidiary companies are TV Guide and DirectTV, respectively. Although you have informed me that the present Deputy Director of the Office of National Drug Control Policy did not take any personal role in approving media campaign buys, should I obtain differing responsibilities, I will not participate

personally or substantially in any particular matter that will have a direct and predictable effect on the financial interests of these entities, unless I first obtain a written waiver or qualify for a regulatory exemption.

Upon my resignation from the Executive Directorships in the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse and the Coalition of Healthy Communities, as well as my status as an employee of the Troy School District, and after a one-time, routine payment to the Michigan Public School Employee's Retirement System, I will start receiving a pension based upon my long-time service as a Michigan public school employee. While in such status, I will receive no compensation for services and my financial benefit will be limited to passive investment income or other benefits associated with participation in the State Retirement Fund. Furthermore, pursuant to 18 U.S.C. §208, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the ability or willingness of the State of Michigan to provide this contractual benefit, unless I first obtain a written waiver or qualify for a regulatory exemption (including the one at 5 C.F.R. §2640.201(c)(2)).

Finally, although my spouse is currently retired from General Motors Corporation, he is actively seeking consultation positions, outside of General Motors, associated with automotive engineering. After confirmation, I will not participate in any particular matter involving specific parties in which any company for which my husband provides consultation services, is or represents a party, pursuant to 5 C.F.R. §2635.502, unless I am authorized to participate. Furthermore, pursuant to section 2635.502, I will not participate in any particular matter involving specific parties in which any client of my spouse is or represents a party, unless I am authorized to participate. In addition, my spouse has agreed not to represent any client with respect to any particular matter before the Office of National Drug Control Policy or the Executive Office of the President during my tenure.

Sincerely,

Mary Ann Solberg

Mary Ann Solberg

/lk

Senator BIDEN. Thank you very much.

I see Senator Warner has come in. We noted that he was necessarily absent on Armed Services Committee business and we have put his statements in the record regarding two nominees, but we welcome him and invite any comment he would like to make.

STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WARNER. Mr. Chairman, I thank you very much. Senator Allen introduced my statements.

Senator BIDEN. He did.

Senator WARNER. I am simply here to observe for a brief period, and I thank the Chair and I welcome our nominees who are offering themselves to public service.

Senator BIDEN. Thank you very much, Senator.

Dr. Crane?

STATEMENT OF BARRY D. CRANE, NOMINEE TO BE DEPUTY DIRECTOR OF SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. CRANE. Chairman Biden and Senator Hatch and distinguished members of the committee, I really want to thank you for having this hearing today and I want to thank the President for the honor of nominating me. I especially want to thank Senator Warner and Senator Allen for their introduction.

I want to acknowledge here today my wife, who has been with me all these years in service to our country. She has supported us in time of war when we were in Operation Homecoming. She currently volunteers and teaches little children about how the Bill of Rights came at Gunston Hall, so I want to acknowledge her.

Senator BIDEN. Welcome.

Mr. CRANE. I will keep my opening remarks brief and respectfully request that the committee enter my entire written statement.

Mr. BIDEN. Your entire statement will be placed in the record.

Mr. CRANE. My professional research since 1993 at the Institute for Defense Analysis has reinforced my own personal philosophy that our country needs a balanced drug control policy. You have to have all of these things—prevention, treatment, enforcement, international, and interdiction activities.

Each drug control program has its own merits, but it will be my job, if confirmed, to assist the director in developing and implementing effective supply reduction policies. Effective supply reduction not only will reduce the supply of illicit drugs that enter our borders, but it will also disrupt the profit margins of the drug traffickers. And these are ordinarily used to expand markets, but most notably in this time of war and terrorism, a lot of these funds have gone to expand terrorism and really violent and evil things in our world. So this will be an important job. I look at this as a national security job as well as a drug control job.

My recent professional experience has been well-suited for this post. I have provided support to the United States interdiction coordinator, Admiral Loy, since 1994, and I have made many recommendations over time on how to improve our operations.

I have also supported the Department of Defense in its role of detection of monitoring, and also we did reviews of the internal demand control programs in the Department of Defense to minimize drug problems within armed services personnel.

We also did a lot of research on the law enforcement operations of the Coast Guard for the Office of Law Enforcement. Our research developed an in-depth understanding of how these illicit drug enterprises actually work, and it is principally based on observations and recorded data.

Our empirical approaches have been tested and validated by a number of independent data sources, and also many operations spanning really decades of time. They have enabled our research team to characterize and quantify the largest effects attributable to individual and collective supply control operations, and to formulate insightful, practical, and useful drug trafficking deterrents. As you know, the hit-and-run operations came really out of the research. We have to arrest these people. It really increases operational performance, so the specialized units for the Coast Guard came out of this. As deputy director, I will aid the director and use these as a basis for policy formation.

In conclusion, I am very grateful for this nomination and I want to thank all the Senators for their great support over this time. Thank you very much.

[The prepared statement of Mr. Crane follows:]

STATEMENT OF BARRY D. CRANE, NOMINEE TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY

Chairmen Leahy and Biden, Ranking Member Hatch, and distinguished Members of the Committee: I want to thank the President for the honor of nominating me to the Office of the Deputy Director for Supply Reduction, Office of National Drug Control Policy, and I am grateful to the Committee on the Judiciary for considering my nomination.

My professional research since 1993 at the Institute for Defense Analyses[1] has reinforced my personal philosophy that our country needs a balanced drug control policy, encompassing a wide array of prevention, treatment, domestic enforcement, and international, and interdiction activities. Each drug control program has its own merits and it will be my job, if confirmed, to assist the Director in developing and implementing an effective supply reduction policy that complements the many positive contributions of demand reduction. Effective supply reduction not only will reduce the supply of illicit drugs that enter our borders, but it will also disrupt the profit margins of drug traffickers—ordinarily used to expand markets and to finance other illegal activities, including, most notably, terrorism. In this time of war, my initial focus as Deputy Director for Supply Reduction will be the connection of drug markets to the financing of terrorist organizations.

My recent professional experience is well suited for my nominated post. I aided the U.S. Interdiction Coordinator in analyzing the effectiveness of interdiction operations and developing recommendations for improvements in these operations. I supported the Department of Defense in evaluating the effectiveness of DoD's detection and monitoring mission and DoD's internal demand control programs.[2] My research team provided numerous detailed technical assessments for the Joint Interagency Task Force East of the U.S. Southern Command. Also, my research team analyzed the effectiveness of law enforcement operations for the Office of Law Enforcement, United States Coast Guard, and for country attachés of the Drug Enforcement Administration.

Our research has developed an in-depth understanding of how illicit drug enterprises actually work, and our research is principally based upon observations and

[1] Page VI–2, Empirical Examination of Counterdrug Interdiction Program Effectiveness, Jan 1997.

[2] Our demand research was used to understand how the military dramatically reduced its drug abuse problem to levels far below the general population.

recorded data rather than academic theories.[3] Our empirical approaches have been tested on and validated by independent data sources, some spanning decades of events. They have enabled our research team to characterize and quantify the largest effects attributable to individual and collective supply control operations, and to formulate insightful and practically useful drug trafficking deterrence models. Our research has been used to improve supply control operations. As Deputy Director for Supply Reduction, I will continue use an empirically-based approach to guide our policy formulation.

In conclusion, I am grateful for the nomination of Deputy Director for Supply Reduction, I look forward to serving my country in that capacity, and I am ready for the hard work and the many challenges that lay ahead.

[The biographical information of Mr. Crane follows:]

[3] Most previous research adhered to a priori academic research that has had limited practical success in explaining actual data and observed behaviors. For example, the simultaneous dramatic drop in both cocaine price and usage in the early 1980's has not been explained.

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. **Full name (include any former names used.)**

Barry Duncan Crane

2. **Address: List current place of residence and office address(es).**

Residence: 5612 Kemp Lane, Burke VA, 22015
Phone: 703-323-5456 Fax: 703-323-5456 Cell: 703-371-8589
Office: Institute For Defense Analyses/OED, 1801 N. Beauregard St., Alexandria, VA 22311
703-845-2313; Fax: 703-845-2274

3. **Date and place of birth.**

26 July 1945 Ft. Worth, Texas

4. **Marital Status: (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

Cheryl Ann Crane (Sciaraffa); volunteer docent at Gunston Hall Plantation, VA

5. **Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.**

USAF Academy, Jun 1963 to Jun 1967, Bachelor of Science (Jun 1967) (Physics)
University of Arizona, Jan 1974 to Jan 1976, Master of Science (Dec 1975) (Physics)
University of Arizona, Jan 1976 to Jan 1980, Doctor of Philosophy (May 1980) (Physics)
John F Kennedy School of Government, Harvard University, August 1986 to Jun 1987, National Security Fellow (completed Jun 1987)

6. **Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.**

Chapman College Instructor of Physics (part time), Kirtland AFB, NM, 1977-1980

Associate Professor (part-time adjunct), George Washington University, Department of Electrical Engineering and Computer Science (1983-1990)

Institute for Defense Analyses, Project Leader, Oct 1991 to present

National Research Council, Committees on Aviation Security and Technologies Deployed to Improve Aviation Security (Oct 1993 to present)

7. **Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.**

Cadet USAF Academy, Jun 1963 to Jun 1967; Serial number: 359385049FR
USAF Colonel, Jun 1967 to Sep 1991, Retired, honorable discharge

1987-1991	OSD/Office of the Director, Defense Research & Engineering (Research and Advanced Technology) Specialist for Electronic Systems (Advanced Weapons, Avionics, SOF/Low Intensity Conflict, Special Programs)
1983-1986	HQ USAF, AF Studies and Analyses, Chief Tactical Systems Branch, Advanced Weapons and Electronic Combat, Pentagon, Wash. DC
1980-1983	Associate Professor of Physics, Director of Majors Division, and Faculty Aviation Manager (Chief Instructor Pilot), US Air Force Academy, CO
1975-1980	Asst. Chief of the Advanced Laser Technology Division, AF Weapons Laboratory, Kirtland AFB, NM
1970-1974	F-4 Fighter Pilot, 555th Tactical Fighter Squadron, Udorn Thailand, 523rd TFS, Clark AFB, Philippines and 546th TFS, George AFB, CA (247 combat missions)

8. **Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.**

Full scholarship (1963) to the Massachusetts Institute for Technology and a Presidential Appointment to the USAF Academy, Colorado
For combat action: Distinguished Flying Cross, 11 Air Medals, Vietnam Cross of Gallantry.
For meritorious service: Defense Superior Service Medal, 3 Meritorious Service Medals
U.S. Patent #4,436,437 (High Energy Laser Calorimeter)

9. **Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.**

None

10. **Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.**

I am not involved with any lobbying organizations.

Other organizations (member)

Association of Graduates, USAF Academy
Alumni, JFK School of Government, Harvard University
Alumni, University of Arizona
Order of Daedalians (Fraternal Order of Military Pilots)
American Legion
Air Force Association
The Retired Officers Association
Red River Valley Fighter Pilots Association (US Fighter Pilots Association)
Sons of the American Revolution
American Physical Society
Holy Spirit Catholic Church
Republican Party

11. **Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed_ Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.**

None.

12. **Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. *Please* supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all *speeches* by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.**

See attached list: Most titles are classified. I am providing open current research reports.

13. **Health: What is the present state of your health? List the date of your last physical examination.**

My health is good. I had a physical update in May 2000.

14. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

None.

15. Legal Career:

Not applicable, I am not a lawyer.

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

2. whether you practiced alone, and if so, the addresses and dates;

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

2. What percentage of these appearances was in:

(a) federal courts;

(b) state courts or record;

(c) other courts.

3. What percentage of your litigation was:

(a) civil

(b) criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

5. What percentage of these trials was:

(a) jury;

(b) non-jury.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

Not applicable, I am not a lawyer.

(a) the date of representations;

(b) the name of the court and the name of the judge or judges before whom the case was litigated; and

(c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

Not applicable, I am not a lawyer.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. **List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expected to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.**

   TIAA-CREF Funds (retirement plan)

   USAF Retirement with 24 years of active military service.

   I have no future arrangements to be compensated for business interests.

2. **Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories or litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.**

   I have no potential conflicts of interest identified by the Office of Government Ethics. If conflicts arise in the future, I will see the ONDCP Ethics Official and recuse myself.

3. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.**

   No.

4. **List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)**

   See attached Government SF-278, Public Financial Disclosure Report.

5. **Please complete the attached financial net worth statement in detail (add schedules as called for).**

   See attached statement of net worth and attached schedules.

6. **Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities?**

   No.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

   I am not a lawyer; however, I participate without compensation on the Committee on the Technologies Deployed to Improve Aviation Security (National Research Council, National Academy of Sciences) supporting the Department of Transportation.

   2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion – through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to changes these policies.

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Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: Crane			First Name and Middle Initial: Barry D	
Position for Which Filing	Title of Position: Deputy Director for Supply Reduction			Department or Agency *(If Applicable)*: Office of National Drug Control Policy	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: Institute for Defense Analyses, 1801 N. Beauregard St., Alexandria, VA 22311			Telephone No. *(Include Area Code)*: 703-845-2313	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Retired USAF Colonel [08/91 to present]				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Committee on the Judiciary			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: [signature]			Date *(Month, Day, Year)*: 08/28/2001	
Other Review (If desired by agency)	Signature of Other Reviewer			Date *(Month, Day, Year)*	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/ Reviewing Official			Date *(Month, Day, Year)*	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

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U.S. Office of Government Ethics

Reporting Individual's Name: Crane, Barry D.

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				X												X						X										
	Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $130,000	
	Kempstone Equity Fund						X																										
	IRA: Heartland 500 Index Fund							X						X											X								
1	TIAA-CREF funds						✓							✓							✓												
2	AT&T common stock [S]		✓														✓				✓												
3	Institute for Defense Analyses																															Salary: $126,944	
4	Bell South common stock [S]		✓														✓				✓												
5	Exxon Mobil common stock [S]			✓													✓					✓											
6	General Electric common stock [S]			✓													✓				✓												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Reporting Individual's Name: Crane, Barry D.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
7	Lucent common stock [S]		✓														✓				✓												
8	Air Academy National Bank Checking [J]		✓																		✓												
9	SBC common stock [S]		✓														✓				✓												
10	Verizon common stock [S]		✓														✓				✓												
11	Vodaphone common stock [S]		✓														✓				✓												
12	Pentagon Federal Credit Union [J]		✓																✓		✓												
13	Bank of America Checking [J]		✓																		✓												
14																																	
15																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Crane, Barry D.

SCHEDULE B

Page Number: 4 / 6

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common				2/1/99												
1																	
2																	
3																	
4																	
5																	

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

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Reporting Individual's Name: Crane, Barry D.

SCHEDULE C

Page Number: 5 / 6

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☑

	Creditors (Name and Address)	Type of Liability	Date incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.											
	John Jones, 123 JSt., Washington, DC	Promissory note	1999	10%	on demand											
1	None															
2																
3																
4																
5																

* This category applies only if the underlying liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will recieve lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	TIAA-CREF Funds (retirement plan)	Institute for Defense Analyses through employee participation	03/92
2			
3			
4			
5			
6			

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Reporting Individual's Name	SCHEDULE D	Page Number
Crane, Barry D.		6 / 6

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	Institute for Defense Analyses, 1801 N Beauregard St, Alexandria, VA 22311	non-profit FFRDC	Project Leader	10/91	Present
2	Committee on Assessment of Technologies Deployed to Improve Aviation Security, National Materials Advisory Board, National Research Council, 2101Constitution Ave, Wash, DC 20418	non-profit research/established by Congress	unpaid committee member	09/99	Present
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☐

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (Client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Institute for Defense Analyses Project Leader	Researcher
2		
3		
4		
5		
6		

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FINANCIAL STATEMENT

Barry D. Crane NET WORTH **359385049**

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS		LIABILITIES	
Cash on hand and in banks	$7,556	Notes payable to banks-secured	None
U.S. Government securities-add schedule	$765 (EE)	Notes payable to banks-unsecured	None
Listed securities-add schedule spouse	$77,728	Notes payable to relatives	None
Unlisted securities--add schedule	None	Notes payable to others	None
Accounts and notes receivable:	None	Accounts and bills due	None
Due from relatives and friends	None	Unpaid income tax	None
Due from others	None	Other unpaid income and interest	None
Doubtful	None	Real estate mortgages payable-add schedule	$70,057
Real estate owned-add schedule 1 house	$350,000	Chattel mortgages and other liens payable	None
Real estate mortgages receivable	None	Other debts-itemize:	None
Autos and other personal property	$105,000		
Cash value-life insurance	All term		
Other assets itemize:			
TIAA-CREF Funds (retirement)	$325,000		
		Total liabilities	$70,057
		Net Worth	$795,992
Total Assets	$866,049	Total liabilities and net worth	$866,049
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	None	Are any assets pledged? (Add schedule)	No
On leases or contracts	None	Are you defendant in any suits or legal actions?	No
Legal Claims	None	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	None		
Other special debt	None		

Barry D. Crane 359385049

Schedule – U.S. Government Securities: 15 Series EE Savings Bonds: $765

Schedule- Listed Securities – Spouse ownership – as of 2 Oct 2001

AT&T	T	$2,247
Avaya	AV	$50
Bell South	BLS	$3,808
Exxon Mobil	XOM	$36,178
GE	GE	$12,833
Lucent	LU	$388
Qwest	Q	$561
SBC	SBC	$7,722
Verizon	VZ	$12,837
Vodafone	VOD	$1,104
Total Value		$77,728

Schedule Real Estate: Residence (Burke VA) estimated value: $350,000

Schedule Home Mortgage:

	Principal Remaining on Residence
First Nation Wide (First):	$50,380
Pentagon Federal Home Equity Loan:	$19,677
Total Outstanding on Residence	$70,057

Senator HATCH [presiding]. Well, thank you, Dr. Crane.

Senator Biden had to take a phone. So, Scott Burns, we will now take your testimony.

STATEMENT OF SCOTT BURNS, NOMINEE TO BE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. BURNS. Thank you. Ranking Member Hatch, Senator Grassley, Senator Warner, I will keep my statement brief, as the others, hopefully under two minutes, and I respectfully request that the committee enter my written statement for the record.

Senator HATCH. Without objection, we will do exactly that.

Mr. BURNS. I am honored to appear before you today as the nominee for Deputy Director of State and Local Affairs of the Office of National Drug Control Policy. I want to express my sincere appreciation to you, Senator Hatch, for your kind remarks, to Senator Bennett, and for your willingness to bring Public Safety Commissioner Flowers out here from Utah, not only I know to honor him, but that he would be willing to come out here on my behalf. I thank you sincerely.

Senator HATCH. Thank you. We are grateful to him as well.

Mr. BURNS. As a prosecuting attorney, over the past 15 years I have seen firsthand the devastating effects of illicit drug use in this country. I have observed the smuggling and the distribution and the use of marijuana that has risen and fallen over the years, depending on the market.

I was there for the initial popularity and no harm done by using cocaine, and therefore the devastation of that drug that we all learned about; the proliferation of methamphetamine that is moving from the East Coast to the West Coast, and dealing with methamphetamine labs and clean-ups, but more, I guess, the clean-up of the hearts and the souls and minds of those that become addicted.

I have been there for the latest craze of GHB and club drugs. And, Senator Hatch, I thank you for your field hearings that you held in Utah addressing that when that issue first became known across the country.

I know, like each of you, that I think the men and women across this country who investigate and prosecute drug crimes are committed to reducing drug use and addiction, reducing the ancillary crimes associated with that problem. And I believe that thousands of Americans, men and women, get up every day and do their very best to deal with this insidious problem.

Over the past 15 years, I have had the opportunity to work with drug counselors, county commissioners, city council persons, prosecutors, police chiefs, task force members, rehabilitation program directors, and I have been involved in the prosecution of nearly every illicit drug available to our citizens.

As such, I have worked in the trenches, Senators, to try and make a difference with respect to these problems. And if fortunate enough to be confirmed, I hope to bring the message from the trenches, from State and local people, to you, and I hope to take your message back to State and local governments and elected and appointed officials across this country.

I thank you for the opportunity to testify. I look forward to answering any questions the committee may have.

[The prepared statement of Mr. Burns follows:]

TESTIMONY OF SCOTT BURNS, NOMINEE TO BE DUPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS OF NATIONAL DRUG CONTROL POLICY

Chairman Leahy and Biden, Ranking Member Hatch, and distinguished members of the Committee: I am honored to appear before you today as you consider my nomination for Deputy Director for State and Local Affairs of National Drug Control Policy. First and foremost, I want to express my sincere appreciation to each member of the Committee for the advice, encouragement, and counsel I have received during the nomination process.

As a prosecuting attorney for the past fifteen years, I have seen firsthand the devastating effects of illicit drug use in this country. I have observed the smuggling, distribution, and illegal use of marijuana; the rise in popularity and consequent devastation of cocaine; the proliferation of methamphetamine laboratories and methamphetamine abuse that is sweeping across the country from the west coast to the east coast; the latest craze of GHB, Ecstasy, and other so-called "club drugs;" and the daily tragedies associated with prescription abuse that knows no cultural or socioeconomic boundaries. Like each of you, I believe that the women and men who investigate and prosecute drug offenses across this country are committed to reducing drug use and addiction, and in doing so, reducing ancillary crimes that are often inherent to that human condition. I also believe that, while we can do better, thousands of Americans are working hard every day in substance abuse treatment programs and prevention centers to assist our citizens dealing with drug use. In particular, I believe that all of us have made, and should make, special effort to address drug use among our children.

As I have heard many of you state publicly, I do not believe that our common goal of reducing drug use, especially among our youth, is a Republican, Democratic, or an Independent problem. I believe these issues are a national problem. In preparing for this hearing, I have had the opportunity to examine some of the issues that each of you are dealing with in your respected states and, as such, I am struck more by the commonality than the differences. However, the manner and methods by which we address these complex issues is the subject of much debate. I have always believed that our first goal must be prevention, followed by efforts to assist those who have become addicted to illegal drugs through counseling and treatment. The criminal justice system should always be the last resort. I also believe that we must concentrate prevention efforts on our youth as virtually every study available suggests that the sooner we intervene, educate, and assist, the greater the likelihood for success. With the foregoing in mind, I also believe that the criminal justice system plays an important role in the national drug control policy and we must use every tool available to reduce the demand for illicit drugs, limit the supply, and treat those that are struggling every day with addiction.

Over the past fifteen years, I have had the opportunity to work with the drug counselors, county commissioners, city councilpersons, prosecutors, police chiefs, sheriffs, alternative youth rehabilitation program directors, and drug task force members. I have been involved in the prosecution of nearly every illicit drug available to our citizens (methamphetamine, cocaine, LSD, heroin, marijuana, prescription fraud and abuse, and rave or club drugs). As such, I have worked with prosecutors from across the country, and if fortunate enough to be confirmed, I hope to bring the perspective of one "in the trenches" to the Office of National Drug Control Policy. Equally as important, I hope to deliver your message, and the message of the President, as relating to national drug control policy, to state and local officials across our great nation. I will work with my friend, Eugena Loggins, who is the District Attorney in Andalusia, Alabama, with respect to the horrors of methamphetamine that will soon reach her jurisdiction. I will work with my colleagues, Terry L. White, Chief-Deputy-in-Charge for the Los Angeles District Attorney's Office, Tom Sneddon, Santa Barbara District Attorney, and Robert Morgenthau, the District Attorney of New York City, to find better ways wherein the Congress, Office of National Drug Control Policy, and other departments and agencies can assist in their efforts, in the real world, to deal with the horror of illegal drugs and attendant crimes. I will work with Mike Rogers, an Assistant States Attorney for Cook County in Chicago; I will work with Ann Gardner, Senior Assistant Commonwealth Attorney in Roanoke, Virginia; I will make every effort to assist Mark Larson, Chief Deputy of the Prosecutor's Office in Seattle, Washington, as well as Lynette Reda, the Assistant D.A. in Buffalo, New York. I will strive, humbly, to "speak their language"

in bridging whatever gaps there may be on the national, state, and local level in an effort to help all of us reach our common goal as relating to illicit drug use. I pledge to continue to work on drug issues with Michael McCann, the District Attorney of Milwaukee County, Wisconsin, and I will coordinate closely with Tom Charron, the Director of Education at the National District Attorney's Association, to make certain that those entrusted with prosecuting drug offenses do so in a professional and fair manner. I will also reach out to the attorney generals, sheriffs, police chiefs, federal law enforcement agencies, community leaders, and prevention and treatment professionals, on behalf of the Office of National Drug Control Policy, to make certain that supply reduction, treatment, and education are balanced and to ensure that tax dollars are being spent prudently.

Mr. Chairman, I am well aware of the great strides that you and the distinguished members of this Committee have made over the years in reducing the demand for, and supply of, illegal drugs. I am also aware that thousands of good women and men go to work each day in an effort to prevent illegal use and distribution of harmful drugs, and they are doing a good job. If fortunate enough to be confirmed, I will dedicate myself to build on those successes by coordinating the national drug control policy with state and local officials nationwide.

Thank you for this opportunity to testify, and I look forward to answering any questions the Committee may have.

[The biographical information of Mr. Burns follows:]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. **Full name (include any former names used).**

RESPONSE:

Scott McLaughlin Burns; Scott Burns.

2. **Address: List current place of residence and office address(es).**

RESPONSE:

Residence:
223 South 200 West, Cedar City, Utah 84720

Office:
97 North Main Street, Suite 1, P.O. Box 428, Cedar City, Utah 84720

3. **Date and place of birth.**

RESPONSE:

March 7, 1958; Salt Lake City, Utah.

4. **Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

RESPONSE:

My spouse's name is Alice Ritter Burns; her maiden name was Alice Marie Ritter. My spouse's occupation is attorney at law. My spouse's employer's name is Cedar City Corporation. Cedar City Corporation's business address is 10 North Main, Cedar City, Utah.

5. **Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.**

RESPONSE:

Southern Utah University, 351 West Center Street, Cedar City, Utah 84720; attended from September, 1976, to May 1980; received a B.S. degree in May, 1980.

California Western School of Law; 350 Cedar Street, San Diego, California 92101; attended from August, 1981, to May, 1984; received a Juris Doctorate degree in May, 1984.

6. **Employment Record: List (by year) all businesses or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.**

RESPONSE:

Burns & Burns, Attorneys at Law; partner; October, 1985, to January, 1987.
Iron County Attorney (elected); January, 1987, to present.

7. **Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.**

RESPONSE:

No military service.

8. **Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the committee.**

RESPONSE:

None.

9. **Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are of have been a member and give the titles and dates of any offices which you have held in such groups.**

RESPONSE:

Utah Bar Association, 1984 to present.

10. **Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.**

RESPONSE:

The only organization to which I belong that is active in lobbying before public bodies is the Statewide Association of Prosecutors. This organization lobbies before the Utah State Legislature, each year, for the passage or denial of legislation that may affect the criminal justice system. The only other organizations with which I am, or have been, associated are as follows:

A. B.P.O.E., Elks USA, a fraternal organization, Cedar City, Utah, Lodge No. 1556, Members No. 1765, 1988 to present. I have not held any positions with this organization.

B. Adjunct Professor, Southern Utah University (criminal justice and law courses); taught various courses from 1992 to 1998.

C. Member of Republican Party since 1979. I have served as local and state delegate to the Utah Republican Convention on several occasions and, in 1996, was an alternate delegate to the National Republican Convention in San Diego, California. I have served as Iron County Campaign Chairman for Orrin G. Hatch, U.S.S.; Robert F. Bennett, U.S.S., and Michael O. Leavitt, Utah Governor; at various times from 1992 to present.

D. Utah State Bar, 1984 to present; Judge Advocate, Utah Chiefs of Police Association, 1992 to 1997; Chairman, Southern Utah Law Enforcement Agencies Board, 1987 to present; Statewide Association of Public Attorneys (SWAP), 1989 to present; Utah Peace Officers Standards and Training Board Member (Utah Police Academy), 1993 to 2001.

E. Christ the King Catholic Church, 1990 to present; served a one-year term on Parish Council.

11. **Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.**

RESPONSE:

The Supreme Court of Utah, October 15, 1984 to present.

The United States District Court for the District of Utah, October 15, 1994 to present.

12. **Published Writings: List the titles, publishers, and dates of book, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.**

RESPONSE:

As Judge Advocate for the Utah Chiefs of Police Association (1992 - 1997), I authored approximately six (6) articles relating to current law enforcement issues. See Exhibit "A" attached hereto and incorporated herein by this reference.

In my capacity as Iron County Attorney (1987 - present) and as a candidate for Utah Attorney General (1992 and 1996), I have given well over one hundred (100) speeches. Obviously, the content and nature of these speeches related to my political campaigns (current and relevant issues relating to the offices I sought), but I do not believe that the content of any of these speeches could be considered controversial. These were standard "stump speeches" and I did not keep copies of these speeches.

13. **Health: What is the present state of your health? List the date of your last physical examination.**

RESPONSE:

I enjoy excellent health. I have no medical conditions that could, in any way, interfere with my ability to fulfill my duties. My last physical examination was on June 3, 1998.

14. **Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.**

RESPONSE:

Successful candidacies: Iron County Attorney, 1986; Iron County Attorney, 1990; Iron County Attorney, 1994; Iron County Attorney, 1998.

Unsuccessful candidacies: Utah Attorney General, 1992; Utah Attorney General, 1996.

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

RESPONSE:

No.

2. whether you practiced alone, and if so, the addresses and dates;

RESPONSE:

No.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

RESPONSE:

Burns & Burns, 1984 to 1987; partner with wife, Alice Ritter Burns.

Iron County Attorney (elected), 1987 to present.

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

RESPONSE:

1984 to 1987: Criminal defense, civil litigation, divorce, personal injury, trust and wills, and essentially areas of law consistent with a general practice in a small town.

1987 to present: Elected Iron County Attorney. As County Attorney, my duties require criminal prosecution, defense of lawsuits against the county, advising elected officials on various issues (ordinances, tax matters, road issues, zoning laws, special

service and special improvement districts, etc.), and essentially every other duty (criminal and civil) required of a county attorney.

2. **Describe your typical former clients, and mention the areas, if any, in which you have specialized.**

RESPONSE:

1984 to 1987: Criminal defendants and litigants in civil, personal injury, and divorce litigation.

1987 to present: The citizens of Iron County, State of Utah.

c. 1. **Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearance in court varied, describe each such variance, giving dates.**

RESPONSE:

Frequently. For the past fifteen (15) years, I have appeared in court on a regular basis (at least three times per week), and I routinely handle a number of cases during each appearance.

