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FISCAL YEAR 2007 DRUG CONTROL BUDGET AND THE BYRNE GRANT, HIDTA, AND OTHER LAW ENFORCEMENT PROGRAMS: ARE WE JEOPARDIZING FEDERAL, STATE AND LOCAL COOPERATION?

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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CONTENTS

	Page
Hearing held on May 23, 2006	1
Statement of:	
Brooks, Ron, president, National Narcotics Officers' Associations' Coalition; and Director, Northern California HIDTA; Tom Carr, Director, Washington-Baltimore HIDTA; Tom Donahue, Director, Chicago HIDTA; Abraham Azzam, Director, Southeast Michigan HIDTA; and John Burke, Director, Southwest Ohio Regional Drug Task Force [SWORD]	60
Azzam, Abraham	92
Brooks, Ron	60
Burke, John	97
Carr, Tom	75
Donahue, Tom	81
Schofield, Regina, Assistant Attorney General, Office of Justice Programs [OJP], U.S. Department of Justice; Stuart Nash, Associate Deputy Attorney General and Director, Organized Crime Drug Enforcement Task Force [OCDETF], U.S. Department of Justice; and Scott Burns, Deputy Director for State and Local Affairs, Office of National Drug Control Policy	14
Burns, Scott	38
Nash, Stuart	29
Schofield, Regina	14
Letters, statements, etc., submitted for the record by:	
Azzam, Abraham, Director, Southeast Michigan HIDTA, prepared statement of	94
Brooks, Ron, president, National Narcotics Officers' Associations' Coalition, prepared statement of	63
Burke, John, Director, Southwest Ohio Regional Drug Task Force [SWORD], prepared statement of	100
Burns, Scott, Deputy Director for State and Local Affairs, Office of National Drug Control Policy, prepared statement of	39
Carr, Tom, Director, Washington-Baltimore HIDTA, prepared statement of	78
Cummings, Hon. Elijah E., a Representative in Congress from the State of Maryland, prepared statement of	7
Donahue, Tom, Director, Chicago HIDTA; Abraham Azzam, Director, Southeast Michigan HIDTA, prepared statement of	84
Nash, Stuart, Associate Deputy Attorney General and Director, Organized Crime Drug Enforcement Task Force [OCDETF], U.S. Department of Justice, prepared statement of	31
Schofield, Regina, Assistant Attorney General, Office of Justice Programs [OJP], U.S. Department of Justice, prepared statement of	17

FISCAL YEAR 2007 DRUG CONTROL BUDGET AND THE BYRNE GRANT, HIDTA, AND OTHER LAW ENFORCEMENT PROGRAMS: ARE WE JEOPARDIZING FEDERAL, STATE AND LOCAL COOPERATION?

TUESDAY, MAY 23, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:03 p.m., in room 2154, Rayburn House Office Building, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder, Schmidt, Cummings, Davis, Watson, Ruppersberger, and Norton.

Staff present: Jim Kaiser, professional staff member and counsel; Malia Holst, clerk; Tony Haywood, minority counsel; and Jean Gosa, minority assistant clerk.

Mr. SOUDER. The subcommittee will come to order. Good afternoon. I thank you all for coming. This hearing is part of a series of oversight hearings regarding the President's budget proposals for drug control programs and will focus on the President's proposed changes in this area.

The administration released its budget proposal for all Federal programs for fiscal year 2007 in February. One of the most significant policies reflected in that budget is a proposal to cut most Federal support for State and local drug enforcement. Among other things, the administration has proposed terminating the State formula grants portion of the Byrne grants to State and local law enforcement; reducing funding for the HIDTA program and transferring remaining funds to the Justice Department's Organized Crime Drug Enforcement Task Force [OCDETF], program; cutting the Meth Hot Spots program administered by the Justice Department's Community Oriented Policing Services [COPS], office by more than 30 percent; and reducing funding for the Counterdrug Technology Assessment Center [CTAC], by 70 percent, while completely eliminating the Technology Transfer Program.

The subcommittee shares some of the administration's concerns about the potential of excessive or misdirected Federal support to local agencies. Congress must be careful not to make State and local agencies too dependent on Federal dollars, as these agencies must remain under the control of and responsive to the needs of

State and local taxpayers. State and local governments have a responsibility to fund their own counternarcotics efforts as well.