2. **What percentage of these appearances was in:**
   (a) federal courts;
   (b) state courts of record;
   (c) other courts.

RESPONSE:

(a) federal courts:	1%
(b) state courts of record:	98%
(c) other courts:	1%

3. **What percentage of your litigation was:**
   (a) civil;
   (b) criminal.

RESPONSE:

(a) civil:	1984 to 1987:	70%
	1987 to present:	20%
(b) criminal:	1984 to 1987:	30%
	1987 to present:	80%

4. **State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.**

RESPONSE:

I have, over the past fifteen (15) years, tried approximately one hundred fifty (150) jury trials to verdict or judgment as sole counsel. I have also tried, at a minimum, fifty (50) non-jury trials to verdict or judgment as sole counsel.

5. **What percentage of these trials was:**
   (a) jury;
   (b) non-jury.

RESPONSE:

(a) jury:	75%
(b) non-jury:	25%

16. **Litigation: Describe the ten most significant litigated matters you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:**

   (a) the date of representations;
   (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
   (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

RESPONSE:

See Exhibit "B" attached hereto and incorporated herein by this reference.

17. **Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

RESPONSE:

As an attorney and litigator in a small town for seventeen (17) years, I have had the opportunity to become involved in a wide range of issues and cases. It is difficult to say which cases or legal activities are the "most significant" as I believe that my pro bono work (adoptions, defense of the indigent, attempts to raise the level of health care in our community) is an aspect of my practice of which I am most proud. However, I have also had the opportunity to appear in court and litigate, before juries, important matters such as the death penalty, narcotics cases, child and sexual abuse, domestic violence, internet and computer crimes, and essentially every type of criminal offense, from driving under the influence of alcohol to capital murder. I have had the opportunity to be involved in high-profile cases (I assisted New York District Attorney Robert Morgenthau in the prosecution of Kenneth and Sante Kimes, known as "the Grifters"); the novel (I recently convicted two individuals who traveled to our county, with a 20-20 news crew and correspondent Christopher Cuomo, to drill holes in people's heads under the representation that this "trepanation" was an accepted medical procedure); and I have also been blessed with many experiences wherein I realized why I pursued the practice of law (a note of gratitude from a rape victim; a hug from a child, that has been the victim of sexual abuse, after a verdict of guilty against the perpetrator; and the satisfaction of knowing that, perhaps, I made a difference in someone's life because of my actions as a lawyer).

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. **List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.**

RESPONSE:

I have a Utah State Retirement plan, non-contributory, vested. As of June 30, 2001, the value of said retirement plan was **$21,430.12.** I, along with my wife, own 400 shares of Wal-Mart stock, with an approximate value of **$30,000**. The dividends from said stock are less than $1,000 per year. I have one outstanding client, Ronald P. Jenkins, who I represent in a civil action involving a dispute between a petroleum distributor and petroleum retailer. If confirmed, I anticipate my final bill to Mr. Jenkins (before withdrawing as counsel) will be between **$5,000 and $10,000**.

Aside from the foregoing, there are no sources of anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, and other future benefits which I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. As stated, the only arrangements I have made to be compensated in the future for any financial or business interest relate to a final bill that I will submit to Mr. Jenkins should I be confirmed by the Senate.

2. **Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.**

RESPONSE:

As required by 18 U.S.C. §208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver pursuant to §208(b)(1), or qualify for a regulatory exemption pursuant to §208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general

partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any persons or organization with which I am negotiating or have an arrangement concerning prospective employment.

Should I be confirmed by the Senate, I will resign my position as County Attorney, Iron County, Utah. Furthermore, pursuant to 5 C.F.R. §2635.502, for one year after I terminate my position with Iron County, I will not participate in any particular matter involving specific parties in which Iron County is a party or represents a party, unless I am authorized to participate.

Finally, my spouse is currently employed as City Attorney for the Cedar City (Utah) Corporation, from which she receives a fixed annual salary. Although she fully expects to resign that post should I be confirmed by the Senate, after confirmation and until such a resignation become a reality, I will not participate in any particular matter involving specific parties in which the Cedar City Corporation is or represents a party, pursuant to 5 C.F.R. §2635.502, unless I am authorized to participate. Furthermore, pursuant to §2635.502, I will not participate in any particular matter involving specific parties in which any client of my spouse is or represents a party, unless I am authorized to participate. In addition, my spouse has agreed not to represent any client with respect to any particular matter before the Office of National Drug Control Policy or the Executive Office of the President during my tenure.

3. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.**

RESPONSE:

No.

4. **List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)**

RESPONSE:

See Exhibit "C" attached hereto and incorporated herein by this reference.

5. **Please complete the attached financial net worth statement in detail (add schedules as called for).**

RESPONSE:

See Exhibit "D" attached hereto and incorporated herein by this reference.

6. **Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.**

RESPONSE:

I have been a member of the Republican Party since 1979. I have served as local and state delegate to the Utah Republican Convention on several occasions and, in 1996, was an alternate delegate to the National Republican Convention in San Diego, California. I have served as Iron County Campaign Chairman for Orrin G. Hatch, U.S.S.; Robert F. Bennett, U.S.S., and Michael O. Leavitt, Utah Governor; at various times from 1992 to present.

I was the Republican candidate for Iron County Attorney (1986, 1990, 1994, 1998). I was also the Republican candidate for Utah Attorney General (1992, 1996). None of the campaigns, wherein I was a candidate, have outstanding debt, and I am not aware of any complaints lodged against any of my campaign committees.

III. GENERAL (PUBLIC)

1. **An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.**

RESPONSE:

As an attorney, licensed to practice law in the State of Utah for the past seventeen (17) years, I have attempted (each year) to provide pro bono legal services for the disadvantaged or devote time to assist those in need in my community. Please know that, during my entire legal career, I have made great effort to provide professional legal assistance to those who made be disadvantaged. By way of example, I recently concluded a pro bono case wherein I represented a young and indigent college couple that was sued by a landlord over a lease agreement. I devoted approximately twenty (20) hours of legal services, including appearance at the non-jury trial, on their behalf.

As the elected Iron County Attorney, my private civil practice is extremely limited and, as such, my ability to provide pro bono legal services is limited given my prosecutorial duties. However, over the years I have effected several adoptions pro bono (the last one being in the year 2000). As a graduate of Southern Utah University, and a former athlete, I have also provided services to athletes, particularly minorities who have traveled to southern Utah to attend school and may be experiencing difficulties in adjusting to the local culture and customs. By way of example, the star running back on the university football team fathered a child out of wedlock with a young woman who lived in the southern Utah community. The parents of the young woman took the position that he could not visit the child and that they would not acknowledge his paternity. I represented this young man, who agreed to fulfill all of the required obligations of fatherhood (costs of birth, child support, etc.), and established paternity and visitation rights on his behalf.

Finally, over the past two (2) years, I have devoted in excess of two hundred (200) hours in an effort to bring the level of health care services in my county to an acceptable level. Our community is without oncology services, dialysis, or even pathology capabilities at the local hospital and I have made great effort to encourage the non-profit medical services provider (IHC) to provide these basic health care services to our citizens. Moreover, I demanded the creation of a subcommittee made up of government officials and hospital administrators and

officials to audit the hospital's procedures to ensure that indigent persons receive the same level of health care as those who are insured and, very recently, I was informed that IHC has (a) increased the projected spending on a new hospital from $23 million to $30 million, (b) agreed to provide oncology and dialysis services within the next twelve (12) months, and (c) taken great effort to ensure that no person is denied medical treatment regardless of race, religion, or ability to pay.

2. **Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion – through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What have you done to try to change these policies?**

RESPONSE:

In 1988, I joined the B.P.O.E. Elks USA, a fraternal organization, Cedar City, Utah, Lodge #1556, Members #1765. On September 10, 1992, I withdrew my membership when allegations were made that the B.P.O.E. Elks USA discriminated against those seeking membership based upon gender and possibly race. After the allegations were resolved in the State of Utah, and upon satisfying myself that the organization no longer discriminated based upon race, sex, or religion, I re-established my membership on May 22, 1996. I have not held any positions with this organization.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	**Reporting Status** (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: BURNS			First Name and Middle Initial: SCOTT M.	
Position for Which Filing	Title of Position: DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS			Department or Agency *(If Applicable)*: ONDCP	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: 223 SOUTH 200 WEST CEDAR CITY UTAH 84720			Telephone No. *(Include Area Code)*: 1-435-586-4936	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: NONE				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: COMMITTEE ON THE JUDICIARY			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: [signature]			Date *(Month, Day, Year)*: 7-25-01	
Other Review (If desired by agency)	Signature of Other Reviewer			Date *(Month, Day, Year)*	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/ Reviewing Official			Date *(Month, Day, Year)*	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting peroid is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding **two** calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

EXHIBIT "C"

SF 278 (Rev. 03/2000)
5 C.F.R. Part 263
U.S. Office of G ent Ethics

Reporting Individual's Name: BURNS, SCOTT M.

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples: Central Airlines Common				X												X						X										
Examples: Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $130,000	
Examples: Kempstone Equity Fund					X								X										X									
Examples: IRA: Heartland 500 Index Fund							X						X											X								
1 SAVINGS-STATE BANK OF SOUTHERN UTAH				✓														✓					✓									
2 208 ACRES MTN GROUND PIUTE COUNTY UTAH (J)					✓															✓												
3 400 SHARES WAL MART			✓													✓					✓											
4 IRON COUNTY, UTAH, COUNTY ATTORNEY																															SALARY $73,104	
5 CEDAR CITY,UTAH, CITY ATTORNEY (S)																															SALARY	
6 UTAH STATE RETIREMANT PLAN NON-CONTRIBUTORY-VESTED			✓																	✓												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

OGE/PureEdge, version 1.0.4 (5/21/01)

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Gove Ethics

Reporting Individual's Name: BURNS, SCOTT M.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
7	REX WILLIAMS-MEADOW, UTAH-LEGAL SERVICES (01/99-02/01)																															FEE PAID $9,600.00	
8																																	
9																																	
10																																	
11																																	
12																																	
13																																	
14																																	
15																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name
BURNS, SCOTT M.

SCHEDULE B

Page Number 4 / 6

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)											
				Exchange													
	Example: Central Airlines Common				2/1/99												
1																	
2																	
3																	
4																	
5																	

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Example	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
Example	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

Prior Editions Cannot Be Used.

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Reporting Individual's Name: BURNS, SCOTT M.

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☑

	Creditors *(Name and Address)*	Type of Liability	Date incurred	Interest Rate	Term if applicable	Category of Amount or Value (x)										
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X								
	John Jones, 123 JSt., Washington, DC	Promissory note	1999	10%	on demand					X						
1	NONE															
2																
3																
4																
5																

* This category applies only if the underlying liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will recieve lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	UTAH STATE RETIREMENT PLAN NON-CONTRIBUTORY-VESTED ($21,430.12)		06/01
2			
3			
4			
5			
6			

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5 C.F.R. Par
U.S. Office : mment Ethics

Reporting Individual's Name	SCHEDULE D	Page Number
BURNS, SCOTT M.		6 / 6

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	IRON COUNTY, UTAH	IRON COUNTY ATTORNEY'S OFFICE, STATE OF UTAH	ELECTED IRON COUNTY ASTTORNEY	01/87	PRESENT
2					
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☐

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (Client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	IRON COUNTY, UTAH	ELECTED IRON COUNTY ATTORNEY
2	REX WILLIAMS-MEADOW, UTAH	LEGAL SERVICES (01/99-02/01) IN CONNECTION WITH A PARTNERSHIP DISPUTE
3		
4		
5		
6		

Prior Editions Cannot Be Used.

OGE/PureEdge, version 1.0.4 (5/21/01)

EXHIBIT "D"

Scott M. and Alice R. Burns
Statement of Financial Condition
09/30/01

ASSETS:	
Cash on Hand & In Bank	$102,713
Personal Effects	24,680
Automobiles	54,000
Condominium	130,000
Personal Residence	225,000
208 Acres Mtn. Ground	104,000
400 Shares Walmart	20,476
	$660,869
LIABILITIES:	
Note Payable-Zions Bank	26,240
Mortgage Payable-Wells Fargo Bank	66,886
Mortgage Payable-Condominium	73,400
Net Worth	494,343
	$660,869

Senator HATCH. Well, thank you, Scott. We know that you mean business, we know that you have been there, and we know you understand these problems. We also know that you understand the importance of helping people who have these problems. So I expect you to be one of the greatest people we have ever had in this area, and I have no doubt you will be.

Mr. Flores, we have a lot of respect for you as well, as you know. We appreciate the work that you have done through the years, so we will turn to you at this time.

STATEMENT OF J. ROBERT FLORES, NOMINEE TO BE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE

Mr. FLORES. Thank you very much. Mr. Chairman, members of the committee, it is an honor to appear before this committee as President Bush's nominee for the position of the Administrator of the Office of Juvenile Justice and Delinquency Prevention. I am deeply grateful for the confidence and trust that the President and the Attorney General have placed in me, and I can assure you I will work hard to justify their trust.

Before I begin, with your indulgence I would like to introduce my family. They are here with me today and it is an important day for my family, not just for me. They have helped me to get where I am—my wife, Ingrid; my son, Robert; my daughters, Catherine and Clare; and my mother, Abigail.

Senator HATCH. We welcome all of you here. These kids are pretty impressive. I am starting to worry about my grandchildren. [Laughter.]

Senator HATCH. It is great to have you all here and we are very proud that you are with us and that your husband is being tapped for this important position.

Mr. FLORES. Thank you, Senator.

As a parent, a prosecutor, and child advocate, I am sadly all too familiar with many of the challenges facing children today in their efforts to avoid temptation that if they are not successful in resisting will lead to broken lives.

As you have heard from my colleagues here who are up before the committee today, the availability of drugs, a culture that urges immediate gratification, and an acceptance of violence as a means of resolving conflict make it increasingly difficult to choose right over wrong. As if this were not enough, the institution of the family faces continued attack, making it difficult for parents to care for their own children, not to mention keeping an eye out for those of their neighbors.

Because of this, I believe that the challenges and work that belong to the Office of Juvenile Justice and Delinquency Prevention are among the most important and critical facing Government. The President's goal of leaving no child being must, I believe, include those children and youth that are in the juvenile justice system or at risk of entering that system. Should the Senate confirm me, I pledge to work hard on their behalf.

At first glance, my career has been focused primarily on prosecution. So the question might be asked, why now focus on juvenile

justice? I can't put it any more simply than the way I answered the question when my son asked me: because I want to help children.

I believe that my background has made me especially sensitive to what is at stake when we don't reach children at any early age, protect them from violence and abuse, and assist their parents, their caretakers and community in building them up. I am aware that failure to achieve those goals is registered not just in statistics, but in broken lives that often turn to crime or are trapped in a life of violence that has severe repercussions.

Because I have looked into the faces of children who have vented the anger in their lives through crime and violence because they have been neglected, abandoned, victimized sexually, mistreated in countless ways and made to feel as if they were invisible, I believe that any successful law enforcement effort must have as its primary goals the transformation of lives, the prevention of crime, together with the effective enforcement of law.

These goals require that we focus not only on punishment for actions that are wrong, but prevention by teaching what is right, encouraging and modeling that behavior, and investing resources in their lives and those of their families.

There are a number of programs at the Office of Juvenile Justice that are already underway and that I believe will help pave the way to transforming lives. They require financial resources, yes, but they also require an intimate and personal investment, and investment of one's time, talent, and personal treasure into the lives of children.

After all, there is not a single person in this room who can claim to have made it all by themselves. I know that I have enjoyed the support, encouragement, counsel, discipline, and material gifts of many, from those of my parents, family, and friends, teachers, church leaders, and professional colleagues.

The programs that OJJDP has that include mentoring, focus on community involvement, and effective intervention and partnering so that the difficult work of getting and staying on track need not happen alone must receive special attention. I do believe in requiring individual responsibility and personal hard work, but support from others as they are able must be part of any equation that has public safety and care of children as its result.

I look forward to working with the staff at the Office of Juvenile Justice. I spent eight years working in the Justice Department with colleagues. Some of the folks at OJJDP I worked with then, and I look forward to doing that now. I know that there is no shortage of commitment on their part.

Before concluding my statement, I want to share a personal story that I hope will shed some light on my perspective as it pertains to two important issues that the Office of Juvenile Justice has to be committed to address. They are disproportionate minority confinement and school violence.

I grew up in a middle-class neighborhood, in a home where my parents thought nothing of personal sacrifice for their children. While we were not wealthy, my brother and I lacked for nothing that was truly important. My parents were everywhere, and as quaint as it might seem to some, they were always my greatest supporters and cheerleaders. One day in fifth grade, however, I

came face to face with something that I had never before confronted.

I was the only Puerto Rican kid in my school and had been since we moved into that community for a couple of years, but I encountered my first ethnic slur and that word had amazing power for an 11-year-old. That word, brought home from college by the older brother of a school friend, really made a difference to me.

My schoolmate thought it might be fun to try it out on me and he did. I didn't understand the full ramifications of that word or its meaning, but I knew that the children's refrain that "words can never hurt me" was horribly wrong. In one fell swoop, I became embarrassed about my heritage and I did not have the skills to deal with it.

I retreated into my family. I didn't want to go back to school. In fact, I remember wanting to see no one, but what happened next made all of the difference. Neighbors came forward to support me. They provided a caring and protective environment that helped my parents put the incident into perspective for me. Knowing I wasn't alone, I went back to school. As my presence here testifies, God has blessed me and I have enjoyed a great deal of success and the support of many people. While that episode has past, I have never forgotten it.

I share this with you because I want you to have confidence that I will be sensitive to these issues. Racism, bigotry, and bullying are not limited to the playground. If it influences sentencing confinement decisions, makes true reentry into the community impossible, threatens the creation of a safe learning environment, or facilitates or contributes to domestic violence, it will be a priority for me. Such influences have no place in any system of justice, and it offends me deeply not just because of my heritage, but because it is offensive to any prosecutor who has spent his career doing justice.

I want to thank the committee for the opportunity to appear today. I want to thank Senator Hatch and Senator Grassley for their support, and for Senator Warner's statement this morning and for Senator Allen's as well. I look forward to taking any questions that you might have.

Thank you very much.

[The prepared statement of Mr. Flores follows:]

STATEMENT OF J. ROBERT FLORES, NOMINEE TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. Chairman and Members of the Committee: It is an honor to appear before this Committee as President Bush's nominee for the position of Administrator of the Office of Juvenile Justice and Delinquency Prevention. I am deeply grateful for the confidence and trust that the President and the Attorney General have placed in me and I will work hard to justify their trust.

As a parent, prosecutor, and child advocate, I am sadly, all too familiar with many of the challenges facing today's children and youth to avoid temptations that will lead to broken lives. The easy availability of drugs and alcohol, a culture that urges immediate gratification, and an acceptance of violence as a means of resolving conflict make it increasingly difficult to choose the right over wrong. As if this were not enough, the institution of the family faces continued attack making it difficult for parents to care for their own children, not to mention keeping an eye out for those of their neighbors. Because of this, I believe that the challenges and work that belong to OJJDP are among the most important and critical facing government. The President's Goal of leaving no child behind, must, I believe, also include those children and youth that are in the juvenile justice system or at risk of entering that system. Should the Senate confirm me, I pledge to work hard on their behalf.

At first glance, my career has been one focused primarily on prosecution. So the question might be asked, why now a focus on juvenile justice? Simply put, because I want to help children. I believe that my background has made me especially sensitive to what is at stake when we don't reach children at an early age, protect them from violence and abuse, and assist their parents, caretakers, and community in building them up. I am aware that failure to achieve those goals is registered not only in statistics, but in broken lives that often turn to crime or are trapped in a life of violence that has severe repercussions. Because I have seen the faces of children who have the anger in their lives through crime and violence because they have been neglected and abandoned, victimized sexually, mistreated in countless ways, and made to feel as if they were all but invisible, I believe that any successful law enforcement effort must have as its primary goals, the transformation of lives, the prevention of crime, together with the effective enforcement of law. And these goals require that we focus not only on punishment for actions that are wrong, but prevention by teaching what is right, encouraging and modeling that behavior, and investing resources in their lives and those of their families.

There are a number of programs and efforts already underway that I believe will pave the way to transforming lives. Yes, they require financial resources but they also require an intimate and personal investment. An investment of one's time, talent, and personal treasure into the life of children. After all, there is not a single person in this room that can claim to have made it all by themselves. I know that I have enjoyed the support, encouragement, counsel, discipline, and material gifts of many, from those of my parents and family to friends, teachers, church leaders, and professional colleagues. Programs that include mentoring, community involvement, and effective intervention and partnering so that the difficult work of getting or staying on track need not happen alone must receive special attention. I believe in requiring individual responsibility and personal hard work, but support from others as they are able must be part of any equation that has public safety and care for children as its result.

As a career official in the Justice Department, I had the opportunity to work with dedicated and talented colleagues, not only in the Criminal Division, but at OJJDP as well. I look forward with great expectation to working with the staff at OJJDP, some of whom I have had an opportunity to work with in the past, and all of whom I know are personally committed to improving on the work of the past.

Before concluding my statement, I want to share a personal story that I hope will shed some light on my perspective as it pertains to two important issues that the Office of Juvenile Justice and Delinquency Prevention must be committed to addressing, they are disproportionate minority confinement and school violence.

I grew up in a middle class neighborhood, in a home where my parents thought nothing of personal sacrifice for their children. While we were not wealthy, my brother and I lacked for nothing that was truly important. My parents were everywhere, and as quaint as it might seem to some, were always my greatest supporters and cheerleaders. One day in fifth grade, however, I came face to face with something that I had never before confronted even though I was the only Puerto Rican kid in my school and had been since we moved into that community. I encountered my first ethnic slur and that word had amazing power for an 11 year old. This word was brought home from college by the older brother of a school friend. My schoolmate thought it might be fun to try it out on me and he did. I didn't fully understand the word or its meaning, but I knew then that the children's refrain that "word's can never hurt me," was horribly wrong. In one fell swoop, I became embarrassed by my heritage and I did not have the skills to deal with it. I retreated into my family. I did not want to go back to school. In fact, I remember wanting to see or hear from no one. What happened next made all the difference in the world. Neighbors came forward to support me. They provided a caring and protective environment, that helped in allowing my parents to put the incident into perspective for me. Knowing I was not alone, I went back to school. And as my presence here testifies, God has indeed blessed me and I have enjoyed a great deal of success and the support of many. While that episode passed, I have never forgotten.

I share this with you because I want you to have confidence that I will be sensitive to these issues. Racism, bigotry, bullying, are not limited to the playground. If it influences sentencing or confinement decisions, makes true re-entry into the community impossible, threatens the creation of a safe learning environment, or facilitates or contributes to domestic violence it will be a priority for me. Such influences have no place in any justice system and offends me deeply not only because of my heritage but because it is offensive to any prosecutor who has devoted his career to doing justice.

If confirmed, the opportunity to serve as Administrator holds great excitement for me as I believe that it is always better to prevent crime than to punish it. As a

prosecutor, I sometimes got the feeling that I was playing that arcade game, Wack-a-mole, where you keep pounding the mole every time he pops up, yet you know you can't get them all and that they will continue to pop up. Worse, the prosecutor, perhaps better than anyone else, knows that you can't fully restore what has been taken in the crime, the innocence of a victim, his honor, the feeling of safety, or the time lost with loved ones. I see this as an opportunity to focus on the problem at a time when much and many can be saved.

Finally, I believe that the goal of preventing juvenile delinquency and assuring that those in the system find justice is everyone's concern. It is not a partisan issue because it touches something too precious to us all, our Nation's children. I look forward to working with this Committee if confirmed. Thank you, Mr. Chairman for the opportunity to appear before you today.

[The biographical information of Mr. Flores follows:]

I.BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

   John Robert Flores

2. Address: List current place of residence and office address(es).

   Fairfax Station, Virginia 22039

   3819 Plaza Drive, Fairfax, Virginia 22030

3. Date and place of birth.

   September 13, 1959 Fajardo, Puerto Rico

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address)es).

   Married to Ingrid Pamela Flores (Stahl), Homemaker.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

   Boston University, 1977-81 B.S.B.A. May 1981
   Boston University School of Law, 1981-84 J.D. May 1984

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

   A. 5/81-8/81 Chelsea Special Summer Program, 500 Broadway, Chelsea, Massachusetts, 02150- Special camp program for underprivileged children- program specialist
   B. 5/82-8/82 Roxbury Public Defenders, 124-126 Warren Street, Massachusetts 02119- Legal intern
   C. 5/83-5/83 Roxbury Public Defenders (address same)
   D. 8/84-6/89 New York County District Attorney, 1 Hogan Place, New York, New York, 10013- Assistant District Attorney
   E. 6/89-2/97 United States Department of Justice, Criminal Division, Acting Deputy Chief, Senior Trial

Attorney, Trial Attorney.

F. 2/97- Present National Law Center for Children and Families, 3819 Plaza Drive, Fairfax, Virginia, 22030- Vice President and Senior Counsel

G. 1997-1998 Hannah's House (home for battered women-- no longer in operation)(Board member).

H. 1997-2001 The Protection Project, John's Hopkins University School of Advanced International Studies- (*pro bono 1997*, paid legal consultant/advisor to Director 1998-2001).

I. 1997-2001 The Fourth Presbyterian Church, Bethesda Maryland, Elder (no compensation)

J. 2001 The Fourth Presbyterian Church School, Potomac, Maryland, Board Member (no compensation)

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

I have received numerous commendations from federal law enforcement agencies and the Department of Justice during my tenure with the District Attorney Office and at the Department of Justice.

Letter of Commendation, Director of the FBI, 1988
Letter of Commendation, Director of the FBI, 1997
Certificate of Appreciation, United States Postal Inspection Service, 1996
Assistant Attorney General Award, 1989
Meritorious Achievement Award, Criminal Division, USDOJ
Special Achievement Award, Criminal Division, USDOJ

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

American Bar Association, former member
Hispanic National Bar Association, former member

10. Other Memberships: List all organizations to which you

belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

I am not a member of any organizations that are active in lobbying before public bodies. I am a member of the Fairfax Racquet Club, Fairfax, Virginia, and the Federalist Society.

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
    A. New York State Bar July 1985, Continuous member
    B. Massachusetts State Bar January 1985,continuous member
    C. Virginia State Bar October 1997, continuous member.
    D. I am also a member of the Bar of the United States Circuit Court of Appeals for the Fifth Circuit(1995) and the Supreme Court Bar(2000).

    E. Continuous member of each bar.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

    A. *A Pedophile's Permission Slip,* Dr. Laura, Perspective Magazine. August 1999.
    B. *Should the U.N. treat voluntary prostitution as a form of women's labor?*, Insight Magazine, July 17,2000.
    C. Presentation as part of a program entitled, "Sexual Trafficking: An International Horror Story." Comments included in a publication edited by Professor Rita J. Simon, President of the Women's Freedom Network, Washington, D.C. and published in 2000. Program took place on November 8-9, 1999, in Washington, D.C. at the National Press Club. I spoke on the lack of interest in the investigation and prosecution of prostitution by law enforcement and needed change in this area.
    D. Report of the Congressional Commission on Online Child Protection, Oct. 2000. Report concerned an exploration of the best ways to protect minors from sexually explicit material on the Internet. Included in the

final report is a personal statement from each Commissioner, including me.

E. *Blind to the Law*, Family Voice Magazine, November/December 2000.

F. Presentation on child and adult prostitution at a symposium sponsored by the United States Department of Labor entitled, *Forced Labor: The Prostitution of Children*. Presentation included in published proceedings.

G. I participated in a symposium presented at Fordham University School of Law on February 15, 1995. My remarks are included in the *Fordham Intellectual Property, Media & Entertainment Law Journal*, Spring 1995.

H. *I participated in a symposium presented at Brigham Young University Law School entitled, "Constitutional Law Symposium: Practice & Theory for Today's Lawyer."* I shared the podium with Allan Davidson of the Center for Democracy and Technology. I am not aware that the remarks were recorded. I spoke extemporaneously about the subject of the free speech on the Internet. Oct 17, 1997.

I. I participated in a symposium on free speech entitled, *Free Speech or Filth: Should Congress Regulate Communications on the Internet*, at Brooklyn Law School on September 21, 1995. I am not aware that the remarks were recorded or video taped. The program was sponsored by the Brooklyn Law School CyberLaw Society.

J. I participated in a panel debate on free speech on the Internet at an event sponsored by the Bar of the City of New York. This event was held on May 22, 1996. I attended as a representative of the Department of Justice. The forum was taped by Court TV. I do not have a copy of the presentation.

K. Testimony before the United States House of Representatives, Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection, Hearing on: Obscene Material Available via the Internet. May 23, 2000

As a result of expertise in the areas of child sexual abuse, sexual exploitation, international prostitution, the First Amendment, criminal procedure, and criminal law, I am frequently quoted, interviewed, and used for background as an expert source. I do not, as a habit, keep records of these events and with few exceptions do not have copies, recordings, or tapes of these interviews. With few exceptions, I speak extemporaneously when I make public statements. I have, however, conducted a review of what materials are available on the Internet and some search engines and research databases. The topics covered include

issues pertaining to juvenile justice, sentencing, court opinions and rulings, litigation, child pornography/sexual abuse, obscenity, law enforcement, criminal investigation, government, and legal work that I have participated in or that my organization has participated in. I have included copies of these materials in the form in which I currently possess them.

A. Hannity and Colmes, Fox News Channel, re: VoyeurDorm.com (video tape).
B. Hannity and Colmes, Fox News Channel, re: Incarceration of Sexual Predators (video tape).
C. Legal Notebook, Prosecution of juveniles as adults (video tape).
D. *Online Porn Business Booms,* PC World.com, Nicole Maestri, Medill News Service, May 23, 2000.
E. *DOJ Takes Heat Over Enforcement of Porn Laws,* Newsbytes, Brian Krebs, May 23, 2000.

13. Health: What is the present state of your health? List the date of your last physical examination.

Excellent (1991)

14. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

Assistant District Attorney, New York County, 1984-89. Trial Attorney, Senior Trial Attorney, and Acting Deputy Chief, in the Child Exploitation and Obscenity Section of the US Department of Justice, 1989-97. Each of these positions was appointed.

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

I have not been a judicial clerk.