Yet it does not follow that all Federal assistance to State and local agencies lacks national impact. State and local law enforcement personnel are fighting on the front lines in the struggle to stop drug trafficking. They make over 90 percent of drug-related arrests and seizures and have a wealth of intelligence that could be very valuable if shared with Federal authorities. Federal assistance to these agencies can have a major positive impact by involving them in the national goals of enforcement, treatment and prevention.

The goal of these proposals was, is and always should be to maximize the efforts of Federal and State and local law enforcement narcotics efforts through mutual cooperation. It was not to have one dominate the other. We hope at this hearing to address these broader issues and to review the administration's specific proposals for certain key programs.

First among them is the HIDTA program. This program was created in 1990 to help reduce the Nation's overall supply of illegal drugs by bringing them together, Federal, State and local law enforcement agencies in the most significant regions, each referred to as a HIDTA, where drugs are created, smuggled or distributed. Under current law the Director of ONDCP may designate certain areas as HIDTAs, making them eligible for Federal funding. That funding is administered locally by an executive board made up of equal representation of Federal agencies on one side and State and local agencies on the other.

As the program's budget has grown from only $25 million at its inception to $227 million in fiscal year 2006, the number of designated regions has grown as well. From the initial 5 HIDTAs in 1990, the program expanded to 28 HIDTAs, and the pressure remains in Congress to create even more of them. By the way, one of the major reasons that pressure occurred is because of the administration's lack of response on meth. And most of the new HIDTAs had to deal with meth, and what looked like an attempt by Congress to expand the number of HIDTAs was actually because of the lack of response and how to address the meth problem.

The administration has come up with two proposals: One, to cut the program's budget from the fiscal year 2006 enacted level of $227 million to $208 million; two, to transfer the HIDTA program from ONDCP to the Organized Crime Drug Enforcement Task Force [OCDETF], a Department of Justice program. If enacted, this latter proposal would effectively terminate the current HIDTA program.

First, the program cannot and should not be transferred in whole or in part to OCDETF without authorizing legislation. Such legislation is needed to define the goals of the program and the means of its implementation.

Second, the subcommittee is troubled by the serious disruption of drug enforcement activities in the individual HIDTAs that this sweeping proposal would create, at least in the short term. It would be most inadvisable for the Federal Government to take action that drives away State and local collaboration. And as we heard last year, they fully intend to completely withdraw.

Today's hearing will also review the CTAC program, which was established in 1990 to oversee and coordinate the Federal Government's antidrug research and development. The administration is requesting only $9.6 million for the CTAC program, a steep decline from the $30 million requested for fiscal year 2006 and the $29.7 million appropriated by Congress. The proposed decreases would cut the research program from $14 million to $9.6 million, while completely eliminating the Technology Transfer Program. The program is certainly in need of direction and oversight. ONDCP has not yet demonstrated that the Technology Transfer Program supports national goals reducing overall drug trafficking and improving interagency communication and cooperation. Such dramatic cuts, however, do not amount to reform. As with HIDTA, the subcommittee intends to review the CTAC program and its future as it continues its oversight of ONDCP.

The subcommittee has concerns about the proposed reduction in the COPS Meth Hot Spots dedicated to law enforcement activities against methamphetamine trafficking. Methamphetamine abuse has ravaged communities across the United States and put severe strains on State and local law enforcement agencies forced to find clandestine drug labs, clean up the environmental damage they create, and arrest the drug traffickers who operate them. To assist these overburdened agencies, Congress approved $52.6 million in fiscal year 2005 and $63.6 million in fiscal year 2006, once again because the administration wasn't taking any action.

The administration is requesting only $40.1 million for fiscal year 2007, a cut of more than 30 percent from appropriated funds for 2006. This would greatly reduce the ability of the State and local law enforcement agencies to help their Federal partners in reducing methamphetamine abuse, particularly given the proposed overall reduction in State and local law enforcement assistance grants.

The subcommittee also has serious concerns about the administration proposal to terminate the State grants component of the Edward Byrne Memorial Justice Assistance Grants programs. Congress already complied with the administration's request to consolidate previously separate grants programs into the single Byrne grants program. The administration now proposes to eliminate $416.5 million that Congress appropriated last year for the Byrne grants and to restrict Federal aid to a series of enumerated grants, most of which are previously existing programs under a Justice assistance account. In practice, this will sharply limit the amount of money available to help State and local agencies.

We have quite a mix of witnesses with us today, and we would especially like to welcome all the representatives of Federal, State and local law enforcement who are joining us. From the Department of Justice, on our first panel we will hear from Regina Schofield, Assistant Attorney General at the Office of Justice Programs, who will discuss the Byrne grants, COPS and other similar Justice assistance programs; Stuart Nash, Associate Deputy Attorney General and Director of OCDETF, who will discuss the proposed transfer and restructuring of the HIDTA program; also hear from Scott Burns, ONDCP Deputy Director for State and Local Affairs.

We appreciate all of the State and local representatives who are with us on the second panel. Coming in today we will again welcome Ron Brooks, president of the National Narcotics Officers' Associations' Coalition and Director of the Northern California HIDTA; Tom Carr, the Director of the Washington-Baltimore HIDTA; Tom Donahue, Director of the Chicago HIDTA; Abraham Azzam, Director of the Southeast Michigan HIDTA; and John Burke, Director of the Southwest Ohio Regional Drug Task Force, SWORD.

Before we get started I would also like to note that congratulations are in order for one of our witnesses. We got word last week that Tom Carr's wife recently gave birth to a baby boy, Taggart Hunter Carr. That is wonderful news, and we are all happy for you and your family.

Again, we thank you all for coming from so many places across the country to be here today. We look forward to your testimony.

Mr. Cummings.

Mr. CUMMINGS. Mr. Chairman, I, too, want to congratulate my good friend Tom Carr. And you know, Tom, I think it was Frost said—Robert Frost says that every time a child is born, it is God's affirmation that the world should continue.

Mr. Chairman, I want to thank you for holding today's very important hearing on the President's budget request for several vital law enforcement programs that contribute to the National Drug Control Strategy.

A policy brief prepared last year by Carnevale Associates offered the following analysis of the President's fiscal year 2006 drug budget, and it said, the administration's proposed budget of $12.4 billion for drug control for fiscal year 2006 portends major changes in Federal drug control policy. The request increases funding for overseas programs to curb the flow of drug from abroad and enhances border control. It also proposes a net decline in funding for demand reduction programs, reduces or eliminates certain State and local law enforcement programs, and shifts more responsibility for local drug control to its State and local government partners.

To its credit, the Congress largely rejected the approach outlined in the President's budget last year, but the administration proposes more of the same for fiscal year 2007. The President's fiscal year 2007 drug budget would further shift the emphasis from demand reduction to supply reduction, and it repeats several proposals that would sharply undermine State and local drug enforcement efforts and Federal-State-local partnerships.

The fiscal year 2007 request devotes 35.5 percent to demand reduction and 64.5 percent to supply reduction. By comparison, the Federal Government spent 47 percent and 53 percent for these functions respectively in 2001. And as you know, Mr. Chairman, I have been a vocal advocate for expanding access to drug treatment because we have proof that it works not just in reducing and curtailing drug use, but in decreasing all of the negative consequences of drug abuse and the drug trade, including violent crime. The President's budget neglects prevention and treatment in favor of supply reduction programs that have yet to demonstrate a sustained impact on the availability of drugs on U.S. streets.

Even within the category of supply reduction, there has been a marked shift in the proportion of funds diverted to efforts beyond U.S. borders as compared to programs that support effective cooperation among Federal, State and local law enforcement within our borders. Overall the request would increase funding for interdiction and international supply reduction programs by 7.1 percent and 12.6 percent respectively, while support for domestic law enforcement would increase by just 1.6 percent.

One of my major concerns involves the President's proposal for the High Intensity Drug Trafficking Areas program presently administered by the Office of National Drug Control Policy. I am most disappointed that the President's fiscal year 2007 budget restates last year's proposal to move the HIDTA program out of ONDCP to the Justice Department under the control of the Organized Crime and Drug Enforcement Task Force program. I thought we sent a very clear message last year, and it seems as if we have to continue to send that message.