2. whether you practiced alone, and if so, the addresses and dates;

I have not practices alone.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

Addresses

a. Roxbury Public Defenders, 124-126 Warren Street, Massachusetts 02119, Legal intern,5/82-8/82, 5/83-5/83
b. Manhattan District Attorney, 1 Hogan Place, New York, New York 10013, Assistant District Attorney,8/84- 6/89.
c. USDOJ, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, Trial Attorney, Senior Trial Attorney, and Acting Deputy Chief, 6/89-2/97.
d. National Law Center for Children and Families, 3819 Plaza Drive, Fairfax, Va., 22030, Vice President and Senior Counsel, 2/97-Present.
e. The Protection Project, Johns Hopkins University, School for Advanced International Studies, 1619, Massachusetts Ave., N.W., Washington, D.C., Pro Bono and paid consultant, 1997-Present.

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

84-97, Public Prosecutor; 1997- Present, legal education and assistance to state and local prosecutors in the area of child pornography, obscenity, child sexual abuse, Internet and computer crime, and sex trafficking and prostitution.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

Not applicable.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

I appeared in court constantly as an Assistant District Attorney Handling cases from arraignment to trial. At the Justice Department I was in court regularly, prosecuting cases on behalf of the United States. In 1993, my career at the Justice Department began to change as I took on an increasing amount of management responsibility as the Acting Deputy Chief. I still tried and argued some cases, however, from 1995 - 1997, my duties as a deputy chief required me to end my active prosecution activities. At the National Law Center I have worked on state and local prosecutions with investigators and prosecutors. I have not appeared in court, providing legal education and training on various issues from constitutional law, the First Amendment, and sex crimes from obscenity to child sexual abuse and exploitation.

2. What percentage of these appearances was in:
   (a) federal courts; 10
   (b) state courts of record; 90%
   (c) other courts.

Negligible, I only handled a few appellate matters. In my present employment I regularly write or assist in drafting appellate briefs before federal appellate courts and the United States Supreme Court.

3. What percentage of your litigation was:
   (a) civil; 0%
   (b) criminal. 100%

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

   I do not keep written records of the cases I have handled, with a few notable exceptions. While I recall the specifics of a number of cases I tried while at the District Attorney's Office, I cannot provide a specific number. I was sole counsel in all of the cases tried at the District Attorney's Office. I tried, 2 child pornography cases while at Justice and handled several obscenity cases, from investigation, to grand jury, jury selection, and plea. I participated in one full trial as co-counsel involving obscenity that ended in conviction. The vast majority of obscenity and child pornography/sexual abuse cases in federal court ended in a plea, usually after

extensive investigation and indictment by a grand jury. Additionally, all cases that I handled I handled as either chief counsel or co-counsel with Assistant United States Attorneys.

5. What percentage of these trials was:
(a) jury; 90%
(b) non-jury. 10% (these are approximations since I do not have a list of cases prosecuted and include both my state and federal prosecution career).

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

(a) the date of representations;
(b) the name of the court and the name of the judge or judges before whom the case was litigated; and
(c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

A. United States v. Kimbrough, 69 F.3d 723 (5th Cir. 1995), cert. denied, 517 U.S. 1157 (1996)(District Court Judge, Samuel Ray Cummings). Argued appeal before Judges, Emilio Garza, Thomas Reaveley, and Edward C. Prado. This was the first case tried in a US Federal District Court (Northern District Texas, Abilene Division), involving the distribution of child pornography via computer. There were a number of novel issues as this was part of a national undercover investigative effort carried out by the Customs Service called, Operation Long Arm. Of particular importance was the fact that this was the first case raising as a defense that the children depicted in the pornography might not be real children as computer technology allowed the creation of pseudo-child pornography. I was lead counsel and argued the case on appeal and the Fifth Circuit upheld his conviction. Co-counsel, Assistant United States Attorney Tanya Pierce, Esq., 1205 Texas Avenue, United States Federal Building, Lubbock Texas, 79401, 806-472-7351. Defense Counsel, Arthur Schwartz, Esq., 600-17th Street, Suite 2250S, Denver, Colorado, 80202, 303-894-2500.

B. *People v. Olaskowitz, et. al.,* Indictment Nos. 4336, 2032, and 2049 of 1986, New York County Supreme Court, before the Honorable Justice Edwards. I tried this case alone. This case involved a ring of pedophiles who preyed on poor Hispanic children from Bedford Stuyvesant in Brooklyn, New York. The children in this case, all boys, were from immensely deprived backgrounds, one was even a deaf mute who had never been taught to speak of sign either in English or Spanish, his parent's native tongue. The case involved more than 100 counts and took place over nearly a year's time. The case was investigated by a special Federal Bureau of Investigation and New York Police Department joint task force. The case involved electronic surveillance, telephone surveillance, and undercover officers. The trial lasted nearly 11 weeks from pre-trial hearings to verdict. Defense Counsel was Susan Tipograph, 351 Broadway, New York, New York,10013, 212-431-5360. The trial of the case lasted from October to December of 1987.

C. *People of the State of New York v. William Barnes Hunt.* Indictment Nos. 7223/88 and 9185/88. Before the Honorable Justice Thomas Galligan, Supreme Court of New York, New York County. This case involved a 51 Year old Manhattan millionaire that used his non-profit foundation and riches to entice and trap young black children from poor neighborhoods in Harlem and Bedford Stuyvesant. This case required a substantial amount of investigation, multiple warrants, and interviewing numerous children. I handled the case alone until the initial indictment was issued. The Office provided another attorney to assist me during further investigations, however, I was chief counsel on the case until May of 1989, when I left the office. Entry of the plea of guilty was handled by another Assistant District Attorney, Katherine Cook, (now at Food and Drug Administration, 5600 Fishers Lane, Rockville Maryland, 301-827-1115. Defense Counsel was Donna Darling, of Meyer, Suozzi, English & Klein, P.C., 1505 Kellum Place, Mineola, New York, 11501, 516-741-6565.

D. *United States v. Paul Davies. Case No. 92-CR-277 Ryskamp. Appealed to 11th Circuit, Unpublished opinion, 9 F.3d 1559, (11th Cir. 1993)(aff'd. without published opinion).* The Defendant in this case was indicted on various child pornography related charges. I was asked to come into the case at the last minute before trial to address a number of issues pertaining to the

undercover investigation. I prepared the case with the assigned AUSA, worked with the agents and participated in the trial, cross-examining the defendant and presenting the Government's rebuttal summation. This case presented a number of challenges not the least of which was a novel medical/psychiatric defense that the Defendant needed the child pornography he was accused of obtaining to address a sexual problem he confronted. The trial lasted several days and ended in a conviction. My co-counsel was Allyson Fritz, 99 N.E. Fourth Street, Miami, Florida 33132,(305) 961-9287. Defense Counsel was Bruce Rogow, Broward Financial Centre, 500E Broward Blvd, Suite 1930, Fort Lauderdale, Florida 33394, 954-767-8909.

E. United States v. Russell Hampshire,VCA, *et. al.* CR 91-200. This investigation and litigation took place from 1990 through 1991. Before the Honorable Judge Richard W. Vollmer, Jr., United States District Court for the Southern District of Alabama. The Defendants in this case were charged with Interstate Transportation of Obscene Material (ITOM), conspiracy and related violations. The case was prosecuted by the United States Attorney's Office, I was co-counsel on the case. This case resulted in pleas of guilty from both the President of VCA and the Corporation. Hampshire received a jail sentence and the Corporation was fined and agreed to turn over the copyrights to each of the materials charged in the indictment. Co-counsel, AUSA Richard Moore, Southern District of Alabama, 169 Dauphin Street, Mobile, Alabama 36602, 334-415-7107. Name of Defense Counsel W. Michael Mayock, 35 S. Raymond Ave., Suite 400, Pasadena, California 91105, 818-405-1465 (Defendant Hampshire); Arthur Schwartz, 600 17th Street, Suite 2250-S, Denver, Colorado 80202, 303-893-2500 (Defendant VCA, Inc.).

F. *United States v. Vivid Video, Steven Hirsch, et. al. 1992. Criminal No.CRW91-81.* Investigation and prosecution took place during 1990 and 1991. Before the Honorable J.T. Senter, Jr. (Senior Judge), United States District Court for the Northern District of Mississippi, Oxford Division. The defendants in this matter were charged individually and corporately with illegally distributing obscenity. I was co-counsel with AUSA Thomas Dawson, 900 Jefferson Ave., Oxford, Mississippi 38655, (662-234-3351). I had primary responsibility for handling the investigation and presentation of evidence to the grand jury. The case ended with a plea of guilty and a substantial fine.

Defense Counsel was H. Louis Sirkin, 920 Fourth & Race Tower, 105 West Fourth Street, Cincinnati, Ohio 45202, 513-721-0876.

G. *United States v. David C. Miller. Case Number 96-424A.* The defendant in this matter was an employee of the Central Intelligence Agency and was charged with using Government computers to traffic in child pornography. The defendant pleaded guilty and as a result of successfully negotiating a favorable plea with the Defendant, the Government avoided any possibility of public exposure of sensitive national security issues inherent to Miller's employment. Defendant was sentenced in January of 1997. I was the supervising attorney on the case and my co-counsel was Georgiann Cerese, (202) 514-5780. The defense counsel was Ralph Caccia, of Powell, Goldstein, Frazer & Murphy, 1001 Pennsylvania Avenue, Washington, D.C. 20004, 202-347-0066. Before the Honorable Judge Leonie M. Brinkema, United States District Court, Eastern District of Virginia.

H. *United States v. Phil Harvey, and PHE. Inc.,* Case No. 93-329-N. This case involved the distribution and sale of illegal pornography across state lines. The case was resolved in 1993, by a plea of guilty from the corporation after a long and complex investigation. I was co-counsel on this case with AUSA Terry Moorer, United States Attorney for the Middle District of Alabama, One Court Square, Suite 201, Montgomery, Alabama 36104, 334-223-7280. Defense counsel was David Rudolph, Rudolph, Maher, Widenhouse & Fialko, 312 W. Franlkin St., Chapel Hill, North Carolina, 27516, 919-967-4900. Before the Honorable Judge Ira Dement, U.S. District Court, Middle District of Alabama.

I. *People of the State of New York v. Jerome Armstrong.* Indictment No. 7140-86; Tried March 1987, Supreme Court of New York, County of New York. This case involved the abduction, sodomy, and rape of a minor female. I oversaw the investigation and development of witnesses, presented the case to the grand jury, and handled and prepared all pretrial hearings and motions. I tried the case to verdict and was sole trial counsel. The defendant was convicted and sentenced to prison. Defense counsel was Virgil Hervey, Esq., Hervey, Matsoukas & Schuman, 350 Broadway, New York, New York 10013, 212-334-0090. Before Honorable Justice Juanita Bing Newton, Chief Administrative Judge, New York State Supreme Court.

J. *People of the State of New York v. English Gardner,* Ind. No. 6297/86, tried, December 1986. The defendant in this case was accused of shooting another man and was indicted for Assault in the First Degree. The case ended in a guilty verdict. I oversaw the investigation of the matter, presented the case to the grand jury and tried the case alone. The Defense counsel was Margaret Shalley, 225 Broadway, New York, New York 10007, 212-571-2670. Before Honorable Irving Lang, Judge, Supreme Court of New York, Criminal Term. (deceased).

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

From 1984 through 1997, I was a career prosecutor. I worked on both the state and federal level. At the District Attorney's Office, I was a trial attorney and my responsibility was primarily limited to investigating and prosecuting criminal activity. At the Department of Justice I was responsible for my own cases as well as overseeing the prosecutions and investigations carried out by United States Attorneys and federal law enforcement in the areas of child sexual abuse and exploitation, obscenity, and child prostitution. From 1993 to 1997, I had an increasing amount of managerial responsibility and was directly involved in only a few individual prosecutions. As Acting Deputy Chief, my investigation and prosecution responsibilities were focused on developing national investigative and prosecution efforts, training, and teaching. From 1997 to the present, I have been engaged in helping prosecutors, police, and legislators at every level of Government investigate and prosecute crimes involving child sexual abuse, child pornography, adult obscenity, and related matters.

The most significant legal activities fall into three categories: Teaching; Prosecuting cases; and organizing novel, state of the art prosecution and investigation programs.

Throughout my career, I have done a great deal of teaching. I participated in teaching law classes in Harlem to bi-lingual high-school classes while at the District Attorney's Office. This was an opportunity to introduce them not only to the law but to provide a role model since I am an American of Puerto Rican ancestry. While at the Department of Justice, I taught hundreds of prosecutors, attorneys, health professionals, and law

enforcement personnel on topics related to Constitutional law, sexual abuse, child pornography, obscenity, trial tactics, ethics, and investigative techniques. I believe that through my participation in teaching on these subjects I have contributed to making the investigation and prosecution of child sexual abuse and exploitation a higher priority for law enforcement.

Over time, the ability to innovate is part of every effective program to deter, prosecute and investigate crime. Two investigative and prosecution programs that I helped to develop, coordinate, and direct in the area of child pornography are among the most significant legal activities I have pursued. The first, Operation Long Arm, addressed the use of pre-Internet technology to traffic in child pornography by computer. This program, the first of its kind, was the result of international cooperation between United States Customs and Dutch officials. More than 30 American citizens were identified, investigated, and prosecuted as a result of this investigative effort. During the development of this program, constitutional, technical, and investigative issues were addressed and techniques in use today were developed as part of Operation Long Arm. The second national investigative effort, called Innocent Images, addressed the use of domestic on-line service providers to traffic in child pornography. The development of this effort involved solving complex legal issues that ranged from privacy and First Amendment rules to practical and Constitutional concerns about search and seizure. This program has also been extremely successful, identifying hundreds of individuals seeking to exploit children and continues today as a major priority of the Federal Bureau of Investigation.

My effort to bring attention to the sexual exploitation of young boys is also among the most significant of legal activities I have pursued. I have done this by pursuing child sexual abuse cases where the victims have been boys. The William Barnes Hunt and Olaskowitz cases were two such opportunities. The boys that were victimized in these cases ranged from 6 to 14. Some were black, others Hispanic, and some mixed race children. They shared a background of poverty, neglect, and crime, most having a long record as children of assault, drug violations, and theft. These cases also forced me, before such a concept was widely accepted, to adopt a multi-disciplinary approach to the case. Utilizing resources to address health concerns, physical safety issues, victim issues, along with prosecution concerns. For example, the diet of these children was so poor that their blood sugar levels resulted in wide swings in mood and behavior. Working with investigators and others on the prosecution team we were able to regulate their diet prior to having them testify so that they could tell their story.

To be able to pursue such cases was a highlight of my

career. To develop a positive relationship with these boys was a gift. To know that these men would not have another opportunity to molest other boys for as long as twenty years provided an opportunity to do Justice. There is little better that I have experienced than to be able to say to a child that he is safe from a predator.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

Upon confirmation I will resign my current employment. I expect to receive a last paycheck including accrued vacation pay in a lump sum. I will end my consulting agreement with the Protection Project upon confirmation. I expect to receive a lump sum payment for work performed to that date but not later than June 1, 2001. I expect that these payments will be made within 30 days after I resign or after June 1, 2001, at the latest. I do not have any deferred income arrangements, stock, options, or other future benefits that I expect to derive from previous business relationships. I am already fully vested in the funds in my retirement account. Those funds will be rolled over into another qualifying plan. My current employer makes a monthly contribution to my retirement account. I will receive my last contribution at the end of the month in which I resign.

I intend on continuing to rent the condominium property that I own.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

I will contact the Department's ethics counsel in the event that there is any potential conflict of interest or appearance of such a potential conflict.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

   No.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

   See SF 278.

5. Please complete the attached financial net worth statement in detail (add schedules as called for).

   See Net Worth Form.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I served as a volunteer in the 2000 election. I worked in support of President George W. Bush, in Cumberland County, Pennsylvania.

U.S. Department of Justice

Washington, D.C. 20530

MAY 23 2001

Ms. Amy L. Comstock
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Ms. Comstock:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of John R. Flores who has been nominated by the President to serve as Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice. We have conducted a thorough review of the enclosed report.

The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Flores recuse himself from participating personally and substantially in a particular matter in which he, his spouse, or anyone whose interests are imputed to him under the statute has a financial interest. We have counseled him to obtain advice about disqualification or to seek a waiver before participating in any particular matter that could affect his financial interests. Because he will retain an interest in Johns Hopkins School for Advanced International Studies until he has received the fees owed to him for work performed between December 1, 2000 and May 30, 2001, we have asked him to seek advice before participating in matters involving Johns Hopkins. Mr. Flores's role as a consultant with Johns Hopkins will end on May 31, 2001 or upon confirmation if it occurs earlier. He will resign from the National Law Center for Children and Families upon confirmation and his advisory role with the National Coalition for the Protection of Children and Families will also cease at that time.

We have advised him that because of the standard of conduct on impartiality at 5 CFR 2635.502 he should seek advice before participating in a particular matter having specific parties in which a member of his household has a financial interest or in which someone with whom he has a covered relationship is or represents a party. He has agreed that for at least 1 year he will seek advice before participating in matters involving any of the organizations listed on Schedule D of his financial disclosure report.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

Janis A. Sposato
Acting Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved
OMB No. 1209-[illegible]

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: Flores			First Name and Middle Initial: John R	
Position for Which Filing	Title of Position: Administrator			Department or Agency *(If Applicable)*: Office of Juvenile Justice and Delinquency Prevention, USDOJ	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: 3819 Plaza Drive, Fairfax, Virginia 22030			Telephone No. *(Include Area Code)*: 703-891-4626	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: NONE				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Judiciary			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: [signature]			Date *(Month, Day, Year)*: 5/9/2001	
Other Review (if desired by agency)	Signature of Other Reviewer: [signature]			Date *(Month, Day, Year)*: 5/10/01	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official: [signature]			Date *(Month, Day, Year)*: 5/11/01	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities) -- The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

MAY 10 2001

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Supersedes Prior Editions, Which Cannot Be Used.

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Reporting Individual's Name: Flores, John R.

SCHEDULE A

Page Number: 2 / 5

Assets and Income

BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period.

BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item.

BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)
Examples	Central Airlines Common				X												X															
	Doe Jones & Smith, Hometown, State			X																			X									Law Partnership Income $130,000
	Kempstone Equity Fund					X								X										X								
	IRA: Heartland 500 Index Fund							X						X											X							
1	National Law Center for Children and Families FAIRFAX, VIRGINIA																															Income $135,[illegible]
2	The Protection Project at Johns Hopkins School for Advanced International Studies WASHINGTON, DC			✓																												Consultant fees $[illegible]
3	Avici Systems, Inc ACCT RECEIVABLE		✓																		✓											
4	The Protection Project at Harvard University's J.F.Kennedy School of Government WASHINGTON DC																															Consultant fees $25,404.9[illegible]
5	Van Kampen Funds, SEP/403(b) EMERGING GROWTH FUND B NAT'L LAW CTR.		✓											✓									✓									
6	RESIDENTIAL PROP. Falls Church, Va					✓												✓							✓							Rental income $14,000

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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Reporting Individual's Name: Flores, John R.

SCHEDULE A continued
(Use only if needed)

Page Number

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Required
7	IRA Hartford Stock Fund A				✓									✓										✓									
8																																	
9																																	
10																																	
11																																	
12																																	
13																																	
14																																	
15																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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U.S. Office of Government Ethics

Reporting Individual's Name: Flores, John R.

SCHEDULE C

Page Number

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors (Name and Address)	Type of Liability	Date incurred	Interest Rate	Term if applicable	Category of Amount or Value (x): $10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X						
	John Jones, 123 JSt., Washington, DC	Promissory note	1999	10%	on demand					X				
1	Bank of America, N.A., P.O. Box 35140, Louisville, Ky 40232-5140	Mortgage on rental property, Falls Church VA	1989	libi +2.75%	30				✓					
2	Wright Patman Congress FCU, Washington D.C. 20515	Credit Card	1996	11.9%	ON DEMAND	✓								
3														
4														
5														

* This category applies only if the underlying liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

	Status and Terms of any Agreement or Arrangement	Parties
Example	Pursuant to partnership agreement, will recieve lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State
1	Pursuant to consulting contract, I will receive payment for work completed between December 1, 2000 and May 30, 2001.	Johns Hopkins, School for Advanced International Studies
2	All compensation will cease upon resignation from current employer. SEP and 403(b) balances have vested and will be rolled over into a qualifying plan. Accrued vacation pay will be paid out upon termination of employment.	National Law Center for Children and Families
3		
4		
5		
6		

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U.S.C. Government Ethics

Reporting Individual's Name	SCHEDULE D	Page Number
Flores, John R.		3 of 5

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None

	Organization *(Name and Address)*	Type of Organization	Position Held	From (Mo., Day, Yr.)	To
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	[illegible]
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/83	[illegible]
1	National Law Center for Children and Families, 9819 Plaza Drive, Fairfax, Virginia 22030	Non-profit education	Vice President and Senior Counsel	02/97	Present
2	National Coalition for the Protection of Children and Families, 800 Compton Road, Suite 9224, Cincinnati, Ohio, 45231	Non-profit religious/education	Advisor *	02/97	Present
3	The Protection Project, Johns Hopkins School for Advanced International Studies, 1619 Massachusetts Avenue, N.W. Washington DC 20036	Non-profit education	consultant **	06/00	Present
4	The Protection Project, Harvard Univ., 1350 Mass. Ave., Cambridge Mass 02138 (Program located at Harvard's Kennedy School, in D.C., moved to John's Hopkins in June of 2000).	Non-Profit education	consultant	06/98	05/00
5	* Advisory role will end with resignation from National Law Center				
6	** Role as consultant will end 5/31/01 or upon confirmation, if earlier.				

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

None

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (Client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	The Protection Project, Johns Hopkins School for Advanced International Studies, 1619 Massachusetts Avenue, N.W. Washington DC 20036	consulting services in connection with Project activities
2	The Protection Project, Harvard Univ., 1350 Mass. Ave., Cambridge Mass 02138 (Program located at Harvard's Kennedy School, in D.C., moved to John's Hopkins in June of 2000).	consulting services in connection with Project activities
3	National Law Center for Children and Families, Fairfax, Virginia	Management and law enforcement legal advice
4		
5		
6		

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05/03/01 14:50 FAX

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bar accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debt mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members your household.

ASSETS			LIABILITIES		
Cash on hand and in banks	2,500	00	Notes payable to banks—secured	20,459	52
U.S. Government securities—add schedule	Ø		Notes payable to banks—unsecured	Ø	
Listed securities—add schedule	2,928	00	Notes payable to relatives	Ø	
Unlisted securities—add schedule	Ø		Notes payable to others	Ø	
Accounts and notes receivable:			Accounts and bills due	Ø	
Due from relatives and friends	Ø		Unpaid income tax	Ø	
Due from others	20,000	00	Other unpaid tax and interest	Ø	
Doubtful	Ø		Real estate mortgages payable—add schedule	368,000	
Real estate owned—add schedule	666,000	00	Chattel mortgages and other liens payable	Ø	
Real estate mortgages receivable	Ø		Other debts—itemize:		
Autos and other personal property	70,000	00	Credit line	3,976	81
Cash value—life insurance	Ø		Consumer credit	14,280	65
Other assets—itemize:			Consumer credit	5,381	66
RETIREMENT ACCOUNT	59,439	69			
RETIREMENT ACCOUNT	8,885	83			
RETIREMENT ACCOUNT	3,252	59	Total liabilities	412,099	64
			Net worth	420,907	47
Total assets	833,006	11	Total liabilities and net worth	833,006	11

CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, comaker or guarantor	Ø		Are any assets pledged? (Add schedule.)	NO	
On leases or contracts	Ø		Are you defendant in any suits or legal actions?	No	
Legal Claims	Ø		Have you ever taken bankruptcy?	NO	
Provision for Federal Income Tax	Ø				
Other special debt	Ø				

Other debts, Schedule 5
May 8, 2001

Credit line	$ 3,976.81
Consumer credit (Visa)	$14,280.65
Consumer credit (Visa)	$ 5,381.66

Real Estate Mortgages payable, Schedule 6
May 8, 2001

Condominium mortgage (Bank of America)	$109,000
Residential mortgage (Wells Fargo)	$259,000

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Between 1984 and 1997, I worked as a full time prosecutor. I did not, with some exceptions noted above (teaching low income students), perform pro bono work. In 1997, I joined a non-profit organization whose mission is to assist, train, and educate law enforcement and prosecutors in the investigation and prosecution of obscenity, child pornography, child prostitution, and related crimes. In that capacity, without additional compensation, I receive calls after-hours from citizens needing help and advice. To the best that I am able I attempt to answer their questions or refer them to others or organizations that can help them.

After leaving the Justice Department I began to provide *pro bono* legal services to the Protection Project (involving sex trafficking). I did this on a regular basis for approximately one year. I now serve as a paid consultant to the Project.

In 1997, I was asked to join the board of Hannah's House, a home for unwed or battered women. The organization has having difficulties and I attempted to assist in working them out. Unfortunately the problems could not be resolved and the home was closed in 1998.

I now serve on the board of private school started by my church and as an elder at that church. In that capacity I am asked for assistance on many areas, including sexual abuse and exploitation. I have taught classes to youth at the church on the law, sexual abuse, and pornography. I have worked with families in the midst of legal and personal difficulties and use my legal training in fulfilling my fiduciary responsibilities on the school board.

2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion - through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.

No. As an American of Puerto Rican ancestry and an attorney I am particularly sensitive to racism and bigotry. I have never been a member, frequented, or attended such a group, organization, association or church.

Senator HATCH. Thank you, Mr. Flores. We are honored to have all of you.

Ms. Solberg, you come highly recommended. I think the two Senators and Congressman Levin really said it all about you and we are really pleased that you are willing to come here and work in this area and help us.

Dr. Crane, we know all about you. We think you are great.

Of course, I know Scott Burns very, very well. He is one of my dearest friends, he and his wife Alice, and I just know what you have done out there in Utah.

Mr. Flores, we have watched you around here for a long time, so we have a lot of respect for you.

Senator BIDEN [presiding]. Why don't you go ahead and start questioning? I apologize for having to be absent.

Seantor HATCH. Well, let me just ask you a question, Scott. You know all too well how destructive methamphetamine has been to our home State of Utah and to other areas of the country. You have prosecuted drug traffickers and manufacturers. You have worked hand in hand with Federal, State, and local law enforcement officials to make communities safe and more secure. I am very proud of the work you have done in Utah and I am convinced that you will do a great job at ONDCP.

I understand that in 1987, you formed the Southern Utah Task Force, Utah's first narcotics task force. This task force brought police chiefs, sheriffs, Highway Patrol, DEA, FBI and INS together specifically to address the issue of narcotics. Today, the task force, known as the Iron-Garfield Narcotics Task Force, continues to combat drug manufacturing and trafficking in southern Utah. I also understand that this task force was used as a model for other successful narcotics task forces that are operating all over Utah, so I applaud you for your foresight and your ingenuity in this.

How will you apply the knowledge that you have gained in these experiences in Utah from operating this task force to your new role as head of State and local affairs?

Mr. BURNS. Senator, thank you for your kind comments. I would like to take credit for all of that, but it was people like Bob Flowers, behind me, who was with the State Police.

What I walked into was sheriffs that hated police chiefs, police chiefs that thought the DEA should be in Washington, and FBI agents who knew more than all of us, and trying to combat in a rural setting cartels in Colombia and Mexico that were highly sophisticated, got along well, and frankly were beating us up.

I think the key in our jurisdiction, and maybe that can be applied across the country, is simply understanding what each of the players needs in order to get along and to work together in the best interests of our citizens, whether it is a sheriff that is up for election that needs a couple more lines in a press release, whether it is a police chief that needs a letter to the mayor, whether it is a DEA agent that needs a pat on the back.

I think people are people everywhere on a State basis, on a local basis, on a national Federal basis, and I think it is people skills and trying to educate everybody that we all need to play well together, and that was the basis for our success.

Senator HATCH. Thank you. As Deputy Director for State and Local Affairs, you will be working closely with Federal, State and local law enforcement officials who work together as part of the High-Intensity Drug Trafficking Area program, better known as HIDTA, to combat drug trafficking, among other things.

This program has grown dramatically over the past few years, and while it has facilitated the formation of very successful cooperative efforts, HIDTA has also been criticized for becoming too bureaucratic. The success of each HIDTA is to a large extent dependent upon the ability of various State, Federal and local law enforcement officials from various States to get along and to trust one another.

You have seen how the Rocky mountain HIDTA operates and you have worked with all of its officers. So my question is, based on your experience, what do you think can be done to ensure that HIDTAs don't become consumed with bureaucratic machinations and how will you personally prevent differences from obstructing the focus of individual HIDTAs?

Mr. BURNS. Well, if fortunate enough to be confirmed, Senator, I think I would propose looking at each of the HIDTAs top to bottom. I have always believed that the most efficacious law enforcement is getting the money where it will do the best, to officers on the street, to the real-world people dealing with this issue day in and day out.

I would hope to look at each of those HIDTAs on an individual basis and determine whether or not they are turning into bureaucracies or doing what they were intended to do, and that is bring together a conjoined effort of State and local and Federal officials to deal with this problem.

Senator HATCH. Thank you. Thank you, Mr. Chairman.

Senator BIDEN. Thank you very much.

I have a number of questions for each of you. I will take a second round to do that, but let me start with you, Ms. Solberg. I should state at the outset that having been the fellow who authored the so-called drug czar legislation, when I got here 100 years ago in 1972 as a 29-year-old kid, I swore that I was not going to commit the sin of all senior Senators, and that is become enamored with my own legislation, get to the point where something that I worked on very, very hard to get passed—a Democratic President didn't want any part in hearing about national drug director's idea for the same reason, Scott, that you indicated.

I thought you phrased it very well. Sheriffs didn't like local chiefs. The local chiefs thought DEA should stay in Washington, and DEA at that time was being gobbled up by the FBI, and so on and so forth. If you think that was a problem, it was a real problem getting a total of 36 Government agencies to agree that there should be one person in charge.

So I apologize ahead of time and acknowledge ahead of time that I have a bit of a parental attitude toward this office. I think it has great potential. I think it has occasionally risen to the task and sometimes has not.

Ms. Solberg, there are two pieces to it when I wrote it that were envisioned at the time. It wasn't merely enforcement. It was that there be a significant portion of it relating to prevention and treat-

ment, because we had up to that time not very much looked at it from a Federal level as either a Federal responsibility or in any holistic way, that there is a combination.

Scott indicated in his—excuse me for calling you "Scott."

Mr. BURNS. No. I like that.

Senator BIDEN. Those introducing him indicate that he has used—I believe the commissioner indicated he has used drug courts and other vehicles beyond merely the traditional law enforcement tools. I say proudly that was in the so-called Biden crime bill that we put those drug courts in, greatly resisted. Now, we are approaching over 1,000 of them nationwide, 688 or thereabouts, and I find them to be one of the single best programs in my State; now, juvenile drug courts as well, over 450 on the drawing board.

So, again, the notion of not only identifying what we should be focusing on and having a coordinated effort so that no longer would the Coast Guard purge their computers of suspects so that the Customs people couldn't get a hold of them and get credit for the collars—I know that sounds bizarre now, but that what was happening.

We are now beginning in earnest to turn toward prevention. For the longest time here, we had the debate that prevention doesn't work under any circumstances, and it is an understandable concern people have. I don't know any of the people sitting in the audience—I bet there is not a single person out there who is an adult who can't either name a son, daughter, husband, wife, cousin, inlaw, neighbor or fellow worker who has a son, daughter, husband, wife who has not encountered drugs and has not in many cases encountered the need for help.

We have nationwide only 11.4 percent of the 12- to 17-year-olds who need treatment have received it. Nationwide, those between the ages of 18 and 25, only 8.6 percent who need treatment have received it, in part because it is very expensive. This is very expensive stuff, and we have learned a lot that says these 5-day, 1-week, 30-day treatment facilities are not of much value, particularly when we are talking about heroin and cocaine and other drugs.

So I am using, I realize, most of my five minutes here in an opening because I am going to come back and question you all, but I want to talk to you all about the relationship between interdiction and prevention and the need for coordination.

Mr. Flores, on a separate but not unrelated area, you are about to head up what I again, along with Senator Hatch—I think he and I have probably worked longer than any two people in the Senate consistently on this. My mother, God love her, is 85 years old and she says a phrase from her generation, I think. She says a woman's ultimate revenge is living long and thin. That is my 85-year-old mother who says that.

Well, I think a public official's ultimate revenge is remaining in office long. Well, that is a qualification that all three of us have met, but particularly the Senator from Utah and I, and we have worked very hard in the area of juvenile justice. I have a number of questions for you about how you think it should be functioning differently, if it should be, than it is now.

With that, why don't I yield now to Senator Grassley, and having forewarned you all I will come back to talk to you about those subjects.

Senator GRASSLEY. Mr. Flores, congratulations. I enjoyed working with you on child prosecution legislation that we had up. Years ago, when you were a much younger lawyer, it is my understanding you were involved in the coalition of people that helped us federalize the Ferber Act.

Mr. FLORES. Thank you very much, Senator, for your work in this area.

Senator GRASSLEY. Ms. Solberg, do you currently hold a security clearance?

Ms. SOLBERG. I do not know that. I have completed my FBI work and I believe, if I am confirmed, that that will be forthcoming.

Senator GRASSLEY. Okay, so you don't have one now. Do you know if there is one in the works for you to get a security clearance?

Ms. SOLBERG. I don't know that, Senator.

Senator GRASSLEY. That is okay. Now, you have been nominated to fill the post of deputy in a Cabinet-level agency. This would be similar to Deputy Secretary of Agriculture or Deputy Attorney General.

When you interviewed for the post of deputy director, did anyone at that time indicate to you that the post involved these over-arching responsibilities?

Ms. SOLBERG. No, they did not.

Senator GRASSLEY. At the time of your nomination or at any point thereafter, did you indicate that for personal reasons you intended to spend only part of the work week in Washington? And while answering that question, would you please detail what the administration agreed to and specifics about your work schedule and the location of your duties?

Ms. SOLBERG. I agreed when I was asked to accept this nomination to put in a 40-hour-plus week, in other words full-time, in Washington. I asked for an alternative work schedule, when necessary, because I am an only child of parents who are 86 and 90. I felt that their care was prevention at its very best, and my family is vital to me.

I asked for that alternative work schedule, saying that, first of all, I would put a minimum of 40 hours in Washington, probably more, and also that I was totally wired at home with fax, computer, and everything necessary. And although I might be in a different area, I would be one hundred percent available on those days when I would be required to be in Michigan to care for my family.

Senator GRASSLEY. And the administration agreed to that?

Ms. SOLBERG. I was nominated, Senator.

Senator GRASSLEY. Mr. Chairman, I have no further questions.

Senator BIDEN. Thank you very much.

Senator Hatch?

Senator HATCH. I am going to rely on you, Mr. Chairman, to ask the questions. I will just be happy to have you take over.

Let me just say this: I have been on this committee ever since I have been in Congress and there is nobody in the whole Congress

who has done more in these areas than Senator Biden. I don't mean to embarrass him, but I——

Senator GRASSLEY. He is difficult to live with. You are making it more difficult. [Laughter.]

Senator HATCH. Well, I didn't comment on that. I agree with that.

Senator BIDEN. Well, thank you very much, Senator.

Senator HATCH. But I have to say that he does work very hard in this area. He himself has had experience before he came to the Senate in these areas and he takes it very seriously. I think he is going to, as I know I will, appreciate the work that the four of you will be doing. But I would just as soon have Senator Biden ask the questions.

Senator BIDEN. Thank you very much.

Ms. Solberg, let me begin with you. During your tenure as head of the Troy coalition, you have had great success in reducing the use among kids in your community of marijuana. It seems to me that if we want to achieve the President's goal of reducing drug use by 25 percent over the next 5 years, we have to replicate the kinds of things you have done in your community throughout the country.

What kinds of programs would you like to see developed across this country to prevent drug use in the first place? Do you have any ideas along those lines?

Ms. SOLBERG. Well, Senator, I believe that substance abuse starts in the local community and that the answer lies first and foremost in the community. It is by conducting multiple strategies over every sector of the community that we change behavior.

I have always believed that you can't change youth behavior until you first address adult behavior, and so often prevention programs have only targeted young people. We need to change communities, we need to change attitudes, we need to change behavior.

Senator BIDEN. How do you do that, Mary Ann? Give me an example.

Since I am chairman of the Foreign Relations Committee, I always joke that the people that drive me the craziest are the State Department nominees because they speak State Department-eze, which means they don't speak English, they don't speak the American language.

One of the things I would like to know, if you can, and you may not be able to—these are tough questions—if you can be specific, give me anecdotal kinds of evidence as to how do you—for example, I fully concur that you have to get adults involved. We always think we just start with the kids.

When I do the DARE programs, I make sure I have all the parents show up of the students because just educating the parents on things to look for—I mean, they see a pacifier on the kid's end table when the kid is 13 years old and they should realize that kid is using Ecstasy. They wonder what the pacifier and the little lanyard around the neck is all about, so we don't educate parents very well.

We went through a period where when you were working on the reduction of marijuana, you would have parents of my generation, the so-called baby-boom generation, many of whom experimented

with marijuana, who would say, well, at least my kid is not using cocaine. It was not okay, but it was, you know, gee, I am thankful that that is the case, or at least they are just drinking and they are not using drugs.

In fact, as you well know, the marijuana that—I used to say that the marijuana that we have been dealing with the last 10 years—it is like it ain't your father's Oldsmobile; this is a very, very different marijuana. It is over 10 times as potent. Its effect on brain cells and long-term impacts are significantly greater than any marijuana that somebody smoked at Woodstock in the late 1960s.

So I understand generically that you have got to get parents or adults more informed, but what do you mean by getting them involved? Give me an example.

Ms. SOLBERG. Well, I will give you a great example of parenting. It is very difficult to educate parents. School districts have training and only the best parents show up, so we use multiple strategies. We go into the workplace and make sure that there are paycheck stuffers that give the signs and symptoms of adolescent drug abuse. We make sure that there are posters and brown-bag training in the workplace.

We work with the pharmacies so that when a senior citizen picks up a prescription, there is a statement on how to be a good grandparent, how to protect against drug abuse. We work with the physicians. When a parent comes for a pre-school physical, the physician says now is the time to start talking with your children about alcohol, now is the time to watch for the signs and symptoms of adolescent abuse.

So we work across every sector to actually change the dynamics, to change the way business is done. It is very, very effective because we are changing the norm in the community from one of abuse to one of prevention.

Senator BIDEN. Now, you and I both know how hard it is to change the norm. I authored a bill called the Violence Against Women Act, and because my State is small I was able to do what legislators aren't supposed to do. I was able to have a hands-on experience in molding the use of the monies from that Act in my home State.

I was able to get, for example, all the emergency rooms in the State—there are not that many in a small State like mine; it is the size of a congressional district—get them together and get them to agree, with monies we provided, to train intake physicians in emergency rooms to recognize domestic abuse and be willing to file the reports. I found that when you are able to talk to all the doctors and get them all in one room, you can do something.

One of the reasons I am asking these questions is you are sort of head of the field in your home county. Doctors doing the physical before school seem to me to be an incredibly opportune moment to educate the parent and the child, and even test on occasion at that moment.

But the fact of the matter is most doctors don't know much about this. Most doctors, in my experience, don't know much about it. They don't want to know about it, they don't want to pay attention to it. So how do you on a national basis, in your new capacity—for example, let's just focus on doctors for a minute. How would you

go about trying to, in a sense, educate the medical profession to not only what to look for, but their responsibility, their civic responsibility in participating in this?

Ms. SOLBERG. I will walk you through what we did in a small community. I think it translates beautifully. We began by educating, by talking one on one with physicians. We ended by having a family practice physician as the president of one of our coalitions.

We then went on to the county level and involved the Oakland County Medical Society and educated and trained. They came in and weighed in on public policy. What is harmful for our young people?

We then went to the State level to work with the medical society, and we involved at each step of the way physicians through education, through practical examples. And because we are results-oriented, because we are data-driven, we showed them the numbers, we showed them what we had achieved, and we clearly illustrated their role in this process.

Senator BIDEN. Now, would you to the AMA, for example, in your new capacity? Would that be something you would have in mind?

Ms. SOLBERG. I would love to be able to. I have not taken the position yet and I have not heard what Director Walters has in store, but it is absolutely one of the things that I think would be very, very effective to bring physicians nationwide into the prevention field.

Senator BIDEN. Well, this was not a set-up question, but last week I introduced a bill to train doctors and other health care professionals in terms of continuing medical education. You know how we lawyers and doctors go back and we have continuing education requirements, at least in most States, I believe, if not all, and continue to be updated on the newest changes. As Sander may know, we do that as lawyers. I would like you, when you are confirmed, to take a look at that for me, if you will. It was endorsed by your soon-to-be boss, Mr. Walters.

Let me conclude by just saying to you that I think that some of the criticism of your nomination is that you have not had national experience, that you have not run a large agency, that you are not a nationally-known name, et cetera. But I think you are a perfect complement to a man whose background has been on the enforcement side and whose interest has been on the enforcement side and on the interdiction side of the equation.

I think you provide a genuine balance and I think if anything has been missing—and we have had great people in that office in all administrations, but if anything has been missing, it has been the direct connect, the practical hands-on connection between the localities and how they implement these programs and initiatives and what they generate spontaneously and the national strategy.

So I look forward to you being in that position. But understand—I know you do—that we take it very seriously. Accountability is a matter of importance to us, and one of the things I hope you will do is as you, in a sense, experiment at a national level with your success at the local level—you will find many of them will not work nationally. Every community is different and it is much harder to do it nationally than it is locally.

But I hope you will be candid with us when we call your before this committee and acknowledge frankly what works and what doesn't work. The only thing we care about is not that everything you try works, but that everything that doesn't work you are honest enough to tell us.

As you well know, public support for the initiatives relating particularly to treatment and prevention are hard-fought battles, as Congressman Levin can tell you, because they are the least popular. The first thing is arrest them and hang them. We usually get money for that, we usually get support for that.

The main reason why people are skeptical about our treatment program and skeptical about our prevention programs occasionally is that they don't think they work. They do work, but they don't think they work. For the longest time, for example, when we spent a lot of money in this prevention field, we worked with educators.

What we did was we had every school district in the country at the beginning of a school year hand out pamphlets, which was about as useful an exercise of money as us carrying coals to Newcastle. I mean, it was a waste of money, in my view. It was a typical bureaucratic response to a national program.

So we are looking for some innovation from you. We don't expect you to reinvent the wheel, but the reason why people are prepared to take a chance on a local woman who did a great job is because of that very thing, a local woman did a great job. And we expect that you will not be afraid to attempt to innovate. Don't be intimidated in this new job.

Your daughter is shaking her head. Don't worry, mom is never intimidated. [Laughter.]

Senator BIDEN. But don't be intimidated by this.

Senator HATCH. Mr. Chairman, I have to necessarily leave.

Senator BIDEN. Please proceed.

Senator HATCH. No. I just want to apologize for having to leave, but I have every confidence in all of you.

I would just like to put in the record, if I could, Mr. Chairman—Speaker Hastert's Task Force for a Drug-Free America has written a letter in support of these nominees and I would like that to be included in the record.

Senator BIDEN. It will be part of the record.

Also, Senator Grassley asked that his opening statement be put in the record.

Senator HATCH. I also want to thank you, Mr. Chairman, for holding these hearings and for moving these nominees along. We need to get these positions filled and if we can work to get them on the agenda and get them out, I would sure appreciate it.

Senator BIDEN. Thank you very much. Thank you for the nice compliments.

I only have a few more minutes with you all, if you don't mind.

Dr. Crane, you have had a long service to your country, and also an interesting and varied background coming into this job. I would like to talk with you about Colombia for a minute.

Mr. CRANE. Yes, sir.

Mr. BIDEN. I will state at the outset I am a close personal friend of President Pastrana, whom I speak to literally regularly. He calls me at home because of my interest in his country and my interest

in the drug problem and Plan Colombia. He is in a bit of a bind right now. Things are pretty tough down there.

As the FARC's violent attacks have increased and he has ended the peace process, this country which we care about, the oldest democracy in the hemisphere, not only because it is a source of nearly all the cocaine in this country and the majority of the heroin on the East Coast, including incredibly pure heroin that is literally killing kids in my home State of Delaware, but also because Colombia is an ally and I can't picture a secure Latin America and South America with this big country essentially at the head of it becoming a narco-state—I just can't envision how this hemisphere works very well that being the case, and I think that is the alternative we are facing here, a narco-state. As you know, the FARC, as well as the paramilitaries, have engaged in the trade. They have found it very lucrative, as well, and for their own political purposes.

Now, in the position to which you have been nominated, you will be called upon to advise the drug czar on how we should proceed in Colombia. First of all, are you prepared to tell us what your views are on Plan Colombia, as it is now in place? Have you had a chance to become familiar with it? Do you have a notion of anything about it?

Mr. CRANE. As you might recall—I think if I am confirmed I would be very honored to continue to advise you. I know in 1998 I testified before you before on the Western Hemisphere Drug Elimination Act.

It is very true that Colombia is a state in deep peril, financed primarily by drugs, to many terrorists. So it is a very serious situation. I have made many trips to Colombia, have done lots of analysis and attempted to look at how could we make these plans work as best as possible. So I have made recommendations to Admiral Loy and others about complementary programs to ensure that the current Plan Colombia will work as planned.

So I believe I have a wealth of experience. Ambassador Patterson wants me to come down as soon as I am confirmed, if I am confirmed, to begin to meet with them right away. The issues there are very complex, but what I believe has to be done is we have to do more than just try to eradicate the coca plants. As you know, in the last year there has been increasing eradication.

We have to get to a point there where we can actually severely damage that business. If we do just a little bit at a time, it probably won't work. So I will be an advocate of making sure that that plan works as best as envisioned.

Senator BIDEN. Now, you are talking like a State Department guy again. Tell me what you mean specifically, not generically, that we have to do our best.

Mr. CRANE. Well, I think the first thing that we recommended was that you have to get in and interdict certain aspects of it because what has happened now——

Senator BIDEN. What aspects?

Mr. CRANE. Primarily the land transportation. If you look at the current base prices in Colombia, they have risen with the about 40-percent eradication that occurred this last year. Now, not all the equipment is there. If you do that, if the prices rise a lot, then this encourages them to plant more.

So my personal observation this year is there is a very large amount of new cultivation, attempting to counter Plan Colombia. Now, if we can do a better job, for example, interdicting——

Senator BIDEN. Does price rise mean we are having success in limiting supply?

Mr. CRANE. It does, but the system then is a pernicious system and it attempts to counter you by, if the price goes up, then whoever you don't eradicate makes more money on his crop.

Two years ago, I worked with UN officials and we do get current prices out of the areas in Colombia now. I just got recent data. My team has been in Colombia. Two weeks ago, they were in there for two weeks looking at the research aspects of this.

So one of the aspects that we argued should be done is if we could interdict the cocaine base coming out of these agricultural areas and drive the price down, this would be helpful.

Senator BIDEN. How would interdicting drive the price down? I am not arguing with you about the need to interdict.

Mr. CRANE. What happens is the base price goes up at the cocaine processing lab, which for many of them are in the cities, and the base price goes down at the farm gate. If you could drive the base price down to levels below, say, $600, $550—it is right now about $1,050—then there becomes a lot less profit in the commodity. So that is one aspect.

But there is a second aspect of any police program, and I know the interdiction coordinator has put together such a concept. You also want to drive up their costs for precursor chemicals, say gasoline and potassium permangenate and other chemicals like that. In addition to that, we are looking at an application to use the assets we already have down there for eradication more effectively. So all of these are ways that I think could improve the chance for Plan Colombia to deliver the desired result.

Senator BIDEN. What about the notion of crop substitution or moving folks out of the business into other businesses? Most people argue that a significant number of the growers are ordinary peasants involved in agriculture who are looking for a crop in which they can make a living. They are not the ones who make the big numbers.

Now, granted, these large jungles that are being cleared and large numbers of hectares being planted are more as a consequence of an organized and cartel-driven kind of operation. So it is one thing to eradicate those, and that is why we provided the helicopters and that is why we did the training of the Colombian military.

But what about the folks outside of that valley, outside of that region? What is the administration, if you know, or what are you recommending, if you are, as to how to move people into a different line of work, in effect? You talk crop substitution. Is that a rational approach, does it hold any promise, or is it basically a non-starter from your perspective?

Mr. CRANE. From my research perspective, it is possible to do that, but again it is very important that you not have cocaine base and leaf at extremely high prices where no other crops have any chance at all. But there is a second aspect; we have security problems in many of these areas, and so besides providing for economic

assistance, you also have to provide for the man's basic right to life and not having a barrel of a gun pointed at him telling him to grow coca.

So we have a very difficult problem in Colombia. As you know, there were many growers packs that were into self-eradicating. So I would say that if I am confirmed, one of the things we are going to look at it is did they actually do that, and so I would have to get back to you, I think, and look and see how those things worked out because right now that will happen this summer.

Senator BIDEN. What is the greatest weakness of Plan Colombia right now as you see it?

Mr. CRANE. In my opinion, probably what I call incrementalism. We did just a little bit each time. So if you just do a little bit, get a couple planes every year, I don't think that will work. I think what we will have is a very large coca agriculture and you will be able to do that.

So in my view, and I have advocated this for several years, we need to get on with the program and force a radical—not force a radical, but cause a radical shift in the coca economy. So if we went along and just did a little bit each year, I don't think that will work, so I wouldn't be an advocate of that.

Senator BIDEN. As you probably know, the provision of U.S. intelligence for air interdiction to the governments of Peru and Colombia have been suspended since the fatal accident last spring in which a plane carrying U.S. missionaries was erroneously shot down after being suspected of carrying drugs. As I understand it, the administration is still reviewing whether the program should be resumed.

Do you have any views on whether the program should be resumed?

Mr. CRANE. If I may, I would like to put in context the conditions under which you do these types of operations. If you look at the history, in 1982 1,100 airplanes landed in Florida with cocaine on them. With military advice, the Customs Service, and so on, we have been able to stop most of the air trafficking, and the air trafficking is a major threat because it is the least costly way to move illegal drugs surreptitiously because of the issues of security.

If you look at the current air situation, which I have just done, pretty much most of the drugs are not moved across the Caribbean anymore by air; it is mostly surface. If you look in Colombia, there are certainly a lot of questions about we have deployed large-sensor systems. So from that point of view, it is a very important program, if they attempt to use aircraft widely, to have the capability to stop them.

Now, does that mean that you only have to have a shoot-down law? The answer is no. The United States did not do that over the Caribbean. However, it requires a large amount of resources to be applied if we were to go that route. So in my opinion, in the remote areas of the Amazon, if we have large narco or terrorist aircraft activity, it may be necessary to take a very serious look at reinstituting that program as soon as possible.

Senator BIDEN. I happen to agree with you.

Scott, let me turn to you if I may. You know the numbers, but for the record let me just repeat a few statistics. As I said earlier,

kids in rural areas are more likely than kids in large urban areas to use certain kinds of drugs, including methamphetamine and cocaine.

A recent CASA study showed that 8th-graders in rural America are 104 percent more likely than those living in urban centers to use amphetamines generally, including methamphetamine. Eighty-three percent are more likely to use crack cocaine, 50 percent are more likely to use powdered cocaine, and 34 percent are more likely to smoke marijuana. The study goes on to say rural communities are woefully unprepared to provide treatment to the growing number of people becoming addicted.

This will come on your watch, Mary Ann: In 1993—this is the last statistic I am aware of—55 percent of the 3,075 counties in the United States had no practicing psychologists, psychiatrists, or social workers. And all these counties, every one, was a rural county.

Now, I come from a State that although it is in the midst of the North Atlantic States, we found that with the drug cartels operating very successfully in Philadelphia, because of I–95, the major north-south freeway, and because of the Port of Philadelphia and easy transit from New York and the Port of New York, as we put pressure on drug cartels and organized units of drug crime in Philadelphia, for example, it became economically sound for these dealers to go to areas where there was less enforcement, less capability, and not as many people. But if you hit a broad enough area, it was very successful.

So in rural Delaware, if you have ever read Michener's book *Chesapeake,* you could understand my little State. Two-thirds of the State has been isolated from the commerce and intercourse of the States because it literally is that peninsula that comes down from the Delaware River on this side, if you look at a map, and the Chesapeake Bay on the other side, and it is called the Delmarva peninsula. Delaware, Maryland and Virginia are on that peninsula.

It has become quite a haven for drug organizations because of so many migrant workers and because we are an agricultural State. You have motorcycle gangs and you have the Cripps and the Bloods, who long ago found the beauty of Utah.

I remember the statistic a couple of years ago—I used to do this every single day; I don't anymore, but there were more drive-by shootings in Salt Lake City than there were in any other major city in America. I think that statistic is correct. I am prepared to be corrected if I am wrong, but it is astounding that the beautiful city of Salt Lake in the far West found itself in that position.

So you are aware of all these things. In your capacity as the guy who is going to be out there doing the job that a former Delawarean did, I might add, what are you going to do? What are some of the ideas you have as to how to energize your office, with limited resources, unfortunately?

I know none of you can comment on this. I am sure every one of you fully agrees with the President's budget. I don't. He has drastically cut law enforcement now in the name of homeland defense. He says he has made it up other places, but the bottom line is, Commissioner, you are going to have fewer cops.

Mark my words. I predict to you within five years you are going to have 20 percent fewer—even with prosperity in Salt Lake, 20

percent fewer cops because the Biden crime bill is no longer going to be funded, the COPS program. You are going to have fewer resources available to you in local law enforcement. Berne grants are being eliminated or combined with other grants. So there is a net 40-percent reduction in help for local law enforcement.

So what are you going to do, Scott? I mean, how are you going to respond to the concerns of these local officials, who I find in my State, maybe again because it is so small and I have been so deeply personally—by the way, not that I am a good guy. I don't mean that, but when you have one person from the Federal side of this who happens to have jurisdiction over these subjects willing to sit down with the local chiefs and the local sheriffs and the local commissioners and bring in the regional DEA guy, because he can't say no to you, and bring in the regional FBI guy or woman, it gets results. And the interesting thing is there is significant harmony. I mean, it really is working, like the commissioner found.

So what do you do? That is a very broad question, but you have vast experience here. What are you going to be looking for? What are you going to be focusing on, given the range you need to do your job in your new capacity?

Mr. BURNS. Senator, if every governor and every mayor or even half of the council people or commissioners or sheriffs understood and appreciated the issues half as much as you do, I think we would be halfway home.

Senator BIDEN. In fairness to them, they have got a lot of other things to focus on.

Mr. BURNS. I understand, but this, in my humble opinion, is something that we all need to make a priority and we all need to focus on. And I won't speak State Department-eze; we are getting our butts kicked.

I understand that there will be diminishment in funds, in Berne grant monies and COPS monies, which we have all appreciated, but in my county we did it without any HIDTA money, and we did it because maybe it was self-defense. And we took it a step further and took the money that we forfeited from the dealers, and not a marijuana cigarette and we forfeited a Mercedes Benz. I am talking about 4 and 5 and 6 and 800 pounds of marijuana and 500 kilos cocaine, and taking a house that was a distribution center.

We put that money in a fund and we funded DARE, and we have one of the most comprehensive DARE programs in the country right there in little southern Utah. So I think people can do things without money and without the Federal Government standing by to tell us how we do it. But it takes initiative and it takes guts and it takes people wanting to understand the issues because it is a dirty world.

You understand about heroin coming from Pennsylvania to your State. You understand about the methamphetamine problem on the West Coast. You understand about baby binkies and water in a remote area. Most Americans, Senator, with all due respect, have no idea what you are talking about, and I guess part of what my job will be is to go to those localities to talk to them about the issues.

I will go to Delaware. I would be more than happy if you would allow me to work on that particular issue, if I am fortunate enough to be confirmed.

Senator BIDEN. One of the things I have found, and I want to know what your experience in this is, having been a local official, is that it is not that localities lack capability. They tend to lack resources and they tend to lack expertise, and they tend to be almost not afraid in the sense of personal courage, but afraid in terms of thinking that maybe what they think they know is not as simple and clear as they have concluded it is; that there must be something more complicated.

So they tend to be reluctant to put their arms around it for fear that they may be missing something. They remind me sort of the freshman who shows up in a philosophy class with a great idea. It may be original, but because he or she hasn't read it somewhere, they assume it mustn't be significant.

So I have found on a much more limited basis as I have gone around the country, particularly selling this and the Violence Against Women Act, that when you actually provide a model for local officials, they are hungry to try to replicate it.

And it doesn't have to be a single model. For example, we found in the case of violence against women that there are four places where women who are victimized lose their resolve to proceed against their attacker, whether it is their husband, significant other, or someone they work with.

Strangely enough, one of those places is when they show up—and it varies from State to State—at, say, the family court in the State of Delaware to pursue their complaint. They walk up to an intake officer and the intake officer says, now, what was it; right in front of everybody, what was it? When did he hit you? Well, I don't see any bruises.

That is the place the woman turns and walks away, or when she goes to court and the court is insensitive enough to put her and the abuser in the same room as they are waiting to go into the courtroom, or when you have cross-examination or direct examination by the prosecutor and he does not place his physical body between eye contact of the accused and the accuser, because that is when women believe that no one is going to be with them as that person who is 6′2″, 210 pounds, is staring at her, and she is 5′4″ and 112 pounds and she knows if he doesn't go to jail, he is coming back. They are very practical things.

I implore you to not decide on a single package, but try very hard to—they are telling me I am supposed to slow this up, which I am not going to do because I pay little attention to my staff because they are brighter than I am.

As I said, I have a deep interest in this. When we still have statistics out of Colombia showing that 80 percent—remember this, 80 percent of every single solitary prisoner in America, State, county, local and Federal, either is an abuser of and/or addicted to alcohol or an illicit drug, and/or is arrested or is in there because they were trafficking in those substances—80 percent.

With all the success we have had with violent crime in America under the crime bill and other factors, imagine if you could wave a wand and God could change very single American so that their

brain could no longer respond to the stimuli of alcohol or drugs. Imagine what would happen in America. It would be a transforming experience.

My deceased wife, God love her, used to say the greatest and worst gift God gave to mankind is free will. Well, we have to figure out how to help these rural communities, and I think, Scott, it is the single most glaring and urgent unmet need that we have in this area because the traffickers have found—you know, it is like punching a pillow. You know, we crack down in the urban centers. Even if we affect interdiction significantly, which I strongly support as an important aspect of this, it pops up where there is the least resistance.

As you well know, one of the objectives we have all had in law enforcement is to at least raise the collateral cost of doing business in this business. So I hope you will not lose your practical sense. This is not rocket science. Medical cures are equivalent to rocket science because they are above my pay grade, but this is not, and I hope you will keep your enthusiasm and be willing to come up with some practical programmatic—not programmatic—let me conclude with this.

I would hope that as you go around the country, you do more than—although it is important to do this—do more than listen. It is presumptuous to say that as a Federal official. It is important to listen, but we have been listening now for 20 years. We pretty well know what people are saying.

What I find people hungry for is very, very basic things, very basic, bite-size, understandable, applicable ideas that they can use. So I hope you go with a little bit of a smorgasbord and say this is what worked in Lynnfield, Massachusetts, this is what worked in Moab, Utah, this is what works over here. I don't know what works best for you, but let me tell you how we do these things, very practical things. People are hungry for the help, hungry for it.

You know, I used to have a friend and he was a great, great basketball player. He played on that NIT team at Providence—it shows you how old I am—in 1964 with Riordan and Walker and guys who went on to play in the pros and were all-pros. His name was Pete McLaughlin, and Pete would never argue that his greatest asset was his academic skills. He was a bright guy, but it was not the most important thing to him.

But Pete had an expression that I wish every academically-accomplished person understood fully. He used to say, Joe, you have got to know how to know, you have got to know how to know. A lot of local officials are incredibly talented, but they don't know how to know, and I hope you will go with a little bit of a menu for them to give them some advice.

Mr. BURNS. I will give it my best, Senator.

Senator BIDEN. I have no doubt about that.

I am sorry to keep you all so long, but as I said, I guess some would suggest it hasn't been all that successful, but I have spent 26 of the 28 years of my life working on this, and actually 32, counting as a local official, and there is nothing that is more important to me, including the Office of Juvenile Justice.

Mr. Flores, I appreciate, and I mean this sincerely, your work in the past. I appreciate the fact that you have felt during the last

administration that there was not enough time and attention placed to dealing with Internet porn and other things that caused you to resign.

I don't think you will, but just to state it up front, I hope you approach your new job with a results-oriented notion rather than a value content idea; that you don't walk in with an ideological disposition as to how to handle all matters. I hope you have, and I believe you do, an open mind.