Whereas the fiscal year 2006 budget proposed to cut HIDTA funding by $128 million, more than half, by the way, the fiscal year 2007 proposal is a relatively modest $16.4 million decrease. Still this would allow for level funding for all HIDTAs, while eliminating discretionary funds to respond to urgent threats. However, there has been no indication from Justice concerning how it plans to allocate funding among the HIDTAs. In fact, we have yet to hear from Justice that moving HIDTA there would be wise or even desirable from its point of view.

I remain troubled that the 2006 strategy, while stating that the intent of the proposed move is to refocus the program, provides no explanation of how this change will make the program more effective and efficient. To date there has been no assurance from ONDCP or Justice that the HIDTA program, if moved, would retain the unique characteristics that enable it to foster effective, peer-level partnerships among participating Federal, State and local agencies.

In 2005, a bipartisan coalition of members joined the National HIDTA Directors Association in strongly opposing last year's proposal, and this year's proposal has already received a similar response from those who know the program best.

I am glad that we will hear today from several HIDTA Directors including Mr. Tom Carr, who supervises the Baltimore-Washington, or Washington-Baltimore, HIDTA, an organization that makes such a vital contribution to drug enforcement efforts in and beyond my congressional district in Maryland, and one who—which has done an outstanding job, and one that, like many other HIDTAs, have brought State, local, and Federal officials together to effectively and efficiently fight that drug trafficking.

Apart from HIDTA, the President proposes to cut ONDCP's funding of the Counter Drug Technology Assessment Center by $20.1 million. This 68 percent decrease from fiscal year 2007 appropriated amounts reflects the proposed elimination of CTAC's Technology Transfer Program, which provides State and local law enforcement agencies with valuable equipment and training for deployment and operations.

The President's request also repeats last year's proposal to eliminate or reduce funding for key drug control programs within the Department of Justice that support Federal, State and local cooperation. The request proposes to eliminate the Edward Byrne Memorial Justice Assistance Grant program, which allows States and local governments to support a broad range of activities, to prevent and control crime, and to improve the criminal justice system.

The President proposes a more than one-third reduction in funding for the COPS Meth Hot Spots program, which allocates money for problem-oriented policing to combat the use and distribution of meth labs, including child endangerment programs, enforcement, drug courts, training and treatment.

Like last year, the administration proposes to reduce funding for the Drug Enforcement Administration Mobile Enforcement Teams, through which DEA provides assistance to State and local law enforcement to address small toxic labs operating throughout the country, and to eliminate the DEA's demand reduction program. Funding for the National Alliance for Model State Drug Laws also would be eliminated under the President's request.

Mr. Chairman, in my view, the President's plan to eliminate or scale back these vital programs raises serious questions about the depth of the administration's commitment to reducing domestic demand for illegal drugs and supporting State and local drug enforcement efforts. Open to question is how vigorously ONDCP, as the primary shaper of Federal drug control policy, has asserted its budget certification authority to defend and support programs that advance all three pillars of the National Drug Control Strategy.

And finally, today's hearing provides an opportunity to question administration officials and some of the Nation's most dedicated and knowledgeable law enforcement professionals concerning the policy decisions and priorities reflected in the President's fiscal year 2007 drug control budget about how data and performance effectiveness measures informed those decisions and priorities, and about whether the President's fiscal year 2007 budget adequately supports the President's three-pillared strategy.

And with that, Mr. Chairman, I thank all of our speakers and guests for being with us today, and I look forward to their testimony. With that I yield back.

[The prepared statement of Hon. Elijah E. Cummings follows:]

Representative Elijah E. Cummings, D-MD7
Ranking Minority Member
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Committee on Government Reform
U.S. House of Representatives
109th Congress

Hearing on "Fiscal Year 2007 Drug Budget and the Byrne Grants, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State, and Local Cooperation?"

May 23, 2006

Mr. Chairman,

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A policy brief prepared last year by Carnevale Associates offered the following analysis of the President's FY *2006* drug budget:

> The Administration's proposed budget of $12.4 billion for drug control for FY 2006 portends major changes in federal drug control policy. The request increases funding for overseas programs to curb the flow of drugs from abroad and enhances border control. It also proposes a net decline in funding for demand reduction programs, reduces or eliminates certain state and local law enforcement programs, and shifts more responsibility for local drug control to its state and local government partners.