You are about to take over an office that has been sort of a stepchild for a while, although we have significantly increased the budget over the years when I was chairman and when Senator Hatch was chairman. Senator Hatch and I have worked very hard to reauthorize the Juvenile Justice Act and update it and make it, we think, better, and we have been allies in that effort.

It has been very difficult to get it done. We have passed it a couple of times. It got over to the House. Then the House has subsequently passed one that can't get by here. So we are kind of in a conundrum right now in terms of whether we initiate a new, improved authorization for your department or whether we try to just go along with what the law has been or we just limp along year to year in the authorization by funding through appropriations. I realize that is Washington jargon that maybe only you understand, having worked here.

One of the questions I want to ask you to get a sense—I don't expect any academic treatise in response to this, although you are fully capable of it—to get a sense from my perspective, as they say, to use the vernacular, of where you are coming from on these issues.

Juvenile crime has plummeted over the past decade. The irony is that it has plummeted. From 1991 to 2000, the number of persons under the age of 18 years old arrested for murder dropped 65 percent. I am the guy who wrote the reports in the 1980s about the skyrocketing juvenile murder rate in the United States, juveniles committing murder. Even though I take some pride in having authored the major crime bills from 1988 on, I am surprised at the drop, as to how far it has dropped.

Rape is down 26 percent, robbery 29 percent, and this all happened at a time when the juvenile justice experts and demographers told us we were likely to see a rise, because there was an 8-percent increase in the juvenile population between 1993 and 1999. As you know, that is when the hormones kick in. That is the age where you think you are invincible, that you will never be caught. So in a sense, the statistics belie the predictions and the increase in juvenile population.

What do you think is most responsible for this, or how do you explain that phenomenon—a significant decrease, notwithstanding an increase in the juvenile populations? I used to go through this thing during the 1970s and 1980s talking about how the most violent criminals in our society—in the 1960s—don't hold me to the exact numbers, but something like 18 years, 6 months of age, on average. Then it dropped down to 17-something, and it dropped down to 15 years and 6 months or something, the most violent of all criminals, not juvenile criminals, criminals.

Now, that trend seems to have not—it has been reversed in spite of increases in juvenile population. To what do you attribute it?

Mr. FLORES. Senator, I think that there is probably not any one thing that is responsible for any of these trends. I think that oftentimes the temptation is to reach out and grab a hold of one thing or to think that any particular program that is being supported or run is in large part responsible for any one particular aspect.

Senator BIDEN. I agree with that.

Mr. FLORES. I have, in deference to the Senate process, not had an opportunity to immerse myself in much of the specific work of the Office of Juvenile Justice. But I have had a chance both during my time at the Justice Department in the Criminal Division, as well as during the past four years, to take a look at a number of societal issues that continue to affect, I think, the numbers.

While I am very pleased about the change in direction in terms of the numbers of juveniles in the system or at risk of going into the system, I think about how horrible it has got to be as a parent to watch my child go into the system. And it would be very small solace indeed for someone to say, well, your son is part of that smaller percentage.

Senator BIDEN. I have that. I don't need a lecture about that. I mean, I would not take a back seat to anyone in my empathy for those whose children get caught up in the system and get picked up by the system.

The question is, as a policymaker, I am only able to go on a policy level deal with and initiate or participate in those programs that have the best chance of keeping the most children out of that system, out of that stream of crime and drugs.

On the personal side, I, like you, suspect that I have counseled and met with and have empathized with and personally intervened on behalf of more families or as many families as any man or woman who does this on anything other than a full-time job as a counselor. So I am not looking for your concern about those who are caught in the system. I am trying to get a sense of what you understand to be the reason why it has changed.

My dad, God love him, is in the hospital. He is 86 years old and he has a lot of wisdom, and my dad says all the time, Joe, we always fail to learn our lessons from our victories; we learn the wrong lessons from our victories. Well, there have been some small victories here and unless we figure out why this occurred, we don't know what to do from here on. Otherwise, the past is not a guide to take us to the future.

This may just be pure happenstance, and I am not being facetious. I mean, if you had an 8-percent decrease in the juvenile population over the last 10 years, I would say to you as someone who has immersed himself in this for three decades trying to learn as much as I can—without exaggeration, I have held more hearings on this subject with experts than any person who serves or has ever served in the United States Congress and I still don't fully understand it. I only come away with certain basic things I know for certain.

One is there are four corners, three cops on three of the corners, not one on the other, and if a crime is going to be committed at

an intersection, it is most likely to be committed where the cop is not.

Second, when you get to be 35 years old, it is hard to jump chain link fences when you are being chased by cops. [Laughter.]

I mean this literally, literally literally. There are only certain things we really know, and so what I am trying to get at is you are going to head up a department that is tasked to deal with the single most important intersection in the criminal justice system.

We know and you know from your great experience that if a kid gets through his or her teen years without any interface with the law, on the wrong side of it, the prospects of that person being caught up in drugs or the criminal justice system down the road are infinitesimally smaller than a child who has even been picked up for truancy. We know that truancy is the single biggest sign as to whether or not there will be a criminal record that a child will have and the road map to delinquency.

We know that cigarette use is the single best sign to know whether or not someone is more likely to be addicted to a controlled substance. A kid who has never smoked a cigarette—what is the number—is one-fifth or one-tenth as likely to ever use a controlled substance as someone who has smoked a cigarette.

So there are certain basic things we know, and I don't have the answer, but I would like to know what your answer is. If you would like to think about it before we bring your confirmation up for a vote, I am happy to wait, but I would just like you to muse with me about why do you think these numbers are down. Are the statistics being kept differently?

When we did the violence against women stuff, we found, to be totally honest about it, that the rate against violence against women. I had done a study, and actually I used the Bureau of Justice Statistics. From 1978 or thereabouts, to 1988, or 1976 to 1986, violent crime against women in America went up over 100 percent, those between the ages of 18 and 30. But violent crime in the same time went down for men in that age.

I thought I knew all there was to know about violence. I thought violence was the ultimate equal opportunity employer, but it turned out not to be so we started focusing on why. One of the reasons it went up against women is women had more support from other women and they began to report crimes more than they did before. Is there less reporting?

I mean, what does your gut tell you, based on your background, as to why these numbers went down?

Mr. FLORES. Senator, my gut and my observation tells me that I think these numbers go down because I think we have spent more and done a better job at early intervention. I think that we have now, and OJJDP currently operates a number of programs which focus on early intervention, the personal investment of adult lives into children's lives, so that things like mentoring, things like the proper joinder between educational efforts along the lines with teaching proper behavior—the Boys and Girls Clubs, in fact—I was on their Web site just recently and I noticed that they are pushing that kind of a model where they are trying to figure out how do we take those new educational responsibilities and standards and

how do we use our after-school programs, how do we use the resources we have.

You raised earlier today an issue of limited funds and budget issues, but I would like to, I guess, echo the comments that were made that there is no substitute, I think, for the investment of adult lives into the lives of children.

I mean, I have heard it said, you know, very few husbands could ever afford to pay their wives what they are worth if they had to actually contract out for the work because they do so much that is not reflected——

Senator BIDEN. If you contracted it out, she would leave you. I mean, she could get much better pay. [Laughter.]

Mr. FLORES. Because of the fact that one volunteer can provide resources, help, support for a child, as people provided for me during my lifetime, I think that makes a difference. I think that we have really focused for——

Senator BIDEN. But doesn't that run counter to everything that the statistics show? The statistics show during this same 10-year period that fewer parents were married, fewer nuclear families, fewer parents taking the responsibility you are talking about, fewer parents engaged in the process, fewer parents prepared to show up.

My wife is a professional educator. Fewer parents showed up during this decade at parent-teacher meetings than before. Fewer parents are engaged in these programs, and yet this has gone down. That is why I think it is very important, and Dr. Crane in a different area and Ms. Solberg talk about data-based conclusions; in other words, making sure that we really know what we are talking about rather than just following our instincts.

You know, when I stand up and talk about American foreign policy to my constituency and I start talking about what is going on in terms of negotiations with the Chinese regarding strategic doctrine, everyone sort of stands back in my constituency and says, well, you know, Joe is an expert in this and I will listen to what he has to say.

I have done more work on the criminal justice side of the equation. When I speak, everyone assumes, which they have an absolute right to, that everybody is an expert on law enforcement. Everybody knows why we have crime. No one thinks that there is any database. If we just eradicated poverty, we would have no crime, on the one end, and those that say if we just occasionally took the belt off the loops on our pants and smacked our children, we would have no crime.

Yet, everybody seems to be fully prepared to be an expert on law enforcement. Yet, we have increasing data to determine that some of our old saws just don't hold water; they just don't make sense, they just don't add up.

I hope as you go into this you will focus more on the data, not you personally, but less on what, coming from the left and the right, are these sure ideological notions of what solves the problem. I find I have little respect for the left or the right because they don't think very much. There is a great deal of certitude. They know for certain that they are right because the Lord told them or they just know in their heart.

For example, you point out Boys and Girls Clubs. When I wrote the crime bill, I am the guy that wrote into the law that Boys and Girls Clubs be funded, because I couldn't get my more conservative Democrat and Republican friends to think prevention worked.

I found a study that was a very serious study done taking the same demographic breakdown of public housing projects in three Midwestern cities. I believe it was Chicago, St. Louis, and I forget where else, to tell you the truth now. It showed, where there was a Boys and Girls Club in the basement of a public housing project, there was, on average, 28 percent fewer crimes, 28 percent less use of drugs. I mean, it averaged out to 28 percent.

So I am not a rocket scientist, but it seemed to me this might be a good idea. What we did is we went in and we found, with the help of the police organizations that helped me write that bill—when I asked cops what they wanted, I said do you want more cops or do you want a couple more Boys and Girls Clubs in your neighborhoods? They said give me the Boys and Girls Clubs.

Well, my right-wing friends thought that was—"Moses" Heston thought that was a little bit of this just social engineering. But guess what? It works, it works. The reason there are more Boys and Girls Clubs is we put $20 million a year in. They have increased by two-thirds, the number of them.

I called a guy named Case and I said, you know, kids don't know how to use computers; there is a great digital divide. So he contributed through his organization 57,000 brand new computers so that every Boys and Girls Club in America would be guaranteed to be hooked to the Internet and have available to them a minimum of ten of these computers in every Boys and Girls Club. Then I got a call from Microsoft saying why didn't you ask us? So I asked the head of a little company called Microsoft and he committed $100 million to the Boys and Girls Clubs to provide all the software and the teachers.

Now, in the face of all this, the President eliminated funding for Boys and Girls Clubs. I don't quite get it. I don't get it. Is there something not working? What am I missing?

So without putting you more on the spot, since you are not in office yet, but I am going to put you on the spot a lot because you are a bright guy and you will give me honest answers, I just ask you as a favor to honestly look at what you thinks works and what doesn't work, what works and what doesn't work.

I don't know the answers. I don't know what works and what doesn't work, and I am not sure crime is down because of the investment we made in the juvenile justice programs. But I do know that your notion about hands-on parents—fewer parents are hands-on today than they were in 1990, and yet crime is down. But what does that mean?

Well, I think it means that we have fundamentally increased across the board—local, State and national—focus on mentoring, fundamentally increased our commitment to things like Boys and Girls Clubs, which is not a real substitute for parents, but when you don't have nuclear families, then it seems to be of some help. Those silly little programs like keeping gymnasiums open until midnight in tough parts of town reduces crime.

So I hope you will look at that stuff because I believe you are about to assume the single most important job in the system, the single most important job in the system. Not that you are responsible for the answers of bringing crime down, but if we can get a handle on this stream, if we can keep out kids out of the crime and drug stream, our chances of being safe and my 85-year-old mother who was mugged in a parking lot not being mugged again in the parking lot, in broad daylight at the supermaket—by the way, when they caught the guy and the woman, my mother said they needed the money, honey, don't do it. God love her. They needed the money.

At any rate, the fact of the matter is I just hope we will try to figure out what really works and what really doesn't work, because something happened, something happened. For my Republican friends, in spite of Clinton something happened, in spite of him, maybe. But whatever the reason, something good happened. How do we keep it going, unless it really didn't happen, and it may not have because maybe we are doing the statistics a different way.

So that is my only plea with you, if you will as open-minded as you can, because you are at the place where there is an intersection of all these things. I know you know that. I sound like I am lecturing. I am not. I don't mean to come across that way, but I really think the job you are about to take is so, so important and it needs an advocate.

Just as you were an advocate in the Justice Department, and that is what I admire about you, be the same advocate. If you become convinced that something that is within your jurisdiction is working and people don't want to keep it, be an advocate. You have been in the past. I admire you for it.

In the interest of making sure that your wife is still willing to let you take this job, since she is with your three beautiful children in that room—I say to all the children in the room if they can hear it—and you are no child, honey, but an old lady like you, this is the time to demand something very important that you want. Now is the time, as dad walks out, to say, dad, how about the following? If you need any advice on how to leverage this, come on up and I am happy to talk with you about this, okay?

I think, Mary Ann, that your daughter has already leveraged you, so I don't think it matters for you.

Does anyone want to make a closing comment? I have kept you too long, but again I apologize for my enthusiasm about this. I don't have the answers. I have been doing this a long time and I don't have all the answers, but some things seem clearer to me than others. I hope whatever you think is the path to deal with what is the most important job, I think, in Government—you all are about to assume those jobs. Drugs and juvenile justice are the gateways to a significant part of the problem America faces as it relates to productivity and as it relates to basic value system and our public safety.

So I thank you all very much for indulging me, and I wish you all luck in your new jobs and I look forward to working with you.

We are adjourned.

[Whereupon, at 12:20 p.m., the committee was adjourned.]

[Questions and answers and submissions for the record follow:]

QUESTIONS AND ANSWERS

QUESTIONS FOR THE RECORD FROM SENATOR DURBIN TO SCOTT BURNS, NOMINEE TO BE DUPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS

Like many of my colleagues, I am very troubled by the indications that our prosecution of drug crimes disproportionally targets racial and ethnic minorities. For example, African Americans represent 12% of the U.S. population, 11% of current drug users, but 35% of those arrested for drug violations, 53% of those convicted in state courts, and 58% of those currently incarcerated in state prisons. If confirmed as the Deputy Director for State and Local Affairs at ONDCP, you would interact with many minority communities that have been deeply affected by drug crimes.

Earlier this year, the Supreme Court of the state of Utah admonished you for making racially insensitive remarks as a state prosecutor during the sentencing phase of a murder case. Commenting on the victim, a substance abuse counselor in a Native American community, you had argued to the trial court that the defendant did not murder a drunken Indian in the park in Cedar City. He did not murder a woman who, ah, had spent her life drinking alcohol and puking and walking the streets and shoplifting at Wal-Mart. He murdered someone that these people look up to. He murdered a superstar in the Paiute community....

The state Supreme Court called your comments "demeaning, offensive, and clearly improper."

1. Please explain what you intended to convey by your comments.

Answer: Let me begin by stating that I regret that my comments were characterized in such a manner. I believe that placing my remarks in context will assuage any concerns that the Committee may have.

This was the sentencing phase of a trial where the jury convicted a man of a particularly violent murder. The woman he murdered was the mother of his ex-girlfriend. Without going into graphic detail, the defendant brutalized the victim in an unspeakable fashion. During the sentencing phase of the trial, the defense attorney quoted Ghandi, Mother Theresa, and other respected figures in a plea for mercy that the defendant obviously did not permit his victim.

I spoke to the family of the deceased, and asked them what they would like me to tell the jury about her. Recognizing that some in the community held unfortunate stereotypical belief about the Native American community, the family wanted the jury to know that she did not fit the stereotype that some members in the community may attribute to her because of her ethnicity. Her family wanted the community to know her as she was in life, a pillar of strength in a Native American community that was plagued by alcohol abuse and attendant crime and violence. The words I uttered were a quote from the family. Understanding the emotion that would be attached to these remarks, I indicated at the hearing, for the record, that the family requested that I make that statement.

After the trial, her family thanked me for restoring the dignity and honor that this defendant stole from his victim. While I was, and remain, sensitive to the fact that words such as those run the risk of offending members of the community, I stand by the decision to relay the message of the victim's family.

I assure the Committee, that if confirmed, I will continue to conduct my responsibilities with honor and with respect to all members of our society. I understand that many minority communities are hit hard by the scourge of drug use and I commit to working with them to provide more education, treatment, and fair and effective law enforcement in all communities across our nation.

2. Has this episode been the subject of an ethics or disciplinary review? If yes, please explain and disclose the status of such review.

Answer: No, it has not been the subject of an ethics or disciplinary review.

3. Why should this Committee ignore these comments in light of the position you are seeking and the certainty that you will be asked to work with minority communities?

Answer: Although I believe my response to Question 1 addresses this issue, I will renew my request for the Committee to take these comments in context and understand why I felt the need to honor the request of the victim's family in making that statement.

QUESTIONS FOR THE RECORD FROM SENATOR GRASSLEY TO SCOTT BURNS, NOMINEE TO BE DUPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS OF NATIONAL DRUG CONTROL POLICY

1. The National Drug Control Strategy states, "...our drug fighting institutions have not worked as effectively as they should. In keeping with the goals of the President's Management Agenda, it is our task to make these institutions perform better. Good government demands it, and it is our responsibility to future generations to ensure it." As the Deputy Director of State and Local Affairs, you will have responsibility to see that this happens in your area. If confirmed, how will you accomplish this task?

Answer: If confirmed, I will work to ensure that our local, state, and federal law enforcement operations are coordinated to achieve maximum efficiency and effectiveness. While we are making tremendous strides, we must continue to reduce "turf" issues that still exist among participating entities. We must seek out duplication and refocus those efforts to be collaborative, not duplicative. ONDCP has the unique opportunity to shape federal drug control policy in an inclusive fashion with local and state officials. I intend fully to include those front line law enforcement officials in our policy development. Finally, I believe we must increase accountability of our federal law enforcement programs and dollars. I look forward to supporting the ONDCP Director, as well as the Departments of Justice and Treasury, to develop a performance management system that will inform our decision-making and provide accountability to the Congress and American people.

2. Do you believe that ONDCP is included among the drug control agencies that need to perform its responsibilities better?

Answer: Yes. The President's Management Agenda requires all Executive departments and agencies to focus on results and providing accountability to the American people, to Congress, and our international partners. It is ONDCP's task to make all of our counterdrug institutions, including ONDCP, perform better.

3. What do you understand will be your role in that effort?

Answer: If confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on domestic counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I would coordinate local, state, and federal law enforcement efforts; promote coordination and cooperation among drug supply and demand reduction entities of State and local entities; and offer any other appropriate assistance to the ONDCP Director on State and local issues relevant to the ONDCP.

4. There are currently 28 HIDTAs in the United States. Do you believe either consolidations or divisions of these existing HIDTAs are warranted to make them more effective?

Answer: As the nominee, I have not been briefed in detail on the HIDTA program. Based on my experience in Utah, I am aware that the ONDCP Director designates HIDTAs as centers of major drug production, manufacturing, importation, or distribution. I understand from the President's Fiscal Year 2003 Budget Request that there is a need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would consult with Congress, State and local law enforcement, and other Executive Department and agency staff during this review process.

5. What do you see as your role in ONDCP's management of HIDTAs?

Answer: Consistent with the statutory role to advise the ONDCP Director on state and local issues concerning reducing the availability and use of illegal drugs, if confirmed, I would serve as a senior manager of the program. I would work closely with the HIDTA Directors and Executive Board Members to make certain they are receiving the guidance and assistance necessary for them to succeed in their efforts. I would collaborate with my Executive Branch colleagues and the Congress to manage the program in the most effective and efficient manner possible.

6. What are your views on the need for a border coordinator?

Answer: Clearly, the Southwest Border is a critical front in our efforts to reduce the availability and use of illegal drugs. Now more than ever, the efforts of many local, state, and federal law enforcement entities must be coordinated fully. While I have not examined the issue of whether a border coordinator is necessary, if confirmed, I intend to visit the border to speak with people out in the field to obtain their views. I recognize the unique challenge posed by the Southwest border where there are competing needs to facilitate licit commerce while simultaneously discovering illicit drugs and other contraband. Working with the Office of Homeland Security and other participating departments and agencies, I will strive to provide this balance along this border.

7. Given the expansion of the HIDTA program in recent years, what are your views on the direction that needs to be taken to manage the current program?

Answer: As the nominee, I have not been briefed in detail on the HIDTA program. Based on my experience in Utah, I am aware that the ONDCP Director designates HIDTAs as centers of major drug production, manufacturing, importation, or distribution. I understand from the President's Fiscal Year 2003 Budget Request that there is a need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would consult with Congress, State and local law enforcement, and other Executive Department and agency staff during this review process.

8. Do you believe the scope of the current HIDTA program should be expanded? If so, how?

Answer: As the nominee, I have not been briefed on any plans to expand the scope of the HIDTA program. Based on my experience in Utah, I am aware that the ONDCP Director designates HIDTAs as centers of major drug production, manufacturing, importation, or distribution. I understand from the President's Fiscal Year 2003 Budget Request that there is a need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would consult with Congress, State and local law enforcement, and other Executive Department and agency staff during this review process.

9. Are there additional authorities that should be granted to ONDCP to better administer HIDTA areas in order to make the program more effective?

Answer: As the nominee, I have not been briefed on any potential additional authorities that may make the HIDTA program more effective. I understand from the President's Fiscal Year 2003 Budget Request that there is a need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would consult with Congress, State and local law enforcement, and other Executive Department and agency staff during this review process.

10. In view of the attacks of 9/11 on the United States, what do you see as the role your office will play, should play in responding to terrorist threats?

Answer: I believe that ONDCP's Office of State and Local Affairs must not merely hand down directives to local and state law enforcement entities. We must serve as a support system for those who are on the front lines in our efforts to reduce drug use and protect our homeland from those who wish to harm America and her citizens. If ONDCP's experience in coordinating local, state, and federal efforts can assist those charged with protecting our nation from terrorist attacks, I would hope we would provide requested support.

11. What is your view of the role that the Department of Defense should play in responding to continuing drug interdiction and support of state and local efforts?

Answer: As I have not had occasion to familiarize myself with the role of the DOD concerning drug interdiction in my current or past positions, I am not in a position to offer an informed opinion. I have a tremendous amount of respect for Secretary Rumsfeld and the DOD and if confirmed, look forward to working with them to achieve our shared goals of securing our homeland and reducing drug use in our nation.

12. Recently, the Department of Defense cut funding for National Guard counter drug programs. DoD has consistently not included sufficient funding for National Guard counter drug programs in its annual request. Much of that support goes to help state and local jurisdictions. What is your view on the role of the Guard and what do you see as the role ONDCP should play in developing adequate funding for NG counter drug efforts?

Answer: I believe that the National Guard provides a valuable service to State and local entities who attempt to reduce the availability and use of illicit drugs. I believe that ONDCP should continue to work with the OMB and DoD to ensure that appropriate funding is allocated to support these activities.

13. In your opinion, what kind of job has ONDCP done in working with DoD and other agencies in the past?

Answer: As I have not worked with ONDCP or the DOD in my current or past positions, I am not in a position to characterize the relationship. If confirmed, I look forward to working with the DOD to achieve our shared goals of reducing drug use in our nation.

13. How will you work to improve these relationships in support of state and local efforts?

Answer: I believe it is important for our Federal departments and agencies to work together to provide consistent guidance and support to state and local governmental entities. Furthermore, we should solicit the views of the state and local officials who are out on the front lines to inform our policymaking decision.

14. What was your understanding of the duties of the Deputy Director for State and Local Affairs at ONDCP at the time of your nomination?

Answer: If confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on domestic counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I would coordinate local, state, and federal law enforcement efforts; promote coordination and cooperation among drug supply and demand reduction entities of State and local entities; and offer any other appropriate assistance to the ONDCP Director on State and local issues relevant to the ONDCP.

16. When you interviewed for this position, how was the interagency role explained?

Answer: My understanding is I will work closely with senior officials in many federal departments and agencies to develop and implement drug control policy. I understand that this is a collaborative process, one which works best when all concerned have a seat at the table and develop solutions together. In addition to my role as a federal official, my office will ensure that the views of local and state law enforcement entities are taken into account.

17. Was any kind of written job description provided to you at that time?

Answer: No.

18. If not, how was the position described to you?

Answer: It was explained to me that if confirmed, I would serve as the Deputy Director for the Office of State and Local Affairs. It was explained to me that, if confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on domestic counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I would coordinate local, state, and federal law enforcement efforts; promote coordination and cooperation among drug supply and demand reduction entities of State and local entities; and offer any other appropriate assistance to the ONDCP Director on State and local issues relevant to the ONDCP.

19. How were the duties you would be expected to perform described to you at that time? Please be specific.

Answer: It was explained to me that, if confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on domestic counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I would coordinate local, state, and federal law enforcement efforts; promote coordination and cooperation among drug supply and demand reduction entities of State and local entities; and offer any other appropriate assistance to the ONDCP Director on State and local issues relevant to the ONDCP.

20. To perform this position as you have described it, how many hours per week do you anticipate having to commit to?

Answer: I anticipate working as many hours as is required to fulfill the responsibilities of this position.

21. Would you define Washington as your duty station?

Answer: Yes.

22. Do you expect this position to require any travel? International travel?

Answer: Yes. I believe the Deputy Director for State and Local Affairs should travel to the field to solicit the views of state and local officials on the front lines of our efforts to reduce the availability and use of illicit drugs. I also believe ONDCP needs to visit these jurisdictions to provide guidance and support of their efforts. Although I imagine the vast majority of my travel will be domestic, I will travel internationally if requested to do so by the ONDCP Director.

23. What previous experience do you have working at the federal level?

Answer: My only experience working at the federal level is my participation in local, state, and federal task forces to combat drug trafficking.

24. What federal interagency work experience do you have?

Answer: I do not have any experience working in the federal interagency process. However, I am experienced in building task forces with local, state, and federal participation.

25. Do you have any experience in the federal budget process, its development, analysis, or coordination?

Answer: No.

26. Were you told at the time of your nomination whether you would need a security clearance?

Answer: To the best of my recollection, we did not discuss this issue. However, I assumed that a security clearance would be necessary to carry out my statutory obligations.

27. What is your view of the substantive responsibilities of your office in the management of the various agencies and their drug programs and budgets?

Answer: The ONDCP Director has the statutory obligation to certify that drug control program agency budgets are sufficient to implement the National Drug Control Strategy. If confirmed, I would support ONDCP's budget officials in their budget and programmatic reviews of law enforcement entities. I believe my responsibility to advise the ONDCP Director on budget and program issues will be one of my most important, as it will affect the manner in which the federal government supports local and state law enforcement officials.

28. Do you currently hold a security clearance?

Answer: No.

29. If you hold a security clearance, please provide the level of that clearance and the date it was awarded. If you do not currently hold a clearance please indicate when the request for such a clearance was requested.

Answer: While I am not aware if any request has been made on my behalf for a security clearance, I would anticipate the need for such clearance if I am confirmed.

30. What national and international organizations are you a member of with law enforcement connections?

Answer: I am not a member of any national or international organizations with law enforcement connections.

31. In your view, what is the most outstanding issue confronting US drug policy today? How do you see your role in addressing that concern?

Answer: I am not certain that we can identify one paramount issue. We must take a balanced approach at drug policy grounded in the three themes set forth in the President's National Drug Control Strategy: Stopping use before it starts, healing America's drug users, and disrupting the market. It is through this balanced effort that we will succeed in achieving the goals articulated by the President to reduce drug use. We must help children say "no" to drugs in the first place. We must help those who use drugs accept responsibility for themselves and seek out and obtain drug treatment. We must attack the supply of drug at the source, in transit, and at our border. We must go after the money.

If confirmed, I hope to take this message out to the states and localities affected by drug use. I will listen to the people out in those states and localities to gain their perspective on what works. We cannot use a cookie cutter approach. No two areas are identical and each requires a tailored approach. We must be vigilant and identify emerging drug threats such as methamphetamine and ecstasy. I will attempt to foster a spirit of cooperation necessary for us to succeed in those efforts.

32. I have introduced legislation (S. 374) that would formally establish through the National Guard five schools to provide counter-narcotics training for State and local law enforcement officials. What role do you feel the National Guard should play in relation to State and Local law enforcement agencies?

Answer: I believe that the National Guard provides a valuable service to State and local entities who attempt to reduce the availability and use of illicit drugs. I believe that ONDCP should continue to work with the OMB and DOD to ensure that the National Guard plays an appropriate support role to local and state law enforcement entities.

33. There have been several state ballot initiatives that effectively legalize marijuana for "medical use." Do you believe the Federal government has the authority to take action against these initiatives?

Answer: I am steadfastly opposed to ballot initiatives that attempt to legalize drugs under the guise of medical necessity. I believe that the vast majority of Americans know that legalizing drugs would be a disaster for our nation, particularly our young people. We have the best medical establishment in the world, and I believe that we should use it, and not the ballot box, to make decisions on the safety and efficacy of potential medications.

I am familiar with the recent Supreme Court decision holding that there is no medical necessity defense to the Controlled Substances Act. Regardless of State law to the contrary, Federal law prohibits the possession, use, and trafficking of marijuana. I believe the Federal government should continue to enforce these laws.

34. Other than DEA action operating under Federal statutes, there has been little response. What actions do you think the Federal government should take?

Answer: I believe the Federal government must continue to educate people on the dangers of illicit drug use. We must force the debate on this issue and not allow a few well-funded individuals to drive the course of the debate as it relates to legalizing dangerous drugs. I also believe that we must continue to provide state and local law enforcement entities with the necessary resources to enforce state law.

35. The Administration's budget eliminated state Byrne Grant funding. How will the elimination of these programs affect State and local counter-narcotic law enforcement efforts?

Answer: I have not reviewed the Administration's Fiscal Year 2003 Budget Request for the Byrne Grant. I believe that there is a consolidation proposal for several law enforcement grant programs. If confirmed, I will review this issue to make certain the local and state law enforcement entities continue to receive adequate federal support.

QUESTIONS FOR THE RECORD FROM SENATOR GRASSLEY TO DR. BARRY CRANE, NOMINEE TO BE DUPUTY DIRECTOR FOR SUPPLY REDUCTION OF NATIONAL DRUG CONTROL POLICY

1. The National Drug Control Strategy states, "...our drug fighting institutions have not worked as effectively as they should. In keeping with the goals of the President's Management Agenda, it is our task to make these institutions perform better. Good government demands it, and it is our responsibility to future generations to ensure it." As the Deputy Director of Supply Reduction, you will have responsibility to see that this happens in your area. If confirmed, how will you accomplish this task?

Answer: To increase supply control effectiveness, our national policies must be well thought out, planned, coordinated, and executed among multiple agencies. I have spent the past 8 years answering the following questions for senior officials of different agencies: what works, what doesn't work, and what improvements must be made? If confirmed, I intend to use established empirical data and proven operational planning techniques to guide me in advising the Director in establishing policy and to rely on my many years of federal management experience in coordinating the efforts of the many involved agencies.

2. Do you believe that ONDCP is included among the drug control agencies that need to perform its responsibilities better?

Answer: Yes. In order to implement The President's Management Agenda, all Executive departments and agencies must focus on results and increase accountability to the American people, to Congress, and our international partners. It is ONDCP's responsibility to make certain that all federal entities involved in our counterdrug effort, including ONDCP, improve performance.

3. What do you understand will be your role in that effort?

Answer: If confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, interdiction, and domestic law enforcement.

4. As Deputy Director, you will have responsibility for operations within the office dealing with US and international supply reduction programs. With this as background, you can understand why it is important for the Committee to know your thoughts on important issues where ONDCP will be expected to play a role. Certification has been a contentious issue in recent years, and has recently been suspended for one year. Do you believe this has been an effective tool in the past?

Answer: Certification can be effective if it encourages a foreign nation to increase cooperation in drug supply control. If, on the other hand, certification discourages cooperation against drugs, it could be counter-productive. Effectiveness depends on how skillfully the certification process is used diplomatically.

5. How would you address the concerns voiced by some that this process is unfair and arbitrary?

Answer: The certification process is a diplomatic process carefully managed by the Department of State whereby the United States determines, based on international standards of cooperation on drug control issues, whether a State is legally eligible for United States assistance. In the interest of fairness, at the beginning of the process, the United States consults with each major trafficking nation concerning how we can best cooperate. If confirmed, I will work closely with the Department of State and Congress to support the continued objectivity and fairness of the process.

6. Do you believe the scope of countries currently considered should be expanded, and if so where?

Answer: Criteria determining whether a State should be added to the certification list is a matter of statute, and can result only from a detailed factual assessment by the Department of State and other agencies. If confirmed, I would need to participate in this process where we apply the controlling statute to each State, objectively weighing the empirical evidence to make a factual determination before making any judgment about adding any additional States.

7. There are currently 28 HIDTAs in the United States. Do you believe either consolidations or divisions of these existing HIDTAs are warranted to make them more effective?

Answer: As the nominee, I have not been briefed in detail on the HIDTA program. I am aware that the ONDCP Director designates HIDTAs to focus on the most significant areas of the country impacted by major drug production, manufacturing, importation, or distribution. I do know that the President's Fiscal Year 2003 Budget Request articulates the need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would support the Deputy Director for State and Local Affairs in any fashion seen appropriate by him or the ONDCP Director. I believe we will work closely together on HIDTA issues, particularly along the Southwest Border.

8. What do you see as your role in ONDCP's management of HIDTAs?

Answer: My understanding is that the Deputy Director for State and Local Affairs has primary management responsibility for day-to-day HIDTA Program issues at ONDCP, and that he will advise the Director on HIDTA. That said, if confirmed, I would support the Deputy Director for State and Local Affairs in any fashion seen appropriate by him or the ONDCP Director. I believe we will work closely together on HIDTA issues, particularly along the Southwest Border.

9. What are your views on the need for a border coordinator, as proposed by the previous Administration?

Answer: I do not have a settled view on what additional coordination efforts along the border are necessary since the implementation of Operation Alliance more than ten years ago and the establishment of various HIDTAs. If confirmed, the Deputy Director for State and Local Affairs and I should quickly visit the border together in order to make any recommendations to the ONDCP Director about increased cooperative efforts.

10. Are there additional authorities that should be granted to ONDCP to better administer HIDTA areas in order to make it more effective?

Answer: As the nominee, I have not been briefed in detail on the HIDTA Program. Therefore, I do not have a settled view on the need for any additional authorities to be granted to ONDCP. I am aware that the ONDCP Director designates HIDTAs to focus on the most significant areas of the country impacted by major drug production, manufacturing, importation, or distribution. I do know that the President's Fiscal Year 2003 Budget Request articulates the need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would support the Deputy Director for State and Local Affairs in any fashion seen appropriate by him or the ONDCP Director. I believe we will work closely together on HIDTA issues, particularly along the Southwest Border.

11. In view of the attacks of 9/11 on the United States, what do you see as the role your office should play in responding to terrorist threats?

Answer: ONDCP's statutory mandate is to reduce drug use and its consequences. Clearly, almost fifty-percent of international terrorist organizations receive funding from the illicit drug trade. The role of the Office of Supply Reduction is to advise the ONDCP Director on policy and program efforts designed to disrupt the drug market to deny profits to drug traffickers and international terrorist organizations. I believe the hard-won interagency cooperation achieved to date in drug supply control operations can be used as a model for anti-terrorism operations and cooperation in homeland defense and look forward to assisting those charged with protecting our nation from terrorist attacks with appropriate support.

12. What should be ONDCP's role in responding to terrorist threats?

Answer: ONDCP's statutory mandate is to reduce drug use and its consequences. Clearly, almost fifty-percent of international terrorist organizations receive funding from the illicit drug trade. The role of the Office of Supply Reduction is to advise the ONDCP Director on policy and program efforts designed to disrupt the drug market to deny profits to drug traffickers and international terrorist organizations. I believe the hard-won interagency cooperation achieved to date in drug supply control operations can be used as a model for anti-terrorism operations and cooperation in homeland defense and look forward to assisting those charged with protecting our nation from terrorist attacks with appropriate support.

13. What is your view of the role that the Department of Defense should play in responding to continuing drug interdiction?

Answer: I have tremendous respect for Secretary Rumsfeld and the DoD. I believe that the DoD plays a unique and valuable role in support of our counterdrug efforts, particularly in respect to detection and monitoring. The DoD has tremendous experience in providing logistical, communications, and intelligence support to tie the interagency law enforcement elements together over large geographical regions. However, I recognize that the DoD is committed heavily to the war-on-terrorism, which uses many of the same types of operational forces needed for drug supply control. If confirmed, I will utilize my expertise and experience to work with the DOD in an effort to balance competing priorities for these assets and ensure that the DoD plays an appropriate role in our counterdrug efforts.

14. Recently, the Department of Defense cut funding for National Guard counter drug programs. DoD has consistently not included sufficient funding for National Guard counter drug programs in its annual request. What is your view on the role of the Guard and what do you see as the role ONDCP should play in developing adequate funding for NG counter drug efforts?

Answer: Without a detailed review of the National Guard commitments (e.g., large numbers of personnel are stationed in airports and continuous air defense fighter CAPs over the Capitol) and funding since 9-11, it is not possible to assess counterdrug programs resource allocation. If confirmed, I will review National Guard counterdrug funding and commitments and consult with DoD, OMB, and ONDCP's Deputy Director for State and Local Affairs to ensure that appropriate funding is allocated for this mission.

15. In your opinion, what kind of job has ONDCP done in working with DoD, the State Department, and other agencies in the past?

Answer: I believe that ONDCP had an excellent relationship with various agencies in the late 1980s and early 1990s. The evidence supports this view because, over this period, drug use fell dramatically. During the mid-to-late 1990s, I do not believe that ONDCP was as effective in working with and convincing the agencies to work together to achieve the shared goal of reducing drug use in our nation.

16. How will you work to improve these relationships?

Answer: I believe that national drug control program agencies believe it is in their best interest to work together and leverage limited resources against the scourge of illicit drugs. If confirmed, I will do my best to convince the agencies to improve their cooperation and coordination even more so that we can again achieve measurable progress. I believe that ONDCP is most successful when it secures the buy-in of other departments and agencies for a particular course of action and not simply mandating it. The President cares about this issue. He is committed to achieving measurable success over the next two and five years. There can be no greater incentive to continue to improve these relationships.

17. What will be the most effective way for you to remain aware of their concerns?

Answer: If confirmed, I will work closely with my interagency counterparts in Washington, D.C. to develop and implement effective policy and continue to improve coordination. I also believe it is imperative that I travel to Colombia, Peru, Bolivia, and other appropriate foreign locations, as well as interagency operational and intelligence centers, to hear from the field what type of guidance and support would be most valuable to them. Furthermore, I believe it is critical to listen to those working on the front lines and bring back their suggestions on how we can improve our national policy.

18. Have you published any material on the role of DoD in US national drug control policy? If so, please provide copies.

Answer: Yes. I wrote the following paper under contract to the Department of Defense: IDA Paper P-3510, "Assessment of Counterdrug Detection and Monitoring Technologies," 20 March 2000, SECRET. The DoD provided this report to certain House and Senate committee chairmen. As I did this review under contract to the DoD and cannot distribute it on my own volition, please contact the DoD for further release.

19. What was your understanding of the duties of the Deputy Director for Supply Reduction at ONDCP at the time of your nomination?

Answer: My understanding is that if confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, and interdiction.

20. When you interviewed for this position how were the duties of your position described?

Answer: It was described that if confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, and interdiction.

21. Was any kind of written job description provided to you at that time?

Answer: No.

22. If not, how was the position described to you?

Answer: It was described that if confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, and interdiction.

23. Have the duties you expected to perform that were described to you at that time changed? Please be specific.

Answer: No.

24. To perform this position as you have described it, how many hours per week do you anticipate having to commit to?

Answer: If confirmed, I will commit the necessary time to accomplish the job the President nominated me to do.

25. Would you define Washington as your duty station?

Answer: Yes.

26. Do you expect this position to require any travel? International travel?

Answer: Yes. I believe the Deputy Director for Supply Reduction should travel to the field (both domestically and internationally) to obtain the views of officials on the front lines of our policy and programmatic efforts to reduce the availability and use of illicit drugs.

27. What previous experience do you have working at the federal level?

Answer: I have extensive experience at the Federal level, primarily for the Department of the Air Force. As a senior member of the DoD's acquisition staff for five years, as a Specialist for Electronic Systems, I was on the ONDCP Science and Technology Committee as the DoD representative. I was involved in the DoD's initial response to the drug threat when the linear strategy was first proposed. In addition to interagency meetings, I was also responsible for numerous international agreements, including bilateral treaties between the U.S. and Allied nations. I currently participate in a classified bilateral agreement with an Allied nation. In addition, I participated in NATO panels.

28. What federal interagency work experience do you have?

Answer: I have extensive experience at the Federal level, primarily for the Department of the Air Force. As a senior member of the DoD's acquisition staff for five years, as a Specialist for Electronic Systems, I was on the ONDCP Science and Technology Committee as the DoD representative. I was involved in the DoD's initial response to the drug threat when the linear strategy was first proposed. In addition to interagency meetings, I was also responsible for numerous international agreements, including bilateral treaties between the U.S. and Allied nations. I currently participate in a classified bilateral agreement with an Allied nation. In addition, I participated in NATO panels.

29. What interagency meetings have you chaired or participated in on the development of policy as opposed to research?

Answer: I have extensive experience at the Federal level, primarily for the Department of the Air Force. As a senior member of the DoD's acquisition staff for five years, as a Specialist for Electronic Systems, I was on the ONDCP Science and Technology Committee as the DoD representative. I was involved in the DoD's initial response to the drug threat when the linear strategy was first proposed. In addition to interagency meetings, I was also responsible for numerous international agreements, including bilateral treaties between the U.S. and Allied nations. I currently participate in a classified bilateral agreement with an Allied nation. In addition, I participated in NATO panels.

30. Do you have any experience in the federal budget process, its development, analysis, or coordination?

Answer: Yes, I was heavily involved in developing and coordinating the DoD's technology acquisition budget.

31. What interagency meetings have you participated in or chaired in the development of agency budgets?

Answer: I oversaw the technology budgets for the Armed Services and Defense Agencies for Electronic Systems. I coordinated activities with the Defense Advance Research Projects Agency. During the period that I had this responsibility, I approximate that I attended or chaired over 100 meetings.

32. What is your view of the duties of the Office of Supply Reduction?

Answer: It was described that if confirmed, my role as the Deputy Director for Supply Reduction, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, and interdiction.

33. What do you see as your role involving in work on international supply reduction efforts?

Answer: If confirmed, my role, as set forth in ONDCP's authorization statute (21 U.S.C. 1701 et. seq.), would be to advise the ONDCP Director on counterdrug activities that are conducted to reduce the availability and use of illegal drugs. I will be responsible for advising the ONDCP Director in policy formulation and implementation relating to international drug control, foreign and domestic intelligence, and interdiction.

34. Were you told at the time of your nomination whether you would need a security clearance?

Answer: To the best of my recollection, we did not discuss this issue. Based on my experience, I am aware that a security clearance is necessary to serve in this capacity.

35. What is your view of the substantive responsibilities of your office in the management of the various agencies and their drug programs and budgets?

Answer: The ONDCP Director has the statutory obligation to certify that drug control program agency budgets are sufficient to implement the National Drug Control Strategy. If confirmed, I would support ONDCP's budget officials in their budget and programmatic reviews of supply reduction programs. I believe the responsibility to advise the ONDCP Director on budget and program issues is one of the most important facing a Deputy Director, as it will determine overarching policy and the level of support the federal government will offer to federal drug control program agencies and our international partners.

36. At the time of your nomination was it your understanding that you would attend meetings of the Deputies Committee as ONDCP's representative?

Answer: To the best of my recollection, a definitive statement on who would attend any meetings was not provided. My understanding is that it is ultimately the ONDCP Director's decision on who will attend all meetings.

37. What is your understanding of the role of Deputies' Committee?

Answer: If you are referring to the Deputies' Committee within the NSC structure, the Deputies' Committee deals with substantive national security issues.

38. Who will be ONDCP's representative to meetings of the Deputies' Committee?

Answer: My understanding is that it is ultimately the ONDCP Director's decision on who will attend these meetings.

39. Do you currently hold a security clearance?

Answer: Respectfully submitted under separate cover.

40. If you hold a security clearance, please provide the level of that clearance and the date it was awarded. If you do not currently hold a clearance please indicate when the request for such a clearance was requested.

Answer: Respectfully submitted under separate cover.

41. What do you see as your role in the Financial Action Task Force (FATF)?

Answer: I understand that this is an entity charged with improving cooperation and coordination on international money laundering issues. I am also aware that the FATF has been effective in implementing its mandate. As the nominee, I am not

yet certain what role would be appropriate.

42. What do you see as ONDCP's role in dealing with money laundering?

Answer: Money laundering is very important part of the illegal drug trade and we know that approximately fifty-percent of international terrorist organizations obtain resources from the illicit drug trade. Therefore, it is important to consider "going after the money" as a critical component of drug supply reduction operations.

43. Despite a plethora of other problems, Afghanistan was able to achieve a significant decrease in opium production in 2000 and 2001. What steps should the United States take to insure poppy production does not return to Afghanistan?

Answer: Only in 2001 was opium production significantly reduced, and I am expecting about two-thirds of the 2000 production in 2002 (as conveyed to me by the UN emergency survey). The Taliban did significantly eradicate most of the poppy in 2001, but those who held opium stocks profited enormously. If confirmed, I would work with Administration counterparts to support Afghanistan's interim authority's efforts to reduce/eliminate poppy cultivation and trafficking. We must find a way to convert underlying opium "currency" base of the economy to a legitimate agricultural economy (the two major opium areas, the Helmand valley and the Nangarhar valley, are excellent irrigated agricultural areas for any number of legitimate crops). Furthermore, we must continue to provide necessary assistance to our international partners to disrupt the illicit drug market.

44. Much of the heroin in Europe originates in Afghanistan. What measures do you plan on taking to work with the Europeans to keep the supply of Afghan heroin under control?

Answer: If confirmed, I would work with Administration counterparts to support Afghanistan's interim authority's efforts to reduce/eliminate poppy cultivation and trafficking. We must find a way to convert underlying opium "currency" base of the economy to a legitimate agricultural economy (the two major opium areas, the Helmand valley and the Nangarhar valley, are excellent irrigated agricultural areas for any number of legitimate crops). Furthermore, we must continue to provide necessary assistance to our international partners to disrupt the illicit drug market.

45. How can cooperation between European and US efforts to control the supply of drugs be improved?

Answer: If confirmed, I would increase personal consultations with European nations on behalf of the Director and the Administration to support their efforts towards fulfilling their commitment to provide sufficient economic assistance for alternative development. I believe European data on heroin overdose deaths have been very sobering and track well with the rapid increase in Afghan opium production in the last ten years. Cooperation is essential to save many lives in Europe, recognizing that the United States does not import much Afghan-derived heroin. I will use my considerable experience in dealing with France, Germany, U.K., and Sweden as a basis for policy development in support of he Administration.

46. What steps should the United States take to improve this cooperation?

Answer: If confirmed, I would increase personal consultations with European nations on behalf of the Director and the Administration to support their efforts towards fulfilling their commitment to provide sufficient economic assistance for alternative development. I believe European data on heroin overdose deaths have been very sobering and track well with the rapid increase in Afghan opium production in the last ten years. Cooperation is essential to save many lives in Europe, recognizing that the United States does not import much Afghan-derived heroin. I will use my considerable experience in dealing with France, Germany, U.K., and Sweden as a basis for policy development in support of he Administration.

47. The coca crop numbers for 2001 have recently been released. How accurate do you believe these estimates are?

Answer: I am familiar with both the U.S. and Colombian estimates, and they use different methods for estimating cultivation. The U.S. extrapolates cultivation from a more limited geographical basis with higher resolution techniques. The Colombians assess all areas with lower resolution techniques. Further research is necessary to include other indirect indicators, such as variations in coca prices and export purities to corroborate crop estimates. I am aware that ONDCP funded a study on the methodology used to derive these estimates, and if confirmed, I look forward to reviewing this study.

48. Why is there such a significant discrepancy between U.S. and Colombian estimates?

Answer: I am familiar with both the U.S. and Colombian estimates, and they use different methods for estimating cultivation. The U.S. extrapolates cultivation from a more limited geographical basis with higher resolution techniques. The Colombians assess all areas with lower resolution techniques. Further research is necessary to include other indirect indicators, such as variations in coca prices and export purities to corroborate crop estimates. It is important to note that when production equivalents in metric tons of cocaine are estimated, discrepancies are possible because of limited data on converting coca leaf to cocaine hydrochloride. I am aware that ONDCP funded a study on the methodology used to derive these estimates, and if confirmed, I look forward to reviewing this study.

49. What steps, if any, should be taken to improve the accuracy of these estimates?

Answer: Further research is necessary to include other indirect indicators, such as variations in coca prices and export purities to corroborate crop estimates. It is important to note that when production equivalents in metric tons of cocaine are estimated, discrepancies are possible because of limited data on converting coca leaf to cocaine hydrochloride. I am aware that ONDCP funded a study on the methodology used to derive these estimates, and if confirmed, I look forward to reviewing this study.

50. How can the measures the United States is currently taken to reduce coca production in Bolivia and Peru be strengthened?

Answer: Both Peru and Bolivia have significantly reduced cultivation -- more than a 70 percent reduction in both countries -- and current direct and indirect indicators suggest that these levels are approximately stable. The Administration's commitment to the Andean Regional Initiative (ARI) should assist Peru and Bolivia to keep coca production down. If confirmed, I will work with interagency counterparts to monitor the effectiveness of the ARI in preventing any rapid resurgence of cultivation.

51. Do you believe there is a significant threat that coca production will become a serious problem in Ecuador or Venezuela?

Answer: While I am aware of coca production in Venezuela and Ecuador, I have not seen evidence of any substantial cultivation there. But it is possible at some future time for new plantings to be undertaken in those areas. It is important to note that replacing Colombian cultivation in those countries would cost traffickers hundreds of millions of dollars.

52. What changes, if any, are needed to current US policy to address these threats?

Answer: If confirmed, I will work with the Administration and Congress to review the programs in these countries and recommend to the ONDCP Director any changes necessary to prevent the potential of coca production from becoming a real and serious problem.

53. Should the United States provide increased counter-narcotics training, economic security (aka "pipeline security") training, or both to Peru and Ecuador, similar to what we have provided to Colombia, given the likelihood the FARC will move into these States as the Colombian military becomes more effective?

Answer: In my opinion, the Colombian military was much more effective in 2001 than in previous years and yet I am unaware of any mass movement of FARC combatants into Peru and Ecuador. I believe both countries deny substantial FARC combatant incursions within their territories, and to the best of my knowledge, the FARC has not made entreaties into those areas. That said, we must keep a close eye on this situation. If a threat were to materialize, the Administration and Congress would need to evaluate our options to address the situation.

54. What changes need to be made in US support to Colombia to drive coca prices below $600 at the farm gate, as you suggested in your testimony?

Answer: I do not know if any changed are required to our current effort. The Administration's Andean Regional Initiative includes a substantial interdiction element. Interdiction of coca base and hydrochloride transportation across the *Cordillera Oriental* and *Occidental* mountain ranges is likely to reduce base prices at farm gate. Such a policy also increases the costs of precursor materials such as gasoline, cement, and potassium permanganate. If confirmed, I will work with interagency counterparts to monitor the effectiveness of the ARI in reducing coca prices.

55. Plan Colombia called for significant financial assistance not only from the United States, but also from Europe and the Government of Colombia. Europe, in particular, has not stepped up to the plate. Should ONDCP be expected to encourage the Europeans to contribute more to Plan Colombia?

Answer: If confirmed, I would increase personal consultations with European nations on behalf of the Director and the Administration to support their efforts towards fulfilling their commitment to provide sufficient economic assistance for alternative development. I believe European data on heroin overdose deaths have been very sobering and track well with the rapid increase in Afghan opium production in the last ten years. Cooperation is essential to save many lives in Europe, recognizing that the United States does not import much Afghan-derived heroin. I will use my considerable experience in dealing with France, Germany, U.K., and Sweden as a basis for policy development in support of he Administration.

56. If so, how do propose to be more successful that earlier attempts?

Answer: If confirmed, I would increase personal consultations with European nations on behalf of the Director and the Administration to support their efforts towards fulfilling their commitment to provide sufficient economic assistance for alternative development. I believe European data on heroin overdose deaths have been very sobering and track well with the rapid increase in Afghan opium production in the last ten years. Cooperation is essential to save many lives in Europe, recognizing that the United States does not import much Afghan-derived heroin. I will use my considerable experience in dealing with France, Germany, U.K., and Sweden as a basis for policy development in support of he Administration.

57. If not, what role should ONDCP play and with which departments to foster greater European support?

Answer: With the ONDCP Director's concurrence, I would work with Departments of State and Defense to support the Europeans on these issues.

58. How would the Administration's proposal to provide $98 million in "pipeline security assistance" to Colombia affect our ongoing counter-narcotics efforts in the region?

Answer: Without a detailed briefing and an assessment of the actual pipeline security assistance, I cannot make an informed judgment about the tradeoffs with counterdrug operations. But, an improved Colombian economic situation will provide more resources for the Colombians, themselves, to deal with the FARC's drug trafficking.

59. Should the firewall between counter-narcotics assistance to Colombia and other types of assistance (such as pipeline security) be maintained, and if so why?

Answer: Without a detailed briefing and an assessment of this complex and important issue, I cannot make an informed judgment. If confirmed, I would work closely with the Administration and Congress to review this issue.

60. We live in a world of limited resources, especially true with the assets that have been made available to U.S. Southern Command in recent years for missions in Colombia. How should the U.S. prioritize limited assets between counter-narcotics and counter-terrorism?

Answer: I agree that we are operating in a period of limited resources. This is especially true now that the Administration's first priority is winning the global war on terror. The President has made clear that illegal drug control programs remain a priority, but it is clear that prioritization of resources must occur. If confirmed, I will work with the OMB, DoD, and other Administration counterparts to discuss the prioritization of assets. As the nominee, I cannot make such an assessment without their counsel.

61. What additional resources should be made available for Southcom to fulfill their mission requirements?

Answer: As the Committee recognized in the previous question (# 60), we are operating in a period of limited resources. This is especially true now that the Administration's first priority is winning the global war on terror. The President has made clear that illegal drug control programs remain a priority, but it is clear that prioritization of resources must occur. If confirmed, I will work with the OMB, DoD, and other Administration counterparts to discuss the prioritization of assets. As the nominee, I cannot make such an assessment without their counsel

62. Secretary Rumsfeld has indicated that he does not believe counter-narcotics is a proper mission for the Department of Defense, despite their legislative requirement to be the lead agency in source-country activities. Do you agree with Sec. Rumsfeld's position?

Answer: I have a tremendous amount of respect for Secretary Rumsfeld and am considering "Rumsfeld's Rules" for a guide to executive service. I believe that the DoD provides valuable and unique support services to other departments in support of our national efforts to reduce the availability and use of illicit drugs. I believe that ONDCP should continue to work with the DoD to ensure that it plays an appropriate role in support of those efforts. If confirmed, I look forward to working effectively with the DoD to achieve our shared goals of securing our homeland and reducing drug use in our nation.

63. What role does ONDCP have in ensuring various agency's participation in counter-narcotics missions?

Answer: I believe it is important for ONDCP to ensure that all designated drug control program agencies participate in our counterdrug efforts in an appropriate fashion. ONDCP can best accomplish this through collaborating with all affected departments and agencies to best determine this role. We need to remember that most departments and agencies have drug control as one of many other responsibilities, and need to strike a delicate balance among competing priorities. This is especially true today, when the DoD is concentrating on securing our homeland and winning a war on foreign soil. If confirmed, I would engage actively with officials representing drug supply reduction programs to make certain our policy and programming decisions are in the best interest of our nation.

64. What leverage does ONDCP have, if any, to encourage greater participation?

Answer: Recognizing that the ONDCP Director has several budget and program-related authorities to direct certain counterdrug activities, I believe that ONDCP is most successful when it secures the buy-in of other departments and agencies for a particular course of action and not simply mandating it. ONDCP has tremendous leverage during this collaborative process. The President cares about this issue. He is committed to achieving measurable success over the next two and five years. There can be no greater leverage.

65. It is my understanding that since the unfortunate shoot-down of the missionary plane last year, U.S. Customs has not flown any missions in the source zone. How has this affected our intelligence gathering capabilities?

Answer: Clearly, the redeployment of Customs aircraft has reduced the amount of intelligence related to drug trafficking. However, the principal asset for target detection over the source zone is the Puerto Rico Relocatable Over-the-horizon radar (PR ROTHR). I am not aware that the PR ROTHR has revealed substantially new air trafficking over the source zone, nor have the deployments by SouthCom of two new ground mobile radars since 9-11 in the heart of the coca areas shown substantial new air trafficking. If confirmed, I will consult with the DoD to assist in determining the appropriate allocation of assets to best secure our homeland and disrupt illicit drug markets

66. Should Customs missions be resumed?

Answer: I understand that the Administration is considering this important issue. As the nominee, I am not in the position to be aware of the ongoing consideration. If confirmed, I will work with my Administration counterparts and Congress to answer this question.

QUESTIONS FOR THE RECORD FROM SENATOR KENNEDY TO DR. BARRY CRANE, NOMINEE TO BE DUPUTY DIRECTOR FOR SUPPLY REDUCTION OF NATIONAL DRUG CONTROL POLICY

1. In a March 2001 report, the National Research Council's Committee on Data and Research for Policy on Illegal Drugs reviewed a number of studies evaluating the cost-effectiveness of drug-control strategies. Established at ONDCP's request, this non-partisan committee was comprised of leading economists, criminologists, sociologists, and other scholars. It concluded that "neither the data systems nor the research infrastructure needed to assess the effectiveness of drug control enforcement policies" exists. It continued, "It is unconscionable for this country to carry out a public policy of this magnitude and cost without any way of knowing whether and to what extent it is having the desired effect."

   a. Do you agree or disagree with the National Research Council's conclusions? If you disagree, please explain.

Answer: I agree with the NRC committee that more data are needed to better understand supply reduction operations, but I disagree that it is not possible to assess the success of major interdiction campaigns with available, albeit limited, *operational* data. For example, the Senate Intelligence Committee cites IDA Report P-3472 on the collapse of the Peru-to-Colombia coca base air bridge by deterring transportation. The deterrence (via a Peruvian shoot-down policy) of 90 percent of aircraft transportation of cocaine base from Peru to Colombia was the likely cause of abandonment of over 70 percent of the coca cultivation in Peru. While the distinguished NRC scholars know a great deal about legitimate markets and domestic activities, no one on the NRC committee claimed experience in actual foreign interdiction operations and illegal markets. In my opinion, the NRC committee was not balanced properly to examine such activities. International counterdrug operations seek to cause massive disruptions of supply economics thereby causing a collapse of drug markets.

Essentially, our research team employed operationally proven techniques in a *top-down* analysis leading to the collapse of drug markets in both Peru and Bolivia. (Our military operations in the Gulf War, Kosovo, and Afghanistan use similar techniques extremely effectively.) Our research team even had some success in predicting the outcome of some operations and assessing the onset of deterrence thresholds for thwarting trafficking. Rather than pursue the use of available operational data sources in a *top-down* analysis, the NRC committee instead chose traditional, detailed bottom-up techniques that require massive new data (which may be difficult or even impossible to obtain), large costs for acquiring such data, and long time-scales to get sufficient data to analyze. In my opinion, such bottom-up techniques have very limited operational utility in assessing actual campaigns to reduce supply.

b. Do you believe that adequate research infrastructure exists to assess the effectiveness of interdiction and source-country eradication strategies? If not, what improvements must be made?

Answer: The research infrastructure can always be improved, but there are limitations to what information is actually knowable about covert narco-terrorists. Precise econometric information at all local levels might not be knowable. If confirmed, I will thoroughly review the NRC task work provided to ONDCP, consult with the Department of State, and review all of the intelligence information currently available on this topic. Based on this review, I will formulate a recommendation to the ONDCP Director on the degree to which a more robust data collection infrastructure is necessary to assess accurately source zone eradication strategies.

Beyond just believing that more data are necessary, I have taken many actions in my current researcher capacity to increase the availability of critical data. I have already worked to establish many new operational data sources with the UN country attachés and US Embassy personnel in Colombia and Peru, to better assess coca prices and costs in denied growing areas. Since 9-11, my research team has worked closely with UN field personnel to establish extensive new data about the Afghan poppy crops. If confirmed, I will work within ONDCP, other Executive departments, Allied nations, UN staff, intelligence agency staff, Congress, and the private sector to improve our data collection and research activities.

c. The National Research Council recommended that ONDCP and other federal agencies initiate a set of critical data-collection and research activities. As Committee Chairman Charles F. Manski wrote in December 2001 to Robert Eiss at ONDCP, "[u]ntil these activities begin to bear fruit, formulation of a national drug control strategy can be no more than a symbolic exercise." When will ONDCP act on the National Research Council's recommendations? What actions will it take?