To its credit, the Congress largely rejected the approach outlined in the President's budget last year, but the Administration proposes more of the same for Fiscal Year 2007. The President's FY 2007 drug budget would further shift the emphasis from demand reduction to supply reduction and it repeats several proposals that would sharply undermine state and local drug enforcement efforts and federal-state-local partnerships.

The FY 2007 request devotes 35.5% to demand reduction and 64.5% to supply reduction. By comparison, the federal government spent 47% and 53% for these functions, respectively, in FY 2001. As you know, Mr. Chairman, I have been a vocal advocate for expanding access to drug treatment because we have proof that it works – not just in reducing and curtailing drug use, but in decreasing all of the negative consequences of drug abuse and the drug trade, including violent crime. The President's budget neglects prevention and treatment in favor of supply reduction programs that have yet to demonstrate a sustained impact on the availability of drugs on U.S. streets.

Even within the category of supply reduction, there has been a marked shift in the proportion of funds devoted to efforts beyond U.S. borders as compared to programs that support effective cooperation among federal, state, and local law enforcement within our borders. Overall, the request would increase funding for interdiction and international supply reduction programs by 7.1% and 12.6%, respectively, while support for domestic law enforcement would increase by just 1.6%.

One of my major concerns involves the President's proposal for the High Intensity Drug Trafficking Areas program, presently administered by the Office of National Drug Control Policy. I am most disappointed that the President's FY 2007 budget restates last year's proposal to move the HIDTA program out of ONDCP to the Justice Department, under the control of the Organized Crime and Drug Enforcement Task Force program.

Whereas the FY 2006 budget proposed to cut HIDTA funding by $128 million (more than half), the FY 2007 proposes a relatively modest $16.4 million decrease. Still, this would allow, at best, for level funding for all HIDTAs while eliminating discretionary funds to respond to urgent threats. However, there has been no indication from Justice concerning how it plans to allocate funding among the HIDTAs. In fact, we have yet to hear from the Justice Department that moving HIDTA there would be wise or desirable, from its point of view.

I remain troubled that the 2006 Strategy, while stating that the intent of the proposed move is to "re-focus" the program, provides no explanation of how this change will make the program more effective. To date, there has been no assurance from ONDCP or Justice that the HIDTA program, if moved, would retain the unique characteristics that enable it to foster effective, peer-level partnerships among participating federal, state, and local agencies.

In 2005, a bipartisan coalition of members joined the National HIDTA Directors Association in strongly opposing last year's proposal and this year's proposal has

received a similar response from those who know the program best. I am glad that we'll hear today from several HIDTA directors, including Mr. Tom Carr, who supervises the Washington-Baltimore HIDTA, an organization that makes such a vital contribution to drug enforcement efforts in and beyond my congressional district in Maryland.

Apart from HIDTA, the President proposes to cut ONDCP's funding of the Counterdrug Technology Assessment Center by $20.1 million. This 68% decrease from the FY 2007 appropriated amount reflects the proposed elimination of CTAC's Technology Transfer Program, which provides state and local law enforcement agencies with valuable equipment and training for deployments and operations.

The President's request also repeats last year's proposals to eliminate or reduce funding for key drug control programs within the Department of Justice that support federal, state, and local cooperation. The request proposes to eliminate the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The President proposes a more than one-third reduction in funding for the COPS Meth Hot Spots program, which allocates money for problem-oriented policing to combat the use and distribution of meth labs, including child endangerment programs, enforcement, drug courts, training and treatment.

Like last year, the Administration proposes to reduce funding for the Drug Enforcement Administration's (DEA) Mobile Enforcement Teams, through which DEA provides assistance to state and local law enforcement to address small toxic labs operating throughout the country, and to eliminate the DEA's Demand Reduction Program. Funding for the National Alliance for Model State Drug Laws also would be eliminated under the President's request.

Mr. Chairman, in my view, the President's plan to eliminate or scale back these vital programs raises serious questions about the depth of the Administration's commitment to reducing domestic demand for illegal drugs and supporting state and local drug enforcement efforts. Open to question is how vigorously ONDCP, as the primary shaper of federal drug control policy, has asserted its budget certification authority to defend and support programs that advance all three pillars of the National Drug Control Strategy.