Answer: As the nominee, I have neither discussed the NRC recommendations nor what action ONDCP will take on them with ONDCP officials. I have not seen Mr. Manski's letter to Mr. Eiss and therefore am unable to comment on it. My contacts with ONDCP to date concerning the NRC report have focused on correcting factual errors in the NRC report.

For example, on page 30 of the NRC Phase 1 report, the NRC committee incorrectly misquoted values that are attributed to IDA as Estimated Price Elasticities of Demand as DAWN = –0.71, *(??)* = –0.64, SBCL = –0.51, and TEDS = –0.73. Our report actually reports INDICATORS (not formal elasticities of demand) as DAWN=–0.63, DUF= –0.29, SBCL=–0.60, and TEDS = –0.38. Indeed, the reluctance of the NRC Committee to correct such errors of fact, despite my direct communication of such errors to that committee, has been a source of frustration.

However, I do agree with the NRC committee that more complete and accurate data are necessary to better inform our decision-making as it relates to drug control policy. I disagree with the NRC committee that we are unable to form meaningful assessments of the operational effectiveness of major interdiction actions using available data sources.

2. You co-authored one of the studies reviewed by the National Research Council: Institute for Defense Analyses, *An Empirical Examination of Counterdrug Interdiction Program Effectiveness* (1997). The Council found that your study made "a useful contribution by displaying a wealth of empirical time-series evidence on cocaine prices, purity, and use since 1980." However, it concluded that the study did not yield "useful empirical findings on the cost-effectiveness of interdiction policies to reduce cocaine consumption. Major concerns about data and methods make it impossible to accept the IDA findings as a basis for the assessment of interdiction policies."

   a. What is your response to the National Research Council's review of the IDA study? Please be specific. Has this review led you to reconsider any of your methods or findings?

Answer: My list of publications includes more than 50 publications. The NRC committee restricted its review to a single early publication (*Empirical*) and ignored or was unaware of all other supporting material, including supplementary material that was provided to the NRC committee. The footnote on page 16 of the NRC committee report proves this point:

> ". . . All references to the Phase I and final reports to the IDA analyses or findings are based solely on the 1997 IDA report by Crane, Rivolo, and Comfort. . ."

Despite this footnote, the committee acknowledged other classified material that it received and thus contradicted its own footnote in its Phase I report (page 40). The committee appears unaware of our research in deterrence. Our report contains significantly greater detail and corroboration of events in the source zone. The NRC committee's conclusion rested upon the following incorrect statement (page 320 of their final report):

> "The conclusions drawn from these data rest on the assumption that all time-series deviations in cocaine price from an exponential decay path should be attributed to interdiction events, not to other forces acting on the market for cocaine."

It appears that the NRC committee mixed up a methodology postulated and identified within the IDA report as "speculative" with the one we actually used to obtain our primary findings. The committee never reported our actual findings in its review. In fact, our *entire* (*Empirical*) Chapter VI, Findings, is reproduced below and not a single finding depends upon the concluding statement cited on page 320 of the NRC report.

"VI. FINDINGS

Based upon the data and analysis presented in this paper, the following are IDA's three principal findings:

1. Well-conceived source-zone operations, in cooperation with host nation forces, that significantly and unexpectedly disrupt the normal drug trafficker processes for producing and transporting coca products from the source zone, cause discernible increases in the street price of cocaine in the U.S., and, through normal market relationships between price and demand, thereby reduce cocaine consumption.
2. Significant source-zone interdiction activities can produce a lasting increase in the street price of cocaine in the U.S. resulting from higher costs of transshipment.
3. Supply disruptions have significant effects on the street price of cocaine. Most other policy studies to date have assumed an "additive" structure and weak price effects; these assumptions are questionable on both empirical and theoretical grounds.

Additional relevant findings are:

4. Despite previously published reports based on models of demand that reflect continuing increases, improved modeling and additional data both indicate that the total number of cocaine users has been declining since approximately 1985.
5. When the supply of cocaine to the market is obstructed, traffickers respond by reducing the purity of the cocaine sold in the U.S. in an apparent attempt to supply customers at prices close to the customary price per dose.
6. *STRIDE* data can be used in combination with robust analysis techniques to assess the effectiveness of supply control activities and to provide feedback useful to those executing such activities.
7. The low cost effectiveness of interdiction as contrasted to the cost effectiveness of demand control, as previously reported in *Controlling Cocaine*, is inconsistent with the available data.
8. Several indirect, but nonetheless logical, indicators of cocaine usage show clear inverse correlation with *STRIDE* price excursions.

These findings in no way suggest that any particular element of supply or demand control is not a valuable component of a comprehensive strategy to counter drug use. Rather, they demonstrate that the vast differences of cost-effectiveness concluded by earlier work are not supported by the currently available data. Ultimately, our analysis argues for a balanced approach to drug control that would include interdiction, treatment, and incidence reduction programs."

The NRC committee report led to an extensive review of all issues and clarified different viewpoints between that committee and us. The NRC committee formally acknowledged different viewpoints (p. 16 of the Final Report):

> "Points of view different from that of the committee regarding its phase I report are expressed in comments received from some of the authors of the Institute for Defense Analyses (IDA) and RAND studies."

Since *Empirical* was published, additional follow-on events have continued to be consistent with the general overall findings reported in Chapter VI. These follow-on events are: the attack on the large cocaine production laboratories in Colombia in 1997, the interdiction of go-fasts in Western Caribbean operations in 1999, and Operation Millennium in 2000. We are indebted to the NRC committee for sharpening the debate and highlighting the differences between our operational assessment view and their conventional study of drug markets that generally assumes theoretical behavior like that of steady-state licit markets.

b. In your written statement to this Committee, you emphasized that your research has been "based upon observations and recorded data" and "tested on and validated by independent data sources," and you pledged to continue to use "an empirically-based approach" in formulating policy at ONDCP. I agree that it is imperative for the nation to implement drug-control policies that are based on validated, empirical research. However, in light of the National Research Council's concerns about the IDA study's data and methods, how can we be sure that you will carry out this goal?

Answer: The totality of our research is much more comprehensive than the single early paper reviewed by the NRC committee. Our operational techniques are valid for assessing large order-of magnitude effects and have repeatedly provided useful effectiveness insights. These techniques have been confirmed in numerous follow-on interdiction operations since the publication of *Empirical*. *Empirical* was useful in beginning to understand the operational effectiveness (its original purpose) of particular operations. In hindsight, if *Empirical* were prepared for such a distinguished academic committee and publication today (instead of being prepared as an addendum to an operational planning conference), it would have been written much more formally with a fuller detailing of underlying methodologies and statistical confirmations. I believe that had *Empirical* been written in such a manner with the substantially greater research material now available, many of the confusions, misunderstandings, and misinterpretations by the NRC committee might have been avoided.

Finally, I agree with the NRC committee that the research presented in *Empirical* does not distinguish between supply and demand control programs on the basis of cost-effectiveness -- since they are both of about the same cost-effectiveness order-of-magnitude. In this regard, I believe the conclusion of our original paper (Page V-14 of *Empirical*) remains valid today:

> "In conclusion, the estimates presented in this paper indicate that each control program reported here has a cost-effectiveness of the same order of magnitude. If each control program is implemented effectively, the two approaches, treatment and interdiction, are complementary — for a given level of funding, interdiction can have a significant immediate response that largely vanishes when funding is terminated,[1] while treatment, with only a small initial response, has effects that persist even after funding is terminated. Both approaches will fail to have a permanent effect when funding is terminated if the incidence rate is not reduced through other processes (e.g., education). Ultimately, this analysis argues for a balanced approach to drug control that includes interdiction, treatment, and incidence reduction programs."

3. At your nomination hearing, you stated that the biggest problem with Plan Colombia was its "incrementalism," and that we need "a radical shift" in the program to make it effective.

   a. In 2000 the United States committed to providing $1.3 billion for counter-narcotic programs in Colombia and other Andean countries. In light of this substantial financial commitment, what do you mean by "incrementalism"?

Answer: Incrementalism (primarily the Colombian government's description of the eradication plan) refers to the use of eradication equipment at levels less than planned (10,000 hectares (ha) sprayed per plane per year) and an insufficient number of spray aircraft available to overwhelm the total coca cultivation levels. Adding only a few more aircraft each year will allow the coca growers to plant more coca than can be eradicated. Thus, an incremental approach to spraying a little more each year will lead to planting a little more and no definitive result might occur. To avoid incrementalism, a dedicated effort must be mounted to dramatically overwhelm the current cultivation levels.

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1 To the degree that interdiction increases the price of cocaine, it also causes some reduction in incidence. These incidence reductions have a persisting effect over time.

b. Please explain in more detail your view of Plan Colombia's successes and failures. What changes do you intend to advocate and/or implement if you are confirmed as Deputy Director?

Answer: Plan Colombia, if executed with sufficient resources, and balanced among alternative development, reform of the justice system, emphasis on human rights, eradication, interdiction, and improved security, should succeed. The loss of balance between any of these components jeopardizes the success of program. If confirmed, I will attempt ensure a balanced approach, but note that security must be in place before alternative development can be implemented successfully.

c. On March 8, the White House reported that the area in Colombia planted with coca grew by 24% last year, despite the substantial investment by the U.S. government in counter-narcotics efforts. Would you agree that a greater focus on economics and alternative development must be a significant part of any effective drug-control strategy in Colombia?

Answer: Plan Colombia, if executed with sufficient resources, and balanced among alternative development, reform of the justice system, emphasis on human rights, eradication, interdiction, and improved security, should succeed. The loss of balance between any of these components jeopardizes the success of program. If confirmed, I will attempt ensure a balanced approach, but note that security must be in place before alternative development can be implemented successfully.

4. The General Accounting Office recently released a report titled *Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles* (2002). Have you reviewed this report? Do you agree or disagree with its findings? Please explain.

Answer: I have just received this report and have had little opportunity to carefully consider its findings. I do note that without security it will be very difficult to implement alternative development or other economic development programs. However, if I am confirmed, I will certainly consider this report further and discuss it with US AID in Colombia, Peru, and Bolivia.

5. At the time of his nomination hearing, Director John Walters stated his intention to conduct a review of "the current sentencing structure as it relates to illegal drugs," including mandatory minimum sentences. To your knowledge, has this review begun? What has happened so far?

Answer: As the nominee, I have not discussed this issue with Director Walters and therefore am not aware of whether the review has begun. However, I agree completely with his statement that not only do our laws need to be fair and equitable, but they must appear as such to our society. If confirmed, I will support Director Walters in this review in any way he believes appropriate.

QUESTIONS FOR THE RECORD FROM SENATOR GRASSLEY TO MARY ANN SOLBERG, NOMINEE TO BE DEPUTY DIRECTOR FOR NATIONAL DRUG CONTROL POLICY

QUESTION 1: The National Drug Control Strategy states, "...our drug fighting institutions have not worked as effectively as they should. In keeping with the goals of the President's Management Agenda, it is our task to make these institutions perform better. Good government demands it, and it is our responsibility to future generations to ensure it." As the Deputy Director of ONDCP, you will have responsibility to see that this happens. If confirmed, how will you accomplish this task?

ANSWER: If confirmed, I would utilize a number of management strategies in concert with what the Director already has in place for the agency. I would consider assembling a task management team that will draw on the expertise of each member to set organizational goals in each of the fields of expertise that these members represent. The basis of this team is well placed with Director Walters, Dr. Barthwell, myself and others who have been nominated to fill key positions. Collectively we bring a wealth of experience and a diversity of skill that can only strengthen the organization. Additionally, I would formalize the process for working with and among the other federal agencies so that duplication of effort and nonproductive competition can be eliminated. We all share a common mission but bring different strategies to the table. Cooperation, collaboration and communication are key here. I also believe that it is necessary to continue a dialogue with our constituent groups to better understand their needs and to better communicate how Federal policy translates to national, regional and local outcomes. Finally, I would welcome the opportunity to work with the Director to facilitate communication with the American public so that we are all united in our determination to increase awareness, challenge demand, provide information and recruit grass roots volunteer cadre that is critical to achieving prevention and reduction outcomes.

QUESTION 2: Do you believe that ONDCP is included among the drug control agencies that need to perform its responsibilities better?

ANSWER: It is my understanding that the President's Management Agenda requires all Executive departments and agencies to become results oriented and think in terms of accountability to the citizens of the United States, to you the Congress, and to our international counterparts. I know that ONDCP will take this agenda seriously and not only work to assist our counter-

drug institutions to increase their performance outcomes but will also examine itself to ensure that we meet the goals the President has put forth and improve performance.

QUESTION 3: What do you understand will be your role in that effort?

ANSWER: As you know, if confirmed, I will be the first individual to hold the position of Deputy Director as envisioned during the reauthorization of the agency. While the statute only delineates two broad areas of duties, it is my hope that I will be able to work closely with the Director and the three deputy directors for Supply Reduction, State and Local Affairs, and Demand Reduction to ensure the success of the President's *National Drug Control Strategy*. I look forward to having the opportunity in concert with the Director to shape the actual duties for the Deputy position.

QUESTION 4: As Deputy Director, you will have "overarching" responsibility for operations within the office. The authorizing legislation describes these duties as follows: "Duties of deputy director of national drug control policy: The Deputy Director of National Drug Control Policy 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 the Director is vacant." With this as background, you can understand why it is important for the Committee to know your thoughts on important issues where ONDCP will be expected to play a role. Certification has been a contentious issue in recent years, and has recently been suspended for one year. Do you believe this has been an effective tool in the past?

ANSWER: It is my understanding that the Congress has in place for one year a modification to the process. It is my belief that certification provided a useful tool in the past for the United States to ascertain foreign nations' cooperation concerning illicit drug control efforts. I support evaluating the process fully in terms of past performance and existing challenges and, if confirmed, would look forward to discussing this with you further.

QUESTION 5: How would you address the concerns voiced by some that this process is unfair and arbitrary?

ANSWER: It is my understanding that the certification process is constituted in law and carefully managed by the Department of State. Since the Congress and the Administration are currently examining the process, I would welcome the opportunity to work with the Director of ONDCP, the Deputy Director for Supply Reduction, and others to fully assess and examine the process.

QUESTION 6: Do you believe the scope of countries currently considered should be expanded, and if so where?

ANSWER: I understand that the statute outlines a detailed process, definitions and criteria which direct whether a country is added to the certification list. If confirmed, I will have to review and participate in the process, and am not in the position to make a judgment at this time.

QUESTION 7: There are currently 28 HIDTAs in the United States. Do you believe either consolidations or divisions of these existing HIDTAs are warranted to make them more effective?

ANSWER: The HIDTA program has been a very successful and popular program for bringing federal, state, and local law enforcement officials together to combat drug trafficking. As a nominee, I have not been briefed in detail on the HIDTA program. I understand from the President's Fiscal Year 2003 Budget Request that there is a need to conduct a systematic evaluation of the HIDTA Program as well as a need to develop credible performance measures. If confirmed, I would support the efforts of the Director of ONDCP and the Deputy Director State and Local Affairs as they conduct a review of the HIDTA program. Only then would I be able to comment on the need for consolidation or division to make the program more effective.

QUESTION 8: Are there additional authorities that should be granted to ONDCP to better administer HIDTAs and make them more effective?

ANSWER: Because it has been the policy of ONDCP not to brief its nominees prior to confirmations, I have not been briefed in detail about the current HIDTA program. Our united goal is to make certain that all of the various programs ensure top performance. If it is determined that changes are necessary, based on a thorough assessment of current performance and consultation with federal, state and local law enforcement and agency staff, I would look forward to working with the Congress to address any needs or additional authorities.

QUESTION 9: Has the National Media Campaign been an effective tool in reducing drug use in the United States?

ANSWER: I consider the National Youth Anti-Drug Media Campaign to be an effective prevention tool for reducing drug use in the United States. In 1998 when the Campaign began, drug abuse issues had nearly slipped off the national agenda. Despite the efforts, and many successes, of community-based organizations, the declines of the mid-90's marijuana

and inhalent use were rising. The National Youth Anti-Drug Media Campaign has galvanized attention to the drug issue and has made parenting a respectable occupation once more. Indeed, the parent findings are particularly positive, indicating changes in behavior among parents. Hundreds of thousands of people have logged onto the Campaign's web site. They're staying longer. They're paying attention. This drug prevention effort remains at the forefront of national attention. Nevertheless, from a scientific standpoint, the ongoing evaluation of the Campaign and its analyses have yet to produce definitive information on the Campaign's impact. It is my understanding that conclusive evidence will take several years to accumulate and that the final report is scheduled for Spring of 2004 at which point we will have studied the Campaign over time and can make a judgment of effectiveness based on research.

QUESTION 10: Recent statistics show that, shown with the best of interpretations, drug use has remained stable. What changes are needed to make this a more effective program?

ANSWER: Prevention measures are always the hardest to quantify and four years is a relatively short period of time to expect results so significant that national drug use statistics are changed. That doesn't mean that ads in the Campaign are not working. We are beginning to see movement at the middle school level, indicating that the message is reaching younger children and delaying age of onset. Further evaluation of the Campaign will allow us to determine and implement the most effective components of the Campaign. It is important to continue ongoing review to gauge the success of the Campaign and to look for ways to improve its effectiveness. This is especially true when one considers the large investment of public resources Congress is providing for this program. If confirmed, I will be able to more closely assess the ongoing results of the evaluation and participate with the Director and program manager to ensure that the Campaign continues to use data to ensure the most effective program.

QUESTION 11: Over time, it has been clear that the FARC guerrillas in Colombia are becoming increasingly involved in drug trafficking. US counter-narcotics assistance, however, is limited to only counter-narcotic activities. This has been interpreted to mean United States assistance can be used to go after coca fields and labs, but not after the guerrilla groups who control the fields and labs. Given the increased involvement of the FARC in narcotics, should this distinction be maintained?

ANSWER: I have not been briefed on the current status on the FARC involvement in narcotics and for this reason I cannot give an informed position on the intricacies of the present situation. I would assume that should the Administration determine increased involvement of the FARC in such

activity that policy will be reevaluated and, should I be confirmed, I will look forward to following up with you on this particular facet of our efforts in control of drug trafficking.

QUESTION 12: If this distinction should be maintained, how do you respond to critics who would claim that the US is not serious about its support in Colombia, limiting its assistance to trying to stop one activity of an organization rather than trying to take down the organization as a whole?

ANSWER: I believe that the United States Government has shown its support of Colombia and that the administration is serious about its support as evidenced by the President's FY'03 Budget. Nevertheless, it is incumbent on us to evaluate our international counter-drug efforts to determine whether they are achieving the desired goal. We cannot be afraid to evaluate our programs, support them when they are effective, improve them when possible, and discontinue them if they are not achieving their objectives. We need to develop and implement credible source country strategies that gain and keep the support of the American people.

QUESTION 13: What obligations for assisting economic security in other Latin American countries are created if the United States decides to fund the Administration's "pipeline security" proposal in Colombia? In particular, I am concerned about claims Bolivia, Ecuador, and Peru could all make on the US requesting similar assistance to enhance their economic security, made vulnerable because of their efforts against narcotics traffickers.

ANSWER: Should I be confirmed, I am certain that this is an issue that will confront ONDCP when we examine the overall strategy in the region. I will look forward to being able to discuss this with you upon confirmation and upon obtaining further details.

QUESTION 14: What responsibilities do US forces operating in Afghanistan have to ensure poppy cultivation does not return?

ANSWER: The first priority for the Untied States forces is to support the US efforts against terrorist activities. The next priority is protection of our men and women in the armed services as they wage the war on terrorists. Clearly, only when these objectives have been met will we be able to determine whether or not US forces will have any role in the issue of poppy cultivation in Afghanistan.

QUESTION 15: What role should ONDCP play as a post-Taliban government is created to ensure that Afghanistan does not again become a major producer of heroin?

ANSWER: ONDCP has the role of formulating international drug control strategy and ultimately will coordinate the formulation and implementation of the President's drug control policy as it applies to this region of the world. Because I have not been fully briefed on this as a nominee, I am unable to comment further but would welcome the opportunity to gain your views on this should I be confirmed.

QUESTION 16: ONDCP must play both a policy shaping and a constituent service role. Who do you see as the primary constituent organizations that ONDCP serves?

ANSWER: ONDCP's constituencies include: the prevention and treatment communities, the faith based community, health care professionals, youth who have not entered into use of illicit drugs, parents and other care givers, community groups; national organizations representing local, state and federal law enforcement entities, prosecutors and others involved in the criminal justice system; and human rights organizations, industries with economic and trade interests and the international foreign policy community.

QUESTION 17: In your opinion, what kind of job has ONDCP done in working with and for these organizations in the past?

ANSWER: I have worked with ONDCP in an advisory capacity in the past on the Advisory Committee for Drug Free Communities. I discovered first hand that ONDCP is very responsive to a wide variety of groups. If confirmed, I look forward to working with such groups to assess the strengths and weaknesses of the working relationships and to assisting the Director to achieve our shared goals of reducing illicit drug use.

QUESTION 18: How will you work to improve these relationships?

ANSWER: I believe that ours is a national drug control effort and therefore it is imperative that we work not only among the various entities at the federal level, but also make certain that we reach out to state and local and international constituencies. I would welcome the opportunity to work with the Director to look at multiple strategies to formalize outreach efforts to ensure coordination amongst the various facets of the agency with the goals of avoiding duplication of effort and maximum outreach and coordination.

QUESTION 19: What will be the most effective way for you to remain aware of their concerns?

ANSWER: An open dialogue with constituent groups will keep ONDCP abreast of innovations in the fields of prevention and treatment and ultimately create dialogue that should provide greater buy in and support of policy. Given the vast number of competing priorities and constituencies, I would hope that I could be a conduit between constituency groups and the Director and between these same groups and the Deputy Directors for Demand Reduction, State and Local Affairs and Supply Reduction.

QUESTION 20: I am familiar with the organizational structure of ONDCP. You will be working in the Director's Office, reporting to the Director. Can you please clarify who will be reporting to you?

ANSWER: I look forward, if confirmed, to working on the team that has been envisioned by the President. I look forward to bringing my unique abilities to the effort. I have not had a discussion with the Director as to how he envisions my management role at the agency.

QUESTION 21: In Michigan, you ran a large, very effective, anti-drug coalition. How large was your budget?

ANSWER: The 2001-2002 budget of the Troy Community Coalition is $379,514. The budget of the Coalition of Healthy Communities is $151,239. I have managed more than four million dollars in community-based prevention dollars during my years at the Coalition.

QUESTION 22: How large was your staff (paid and unpaid)?

ANSWER: I currently have ten paid staff members. The Troy Coalition has more than 140 organizational members and many individual volunteers. It is not unusual to have sixty volunteers at a single event. It is my responsibility to manage, motivate and retain the Troy volunteers. The Coalition of Healthy Communities is an umbrella group with volunteers staffing the individual member coalitions. I manage the seven member Executive Board.

QUESTION 23: Did you have a deputy, and if so what were their responsibilities?

ANSWER: I do not have a deputy director.

QUESTION 24: What was your understanding of the duties of the Deputy Director's position at ONDCP at the time of your nomination?

ANSWER: I was told, at the time of my nomination, that the President believed that community-based strategies and outreach were pivotal to the national drug control effort, and that my experience and success would be vital as he

shaped the Administration's drug control strategy. Additionally, pursuant to the statute, I will carry out the duties and powers prescribed by the Director.

QUESTION 25: Was any kind of written job description provided to you at that time?

ANSWER: I did not receive a written job description. In fact, it is my understanding that throughout the executive branch of government, actual job descriptions do not exist for PAS positions.

QUESTION 26: If not, how was the position described to you?

ANSWER: As I discussed in a prior question, my understanding is that, while by statute I serve in the absence of the Director, I also serve at the direction of the Director. Upon confirmation I will work with the Director to achieve all of the desired outcomes for the President's *Drug Control Strategy.*

QUESTION 27: How were the duties you would be expected to perform described to you at that time? Please be specific.

ANSWER: Specific duties were not detailed at the time.

QUESTION 28: Can you please describe your views on the position as Deputy Director, as well as the associated responsibilities and duties, as you understand it, to the committee?

ANSWER: I believe that the Deputy Director should communicate the policy objectives of ONDCP to the constituent organizations and to the country as a whole. If we are to meet the President's *Drug Strategy* goals we must motivate and involve a vast volunteer cadre to work on community based prevention and access to sound treatment.

QUESTION 29: As you understand it, what are the responsibilities of the Deputy Director for Demand Reduction, Dr. Andrea Barthwell?

ANSWER: I look forward to working with Dr. Barthwell to promote effective prevention and treatment strategies.

QUESTION 30: To perform this position as you have described it, how many hours per week do you anticipate having to commit to?

ANSWER: I am committed to working the hours required to effectively carry out the duties of the Deputy Director of National Drug Control Policy.

QUESTION 31: What assurance were you given as to your ability to spend part of the work week at home in Michigan?

ANSWER: I have assured the Director for ONDCP that I will commit to working the hours necessary to carry out my duties. As the sole care taker of aged parents, however, it will be necessary to travel to Michigan to attend to their welfare. Again, I have assured Director Walters that this will in no way interfere with my ability to fulfill my duties.

QUESTION 32: Would you define Washington as your duty station?

ANSWER: Yes, I would define Washington, D.C. as my duty station.

QUESTION 33: At the time of your nomination, did you indicate you would only be spending part of the week in Washington?

ANSWER: At the time of my nomination, I agreed that I would spend a minimum of forty hours per week in Washington, D.C. I anticipate spending as many hours as necessary to fulfill the job.

QUESTION 34: Did ONDCP agree to that?

ANSWER: At the time of my nomination, ONDCP had an Acting Director who was not involved in conversations regarding any nominees.

QUESTION 35: Who specifically within ONDCP or the Administration agreed to that?

ANSWER: No one within the Administration expressed any concern because I gave my assurance that I would put in all of the time required to fulfill the duties of the office.

QUESTION 36: Do you expect this position to require any travel? International travel?

ANSWER: Not only do I expect the position to require both domestic and international travel, I look forward to it.

QUESTION 37: What previous experience do you have working at the federal level?

ANSWER: I have a variety of experience working at the federal level including:
Co-Chair of the Advisory Commission on Drug-Free Communities
Advisor to the Center for Substance Abuse Prevention
Served on the Committee to Develop a National Prevention System
Advisor to the Ad Council's Coalition Campaign
Conducted a briefing for the staff in the U.S. House of Representatives in 1996
Served as delegate to the White House Conference on Youth, Drugs, and

Violence, 1996

QUESTION 38: What federal interagency work experience do you have?

ANSWER: As co-chair of the Commission of Drug-Free Communities, I worked with the Office of Juvenile Justice and Delinquency Prevention, the Center for Substance Abuse Prevention and the Office of National Drug Control Policy to ensure that the Drug-Free Communities program had the best available program management, training, technical assistance and evaluation.

QUESTION 39: What interagency meetings have you chaired or participated in on the development of policy?

ANSWER: I am a member of the Committee to Create a National Prevention System. This committee combines federal agencies, state Directors, and prevention constituencies.

QUESTION 40: Do you have any experience in the federal budget process, its development, analysis, or coordination?

ANSWER: I have over eleven years of experience in developing and implementing agency budgets. Although this work is not at the federal level, many of the same principles apply. Additionally, I am aware of the expertise of the staff in the Office of Planning and Budget at ONDCP and at the OMB look forward to working with them to continue strong fiscal accountability within the agency.

QUESTION 41: What interagency meetings have you participated in or chaired in the development of agency budgets?

ANSWER: I have not participated in or chaired interagency budget meetings. I am aware that the ONDCP has primary budgetary oversight responsibility for national drug control program agencies through its statutory authorities. These functions are pursued by the Office of Planning and Budget at ONDCP . I look forward to working with the ONDCP staff of experts on the review and certification of federal drug control budgets. I am confident that the program staff are qualified to ensure that we meet the goals and objectives of the national drug control strategy, prepare annual consolidated budget proposals, and review and approve reprogramming requests. I take the oversight responsibilities of ONDCP very seriously and look forward to working with the Director on this.

QUESTION 42: Do you have any experience with US international supply reduction efforts?

QUESTION 43: While I do not have direct experience with international supply reduction efforts, I firmly believe that our supply reduction programs will succeed only if they are able to reduce the available supply of illicit drugs in our country and impact usage, particularly among our youth. Obviously, we need to do a better job of linking supply reduction to domestic drug use. If confirmed, I would work with the Director of ONDCP, and my colleagues at ONDCP and within the Administration, to further develop a policy that facilitates our achievement of our National Drug Control Strategy goals.

QUESTION 44: Would it be fair to say your experience is limited almost exclusively to prevention and community coalition efforts?

ANSWER: A community coalition leader works across the continuum of prevention, treatment, and interdiction. I was responsible for the creation of a Drug Court and serve on the board of directors for a treatment center. I deal each day with the question of access to drugs and alcohol and work with the criminal justice system in a number of partnership projects targeting supply.

QUESTION 45: What is your view of the duties of the Office of Supply Reduction?

ANSWER: It is my understanding that the Office of Supply Reduction advises the ONDCP Director in policy formulation and implementation relating to interdiction, foreign and domestic drug intelligence programs, international cooperation in supply control efforts and law enforcement efforts against drug trafficking organizations.

QUESTION 46: Do you see your role as an overarching deputy at ONDCP involving work on international supply reduction efforts?

ANSWER: I envision my role as Deputy to complement that of the Director and believe it will necessarily involve all facets of the *Strategy* as outlined by the President. The President viewed our respective strengths as synergistic for the hard goals ahead of us. I will seek to highlight the importance of a balanced strategy for reducing our nation's dependence on illegal drugs.

QUESTION 47: Can you describe what the duties of an overarching deputy in those efforts would involve in your opinion?

ANSWER: As the Deputy Director for the agency, I will necessarily be responsible to ensure that all facets of the *Strategy* are implemented.

QUESTION 48: Have you ever done classified work on international or domestic supply reduction programs?

ANSWER: I have not participated in any classified work on international or domestic supply reduction programs

QUESTION 49: Were you told at the time of your nomination whether you would need a security clearance?

ANSWER: I was told at the time of my nomination that I would undergo a full FBI investigation and assumed that ultimately I would have the required security clearances.

QUESTION 50: If you are spending part of your time at home can you describe the nature of the work you will be doing from home?

ANSWER: I will be spending a minimum of forty hours a week in Washington, D.C. When it is necessary for me to return to Michigan to care for my parents, I will be fully accessible to the office and able to communicate with the office via phone or cell phone, FAX, and the computer.

QUESTION 51: The Deputy position at ONDCP is a PAS II position, the same as the Deputy Secretary of State and the Director of Central Intelligence, among others. Do you see your role at ONDCP as at the same level of these positions?

ANSWER: First, let me state that I have tremendous respect for Richard Armitage, Deputy Secretary of State and George Tenet, Director of Central Intelligence, and the many other EX II's, particularly during this time of war. These two individuals clearly play a pivotal role as our nation faces the threat of global terrorism and works on the issue of homeland security. Having said that I am truly honored to have been nominated by the President to be Deputy Director for National Drug Control Policy. The President has stated that our drug control efforts are an important continued priority for the Administration and I will work tirelessly to support the Director of ONDCP to achieve the two-year and five-year goals as set forth in the *National Drug Control Strategy.*

QUESTION 52: What is your view of the substantive responsibilities of those offices in the management of these and similar agencies?

ANSWER: I have not reviewed the statutory requirements for the Deputy Secretary of State or the Director of Central Intelligence. I have reviewed the statutory

requirements for Deputy Director of National Drug Control Policy and feel certain that I will be able to serve fully and effectively.

QUESTION 53: At the time of your nomination was it your understanding that you would attend meetings of the Deputies Committee as ONDCP's representative?

ANSWER: At the time of my nomination, it was not discussed who would attend any particular meeting. As I have subsequently learned, there are many executive branch "deputies' committees" e.g. Domestic Policy Council, Homeland Security Council, the National Security Council Deputies' Committee. It is my understanding that it ultimately will be up to the Director of ONDCP as to who is tasked to attend meetings depending on the issue at hand and who has the required expertise for a given meeting.

QUESTION 54: What is your understanding of the role of Deputies' Committee?

ANSWER: Given the way you have referred to this particular entity, it is my inference that you are referring to the Deputies' Committee within the NSC. It is my understanding that the Deputies' Committee is a policy making committee designed to consider alternatives, refine options, weigh costs and benefits, and ultimately make recommendations to the Principles Committee.

QUESTION 55: Who will be ONDCP's representative to meetings of the Deputies' Committee?

ANSWER: I have not had a discussion with Director Walters with regard to who will attend any particular meeting.

QUESTION 56: Do you currently hold a security clearance?

ANSWER: I do not currently hold a security clearance.

QUESTION 57: If you hold a security clearance, please provide the level of that clearance and the date it was awarded. If you do not currently hold a clearance please indicate when the request for such a clearance was requested.

ANSWER: It is my understanding that upon nomination, an initial FBI investigation is conducted. While I do not have an exact date of initiation or completion, it is further my understanding that upon confirmation and completion of the necessary clearance process, I will have the full clearances available.

SUBMISSIONS FOR THE RECORD

LEONIDAS RALPH MECHAM
Director

CLARENCE A. LEE, JR.
Associate Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

March 4, 2002

Honorable Arlen Specter
United States Senator
SH-711 Hart Senate Office Building
Washington, DC 20510-3802

Dear Senator Specter:

This is in response to your letter of March 4, 2002, asking for clarification of Advisory Opinion No. 67 issued by the Judicial Conference Committee on Codes of Conduct. As you know, Advisory Opinion No. 67, headed "Attendance at Educational Seminars," states in its final sentence, "Judges who accept invitations to participate in such seminars, having been satisfied that no impropriety or appearance thereof is present, must report the reimbursement of expenses and the value of the gift on their financial disclosure reports."

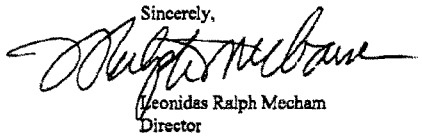
Under the Judicial Conference committee structure, matters relating to financial disclosure are within the purview of the Committee on Financial Disclosure, not the Committee on Codes of Conduct. The Financial Disclosure Committee has advised that paid expenses for attendance at private seminars constitute a reimbursement of expenses, and not a gift, within the meaning of the statutory provisions governing financial disclosure. Thus, because the financial disclosure provisions do not require judges to report the value of reimbursements of expenses, but only the value of gifts, there is no need for judges to report the value of the paid expenses on their financial disclosure reports.

The advice in Advisory Opinion No. 67 that judges must report "the value of the gift" is at odds with the interpretation of financial reporting requirements by the Committee on Financial Disclosure. Such interpretation is, in any event, outside of the jurisdiction and expertise of the Codes of Conduct Committee. In recognition of this apparent inconsistency, the Codes of Conduct Committee has indicated its intention to revise Advisory Opinion No. 67. In its Report to the September 2000 Judicial Conference, at pp. 12-13 (Attachment A), the Committee reported this apparent inconsistency and stated its intention to revise Advisory Opinion No. 67 accordingly. In its Report to the March 2001 Judicial Conference, at p. 6 (Attachment B), the

Committee reported that it had decided to defer this revision pending the Committee's planned comprehensive review of the judiciary's gift regulations, which might result in further revisions to this opinion.

I hope that you will find this helpful. Please let me know if we may assist you further.

Sincerely,



Leonidas Ralph Mecham
Director

Enclosures

Attachment A

Agenda F-6 (Summary)
Codes of Conduct
September 2000

SUMMARY OF THE

REPORT OF THE JUDICIAL CONFERENCE COMMITTEE

ON CODES OF CONDUCT

The Committee on Codes of Conduct recommends that the Judicial Conference:

Approve a revision to the Compliance Section of the Code of Conduct for United States Judges to clarify the Code's applicability to judges retired from regular active service . . . . . pp. 1-2

The remainder of the report is submitted for the record, and includes the following items for the information of the Conference:

- Judges' Recusal Obligations:
  - Corporate Disclosure Requirements . . . . . pp. 2-3
  - Financial Disclosure Reports . . . . . pp. 3-4
  - Conflicts Screening in CM/ECF . . . . . p. 4
- Possible Legislative Initiatives:
  - Revisions to Financial Disclosure Reporting Requirements . . . . . pp. 5-7
  - Blind Trust/Capital Gains Tax Relief . . . . . pp. 7-8
  - Honoraria Reform . . . . . pp. 8-9
  - Other Initiatives . . . . . p. 9
- Ethics Training . . . . . pp. 9-11
- Published Advisory Opinions . . . . . pp. 11-13
- Miscellaneous Matters . . . . . p. 13
- Confidential Advisory Opinion Letters . . . . . pp. 13-14

NOTICE
NO RECOMMENDATION PRESENTED HEREIN REPRESENTS THE POLICY OF THE JUDICIAL CONFERENCE UNLESS APPROVED BY THE CONFERENCE ITSELF.

explained that the interests were not automatically disqualifying. The Committee agreed that it would be useful to clarify this issue and to provide judges with ready authority. A draft opinion will be prepared.

Revision to Advisory Opinion No. 67

The Committee reviewed the text of Advisory Opinion No. 67, which was recently cited in news articles on the subject of judges' financial disclosures about attendance at private educational seminars. The articles pointed to language in the opinion stating that "[j]udges who accept invitations to participate in such seminars . . . must report the reimbursement of expenses and the value of the gift on their financial disclosure reports." The Financial Disclosure Committee, which has jurisdiction over this issue, advises judges that attendance at private seminars constitutes a reimbursement and not a gift within the meaning of applicable financial disclosure statutory provisions. These provisions require judges to report the value of gifts but not the value of reimbursements (though they must disclose other descriptive information about reimbursements).

The cited language in the advisory opinion may be interpreted in a way that is inconsistent with the Financial Disclosure Committee's interpretation of financial reporting requirements. Such an interpretation is in any event beyond the jurisdiction and expertise of the Codes of Conduct Committee. The Committee therefore determined to revise the opinion in two respects: (1) to clarify that the principal discussion of gifts relates to the Code of Conduct for United States Judges, Canon 5C(4), and the Judicial Conference Gift Regulations and not to the financial disclosure reporting requirements, and (2) to remove the description of judges' financial disclosure reporting requirements, since it is not within the Committee's

Attachment B

Agenda F-6 (Summary)
Codes of Conduct
March 2001

SUMMARY OF THE

REPORT OF THE JUDICIAL CONFERENCE COMMITTEE

ON CODES OF CONDUCT

The Committee on Codes of Conduct recommends that the Judicial Conference:

Approve amendments to Canon 3F(4) of the Code of Conduct for Judicial Employees to add a definition of "financial interest" and to clarify that judicial employees have no duty to inquire about relatives' fiduciary interests . . . . . pp. 1-3

The remainder of the report is submitted for the record, and includes the following items for the information of the Conference:

- Judges' Recusal Obligations:
  - Corporate Disclosure Requirements . . . . . p. 3
  - Conflicts Screening in CM/ECF . . . . . pp. 3-4
- Financial Disclosure . . . . . pp. 4-5
- Ethics Training . . . . . pp. 5-6
- Advisory Opinions . . . . . p. 6
- Compensated Teaching Report . . . . . p. 7
- Miscellaneous Matters:
  - Blind Trust/Capital Gains Tax Relief . . . . . p. 7
  - Attendance at Private Seminars . . . . . p. 8
  - Compendium Revision . . . . . p. 8
- Confidential Advisory Opinion Letters . . . . . pp. 8-9

NOTICE

NO RECOMMENDATION PRESENTED HEREIN REPRESENTS THE POLICY OF THE JUDICIAL CONFERENCE UNLESS APPROVED BY THE CONFERENCE ITSELF.

Magistrate Judges' Workshops	July 28, 2000 and September 19, 2000
9th Circuit Bankruptcy Judges	August 24, 2000
New Magistrate Judges' Orientation	October 5, 2000
NCBJ Annual Meeting	October 19, 2000
11th Circuit Conference	November 14, 2000
New District Judges' Orientation	December 4, 2000
Judicial Clerkship Institute	January 6, 2001

Additional training programs are planned in 2001.

ADVISORY OPINIONS

The Committee approved for publication two new advisory opinions. The first opinion discusses which participants in bankruptcy proceedings are considered parties for purposes of recusal. A judge's ownership of stock in a company participating in a bankruptcy proceeding does not necessitate disqualification unless the company is an active participant and considered a party for these purposes. The second opinion explains judges' obligation to disqualify themselves due to their ownership of bonds and similar debt interests. Debt interests are generally not considered to be financial interests and therefore are not automatically disqualifying. Both opinions will be published shortly in Volume II of the *Guide to Judiciary Policies and Procedures*.

The Committee also reviewed a technical revision previously considered in Advisory Opinion No. 67. The revision was proposed because some language in the opinion may be interpreted in a way that is inconsistent with the Financial Disclosure Committee's interpretation of financial reporting requirements. *See* Codes of Conduct Committee Report to the Judicial Conference pp. 12-13 (Sep. 2000). The Committee decided to defer the revision for now, as the Committee plans to undertake a comprehensive review of the judiciary's gift regulations, which might result in further editorial revisions to the opinion.

Chuck Grassley

Statement by Senator Charles E. Grassley

5 March 2002

Senator Biden, I want to thank you for your efforts to schedule a hearing on the nomination of J. Robert Flores. Because of his prosecutorial and management experience and his dedication to children's issues, Mr. Flores is a particularly good pick to be Administrator for the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In fact, these are the reasons that prompted me to write President Bush recommending that he nominate Bob for a position in the Department of Justice.

As a career prosecutor with a thorough understanding of the criminal justice system, Bob brings to the job the judgement and decision making skills honed by years as a Manhattan Assistant District Attorney and then as a federal prosecutor. He also brings to the Office a background in government and private sector management that will be crucial to fixing a program that, according to the GAO, has experienced some problems with accountability and the funding of duplicative programs.

Most importantly, Bob brings to the job a heart that cares deeply for children. I know this because of the work I have done with Bob on the critical issue of child pornography. He is dedicated to making the world a safer place for all of our children. He has shown this by his tireless work at the Child Exploitation and Obscenity Section of the Department of Justice and then again at the National Law Center for Children and Families. Bob has my full support, because I know he will make great strides towards the goal of protecting all children as the Administrator of the Office of Juvenile Justice and Delinquency Prevention .

I also want to thank you, Mr. Chairman, for holding this hearing on several of the Deputy positions at the Office of National Drug Control Policy. I welcome the nominees. I have a long history of supporting vigorous US drug control policy and an interest, along with other members of this Committee, in ensuring that the Drug Czar's office is supported and appropriately staffed. While I generally support the efforts of ONDCP, it is my painful task today to underscore my reservations on one of the nominees. I am concerned about the nomination of Mary Ann Solberg to be Deputy Director of ONDCP.

My concern is about Mrs. Solberg's qualifications for the position as well as her stated intentions in filling the position of the status and nature for which she has been nominated. Before I go into the specifics of my concerns, I want to remind my colleagues on the Committee of a little history.

I do not need to remind my colleagues who were present at the creation of ONDCP that past Administrations have been less than supportive of this office. They did not want it in the first place and have had trouble swallowing it ever since. It was the view from Congress, however, that the country needed such an office to deal with the drug issue despite what past Administrations thought was needed. I shared that view. I am still of that opinion.

What has been the history of the way Administrations have treated the office? Briefly this: It was Congress' bi-partisan view that we needed a Drug Czar to coordinate the many federal agencies involved in drug policy and that this office needed to be at the cabinet level. The Reagan Administration fought the creation of the office and the first Bush Administration declined to have it at a cabinet level after Congress created the office in 1988.

The first official act of the Clinton Administration was to reduce the size of ONDCP by more than 70 percent. The Congress and members of this Committee took issue on numerous occasions with that decision. It was, under pressure from here, eventually reversed. The Clinton Administration, rightly in my view, did put the office at the cabinet level but only after much pressure. Unfortunately, for most of the Administration, the senior deputy positions at ONDCP went unfilled or nominees were sent forward who were unqualified for the positions. So embarrassing did that situation become that at one point then Senator Moynihan went onto the Senate floor and introduced a bill that he wrote out in his own hand abolishing the Office of Demand Reduction at ONDCP. Why? Because no one in the Administration seemed to take the post seriously. Senator Moynihan did. He and I also opposed the nominee for that office as unqualified and introduced language into ONDCP re-authorization establishing suitable criteria for holding that office.

That brings us to the present situation. When this Administration came into office, they signaled their intention to downgrade the office to a sub-cabinet level position. I opposed that. Other members of this Committee did also. That concern was bi-partisan. I am happy to say that the President finally agreed with us and kept the office at the cabinet level. Mr. Walters is a member of the cabinet today because of it. I welcomed that decision. But, we did not see a nominee for the post until the middle of last year, the last cabinet officer to be named and confirmed.

What this brief history shows, I believe, is that unless Congress continues to take an active role in seeing to the care and feeding of the Drug Office, if left to its fate, it will not fare well. That brings me to my present concern.

Let me note that in arguing to make the Drug Office effective more is involved than simply deciding who the Director is going to be. In my view, borne out by the history I have related, Congress, this Committee, and the Appropriations Committee have been equally interested in seeing that the office and its functions are institutionalized. After all, the Clinton Administration kept the Drug Czar, they just gutted the office and failed to fill many of the senior positions. Concern over such shortfalls led the Appropriations Committee to request a GAO management review of problems at ONDCP.

That review clearly noted two deep problems among many others: lack of institutionalization of the functions of the office, particularly for the most senior positions; and confused and confusing lines of authority in the office. The concern was that ONDCP was largely a one-man operation and not a going concern similar to other cabinet agencies. I do not believe that was what Congress wanted to see. If Congress was only concerned with the personality at the top, why bother with the rest of the office? We had a Drug Czar and whatever else you might have thought about him, he was visible and voluble.

In my view, the intent of the legislation creating ONDCP and Congress' ongoing concern was and

remains to establish an agency not another special assistant to the President. The Administration, after all, offered to do just that. Congress' intent was different. It was to create an organization, one that could go toe to toe with other large, powerful bureaucracies. Without a staff to plumb the depths of agency budgets and agency shenanigans, without positions at appropriately senior levels, ONDCP would have been powerless then and now. The old joke in the bureaucracy is that being the lead agency on an issue is the right to be lied to in your own conference room. Well, in order to keep everyone honest, ONDCP needs more than a high profile at the top. But, what do we have?

Apart from the agency head, not a single deputy nominee sent to the Senate for confirmation has any senior policy making experience in the federal government. That is for an agency whose primary role and reason for existing is to force coordination at the senior levels of government. That involves intensive oversight and coordination of virtually every federal agency with a drug program from the Forest Service to the Department of State. But not one, not one, of the nominees has any experience at this level or in policy making. Only one has any significant federal experience and that mostly as an analyst. I know that they are all fine people with good resumes in their fields, but they are going to be like Hansel and Gretel abandoned in the woods. This is not a formula for success. But let me move on from that concern. Let me turn, instead, to the position of Deputy Director.

This post has quite a history. I won't go into detail. But one or two points are relevant. First, this position did not exist when ONDCP was first established. It was an innovation sought by the last Administration as part of its reauthorization. I opposed the creation of the job. In my view at the time, I did not believe the Administration would be able to define a function for the post or that they would create a real job that was not already being done by the chief of staff. In fact, when the job was first created it was an SES position not requiring Senate confirmation that reported through the chief of staff. I do not believe in creating sinecures in government, but the Administration assured me in no uncertain terms that, yea verily, they were serious.

The argument was that the Director of ONDCP, like every other cabinet secretary, needed a deputy. They argued that they needed a deputy at the level of other deputy cabinet secretaries. The duties of that deputy, furthermore, would be like those in other cabinet departments. What does that mean? In commonly accepted management practice in every department of government, in the Fortune 500 companies, in any serious major enterprise, in every Cub Scout troop means the Chief Operating Officer. The GAO management review that I mentioned makes this same point. I did not believe it at the time that that would happen, but the post was created in ONDCP reauthorization. It was established at the PAS II level in line with deputy cabinet secretaries in every department of the federal government. I have attached a list of those offices for members to examine.

The proof, though, of whether the post was a serious one or not was to be in the pudding. So what happened? It was never filled in the last Administration with a deputy confirmed by this body and the GAO management review raised a number of questions over just what the function of this post was. That review raised the concern along with questions about confused and confusing lines of authority that remain unanswered or unaddressed. Most of those concerns go to whether the office below the Director is to be anything more than a body guard for the person at the top. Is this to be a cabinet agency able to function among other agencies with institutionalized functions and missions,

or a series of personalities at the top with assorted attendants in jobs with duties that are not clearly understood and change with the weather.

So, what are the duties of the Deputy Director? Since there are no position descriptions available, if one wants to get a hint, either as a nominee or as a member of this body, what the functions of a job are at ONDCP, you must look to statute, to custom, to practice in other agencies, to what the nominee is told and, in this particular case, what this Senator was told. In the case of the Deputy Director's job at ONDCP, we don't have much in the way of precedent to help us.

The job is of recent origin and has never had a confirmed deputy. The statute is not overly informative. The duties are defined by the Director and, this is important, the Deputy will substitute for the Director in his absence. For a better understanding of the functions, one must look to the practice of how this post is filled in other cabinet agencies, with how the candidate is briefed for the job, and, again in this particular instance, what I was told would be the case.

Based on the outline I have given, I believe that it is clear that to be serious, the Deputy at ONDCP must be viewed in the same light as deputies at the same level in every other department of the federal government. And, I was assured that would be the case. Now, perhaps this Administration does not feel bound by its predecessor in the matter, but my concern has not changed. Nor do I believe that the interest of the Senate has changed in regard to the need to institutionalize ONDCP. As an aside, though, let me note that the Director of ONDCP in a letter to the Chairman and Ranking Member of this Committee, urging fast action on the deputy positions, described the principal Deputy's role as an "overarching" position. That means, if I understand the meaning of "overarching", a position that covers both supply and demand issues and functions in a role similar to the Director, acting as the Chief Operating Officer. When asked if she had been informed of any overarching duties, however, Mrs. Solberg indicated she was never given to understand that the position entailed such duties. The job that was described was as an ambassador to the prevention community.

So, what does this mean today? It means that Mrs. Solberg has been named to a position at the same level of the government as the Deputy Secretary of Defense, the Deputy Secretary of State, the Deputy Attorney General, the Director of Central Intelligence, and the Secretaries of the Army, Navy, and Air force, to name just a few. She has been named to a post with responsibilities for both supply and demand. She has been named to a post requiring extensive interagency coordination at the most senior levels of government dealing with complex policy issues and the arcane byways of the federal budgeting process. She has been named to a post requiring her to fill in for the Director. She has a position that includes being the Chief Operating Officer. But the job defined for her and that she agreed to take are none of the above. It is a part-time portfolio to be filled part-time.

Mrs. Solberg has a fine resume. I am sure ONDCP has provided each member with that resume. She has done great work in the area of drug prevention and community coalition development in Michigan. She is a valued member of the Advisory Board established by the Drug Free Communities Act, legislation that I drafted here in the Senate. There is nothing in that record,

however, that establishes her credentials to occupy a post as a deputy cabinet secretary to be confirmed by the Senate, and that is the issue here, not Mrs. Solberg's background in prevention work.

In addition, at the time of her nomination, Mrs. Solberg indicated her intention to do this job part-time to tend to personal matters back in Michigan. Her dedication in that regard is laudable, but is hardly in keeping with the gravity of the post. In meeting with my staff, she now indicates that she has no memory of having said at the time of her nomination that she would work only 4 days a week. She now says that she undertook to do the job if she could do a 40-hour week four days a week in Washington and work from home if there was a need to do more. In my view, that is not much of difference. This is, for this level of government, a part-time job and reflects a failure to grasp the importance of the job. My understanding is that the Administration agreed to frame a job that would allow Mrs. Solberg to fulfill her duties on that basis.

Imagine for a moment, that the position we were considering here was the post of Director of Central Intelligence, or the Deputy Secretary for Transportation, or Deputy Attorney General, positions at a comparable level. What would be the reaction if the Administration sent forward a nominee for such posts who indicated the desire to work a 40-hour week here and the rest, if needed, from home in order to take care of personal matters? That is what we are being asked to do. I suppose one could ask, "Why should be care if the Deputy Director of ONDCP is only going to be there part-time?" The answer, I suppose is, not at all if we don't care how the office is constituted or how responsibilities are defined or how they are met. But there is nothing in the view from here that would suggest that this is the position that we have taken, or should take, and I do not take it now.

The problem is, that even if, in the face of my known opposition, Mrs. Solberg has now discovered and new willingness to put in the hours that are typical of offices at this level of government, she still does not have the credentials or the experience to function at this level of government. Given the inexperience of the other nominees, this lack is even more regrettable in the overarching deputy.

I have spent years fighting to ensure that drug policy is taken seriously. I know that other members here have as well. In my view, taking the issue seriously involves ensuring that ONDCP is functioning as an institution and not just as a position. Administrations have not always shared this view. The decision to fill the Deputy Director's job, to redefine it in the way they have, reflects on-going problems at ONDCP the recent management review I noted.

I believe we have to come back to the issue of whether we intend to see that ONDCP is institutionalized and the offices there made real. If ONDCP is going to have a Deputy at the PAS II level, like the others I have named, then it is incumbent upon the Administration to fill that position appropriately. If the Administration wants to create a new Deputy slot for Prevention, let them make the arguments for reauthorizing it. If they want Mrs. Solberg to be the ambassador to the prevention community, let them create as SES-level post that can accomplish that. I would support such an outcome. But what is not appropriate is to take the PAS II position and redefine it as the Administration has done.

List of Positions at PAS II Level

The following is a list of the offices in the Administration at the same level as the Deputy Director at ONDCP [not including boards and commissions].

Deputy Secretary of Defense
Deputy Secretary of State
Deputy Secretary of State for Management and Resources
Administrator, AID
Administrator for NASA
Deputy Secretary of Veterans Affairs
Deputy Secretary of the Treasury
Deputy Secretary of Transportation
Chairman, Nuclear Regulatory Commission
Chairman, Council of Economic Advisors
Director of the Office of Science and Technology
Director of Central Intelligence
Secretary of the Army
Secretary of the Air Force
Secretary of the Navy
Administrator, Federal Aviation Agency
Director of the National Science Foundation
Deputy Attorney General
Deputy Secretary of Energy
Deputy Secretary of Agriculture
Director of the Office of Personnel Management
Administrator, Federal Highway Authority
Administrator, Environment Protection Agency
Under Secretary of Defense for Acquisition, Technology, and Logistics
Deputy Secretary of Labor
Deputy Director of the Office of Management and Budget
Deputy Secretary of Health and Human Services
Deputy Secretary of the Interior
Deputy Secretary of Education
Deputy Secretary of Housing and Urban Development
Deputy Director for Management, OMB
Deputy Commissioner of Social Security, Social Security Administration
Members of the Board of Governors of the Federal Reserve System

STATEMENT OF SENATOR PATRICK LEAHY,
CHAIRMAN, SENATE JUDICIARY COMMITTEE
HEARING ON NOMINATIONS
MARCH 5, 2002

I would like to thank all of the nominees for coming today, and to thank Senator Biden for chairing this important hearing. We all appreciate the invaluable work he is doing on the Subcommittee on Crime and Drugs, and the unparalleled leadership he provides on those issues.

With this hearing, the Committee will, with the exception of one last and very recent nomination, complete its work of evaluating the President's executive branch nominees, well under a year after my becoming chairman. We held 16 confirmation hearings in the last five months of last year for executive branch nominees, and we sent to the Senate nominees who were confirmed for 77 senior executive branch posts including the Director of the FBI, the head of the DEA, the Commissioner of INS, the Director of the U.S. Marshals Service, the Associate Attorney General, the Director of ONDCP, the Director of PTO, seven Assistants Attorney General, and 59 U.S. attorneys. Once this hearing is complete, we will only have two executive branch nominees pending, and their paperwork was only just completed and only one of those may require a hearing.

I am glad we have left behind the days when executive branch nominees were stalled – not just for months, but for years – without consideration by the Committee. Bill Lann Lee, nominated in July of 1997 to be the Assistant Attorney General for Civil Rights, languished more than three years without consideration. David Ogden, nominated to head the Civil Division at the Department of Justice waited a year and a half for action on his nomination. Beth Nolan, nominated to lead the Office of Legal Counsel had to wait over a year for a hearing from the Judiciary Committee, but never received a Committee vote, despite strong bipartisan support, including that of the current Solicitor General, Ted Olson. I am glad those sorts of delays are no longer par for the course here in the Committee.

ONDCP nominees: Mary Ann Solberg is an excellent nominee to be Deputy Director of the Office of National Drug Control Policy (ONDCP). She has been working to prevent children from using drugs for more than a quarter-century, and has received numerous awards in her home state of Michigan. She is a nationally-known leader on preventing drug abuse – indeed, President Clinton appointed her as one of 11 members of the Advisory Commission on Drug-Free Communities, and she became the chairperson of that commission. I look forward to working with her to promote drug prevention and drug treatment efforts that can provide an effective supplement to our law enforcement responsibilities.

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http://www.senate.gov/~leahy/

Barry Crane, the President's nominee to serve as Deputy Director for Supply Reduction at ONDCP, had a long and distinguished career in the military and has testified before Congress about the effectiveness of interdiction efforts. I am interested in his views about whether and how our interdiction efforts should change. Although I am a strong supporter of law enforcement, I have been concerned about some of the interdiction plans of both Democratic and Republican administrations. I am skeptical about our ongoing efforts in Colombia, and curious to hear whether Mr. Crane believes further similar involvements would be useful and appropriate.

Finally, we have before us Scott Burns, who has been nominated to be deputy director for state and local affairs. Mr. Burns has been a county attorney in Utah. Having served in a similar position in Vermont, I am sure he is well versed in the needs of local law enforcement and hope that he will be an important voice in that important office. I am eager to hear about his plans to foster relations between ONDCP and state and local governments throughout the nation.

Juvenile Justice nominee: In addition, today we will hear from J. Robert Flores, who has been nominated by the President to serve as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). He has been a prosecutor, Justice Department official and an advocate protecting children from harmful exploitation by pornographers. I hope that these past convictions foreshadow an excellent future in advocacy of helping troubled youth and for the crime and delinquency prevention efforts of the federal government. The Juvenile Justice and Delinquency Prevention Act has improved conditions for juveniles in state custody throughout our nation and deserves strong support. Should Mr. Flores be confirmed, I hope he will work with all Members of this Committee to ensure that the federal government remains vigilant in protecting both the public safety but also the juveniles who come into contact with criminal justice system. I also hope to work with him to improve conditions for juveniles who are tried and sentenced as adults. I will be submitting a number of questions for Mr. Flores on these issues and about the priorities and conduct of the office he has been nominated to head.

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Congress of the United States

Washington, DC 20515

March 4, 2002

The Honorable Patrick J. Leahy
Chairman
Senate Judiciary Committee
Washington, D.C. 20510

The Honorable Orrin G. Hatch
Ranking Member
Senate Judiciary Committee
Washington, DC 20510

Dear Mr. Chairman and Ranking Member:

As co-chairs of the Speaker's Task Force for a Drug Free America, we write to express our strong support for the President's Deputy Directors of the Office of National Drug Control Policy (ONDCP) nominations. In the area of drug policy, we are at a crucial time in our nation's history. Therefore, we support moving the nominations of Mrs. Mary Ann Solberg as the Deputy Director, Mr. Barry Crane as the Deputy for Supply Reduction and Mr. Scott Burns as the Deputy for State and Local Affairs through the Senate confirmation process.

There is consensus among members of the U.S. House of Representatives that we must pursue an aggressive drug control strategy. This strategy must be balanced between demand reduction and supply reduction to adequately address our nation's illegal drug problem. The President, Director Walters and these three nominees are committed to such an approach.

As an important member of the President's Cabinet, John Walters needs his deputies in place to properly implement the President's recently released National Drug Control Strategy. We appreciate your Committee's leadership on narcotics control programs in the past and respectfully urge expeditious confirmation of Mrs. Mary Ann Solberg, Mr. Barry Crane and Mr. Scott Burns.

Respectfully,

Rob Portman — Representative Rob Portman

Representative John L. Mica

Mark Souder — Representative Mark Souder

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