Today's hearing provides an opportunity to question Administration officials and some of nation's most dedicated and knowledgeable law enforcement professionals concerning the policy decisions and priorities reflected in the President's FY 2007 drug control budget; about how data and performance effectiveness measures informed those decisions and priorities; and about whether the President's FY 2007 budget adequately supports the President's three-pillared Strategy.

I want to thank all our witnesses for appearing here today and I look forward to their testimony. ##

Mr. SOUDER. Ms. Watson.

Ms. WATSON. I thank you, Mr. Chairman, and thank you for holding this most important hearing on funding one of the key components of our Nation's fight against crime and drugs.

Adequate funding for essential programs within the Department of Justice is part of the many steps this Congress must take in helping eliminate danger on our streets. Drugs are the root cause of a significant amount of crime nationwide. Funding efforts to eliminate drug trafficking and use should be at the forefront of our national agenda.

Unfortunately, the President's budget for fiscal year 2007 eliminates many important youth violence and gang prevention programs. Among the casualties are funding for the Byrne grants intended to help State and local law enforcement control violent and drug-related crimes, funding for community-oriented policing programs that provide temporary grants to local police departments to hire additional officers, funding for juvenile accountability block grants intended to help States and localities improve their juvenile justice system, and funding for programs designed to reintegrate youthful offenders into their communities.

This is dangerously short-sighted. How are we to address the growing threat of youth and gang violence when the President's budget removes most of the Federal Government spending and drug prevention programs? In my own county, Los Angeles County, the use of semiautomatic handguns in gang-related killings has quadrupled. And a National League of Cities survey concluded that 72 percent of school violence is attributed to gang activity.

And I have a gun shop right in the middle of my district, in walking distance from a local middle school, that is out of compliance, and they just received a permit to continue to sell the guns. They are operating there legally, and they have been there 15 years. And I am very, very concerned about that because where you have guns and ammunition, you have drugs, and that will start a decline in the community. You go away 10 to 20 years, and that community will be annihilated.

So in its most disturbing manifestation, the reach of gangs and crime has just not become national, but international in scope. We all must be on guard and concerned by these disturbing trends in crime and drugs.

And so I want to thank again the Chair, and I want to thank those sitting at the table for your willingness to come and testify in order for us, all of us, to understand the dire need for the primary tools of our drug control and crime prevention policy to be adequately funded. This subcommittee will do everything in its power, I know, to help you get, and those others out there, the proper funding to fight the rampant crime problems in these United States. So I want you to please continue your diligent efforts to remove these detrimental activities from our communities.

And I yield back and, again, thank you, Mr. Chair.

Mr. SOUDER. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Mr. Chairman, again, thank you and Mr. Cummings. I wish more people in Congress would focus on this drug narcotics issue, and I am sure you do, too. Thank you for your leadership.

I agree with the chairman that the Federal dollars must not be wasted and that the Federal dollars that are used for these purposes are used to supplement, not replace, State and local funding sources. Just like last year, we are here once again discussing the administration's plan to cut or eliminate most Federal support for State and local enforcement efforts.

Now, I also believe that for the programs that have demonstrated their worth, shown to be effective and serve local and national priorities, these programs should be continued. In order to address deficiencies in any of these programs, redesigning or reforming the programs should be the first option before cutting or dismantling. In hearing after hearing we have heard from HIDTA personnel that the program is successful, and that drastically reducing funds for this program and moving it to the Department of Justice will do irrevocable damage to State and local law enforcement counterdrug efforts.

I am still not convinced by the argument that cutting HIDTA funding and moving what is left to Department of Justice will be better at keeping drugs off the street than we are doing right now. And again, like last year, the administration wished to cut all the funding for the Byrne grants programs. These grants are vital to State and local law enforcement agencies. The drug war will always be fought at the local level on our city streets, in suburban neighborhoods and in rural communities. This grant program encourages cooperation at all levels and allows communities to develop unique solutions for their own unique set of problems.

Now, in my old days, when I was a lot younger, I was an investigative prosecutor. I did a lot of drug work, and we found to be most effective when we could have Federal, State and local working as a team and having the sources that we worked that, getting the money from the Federal Government, because we found in most situations that it just wasn't within one jurisdiction. It was throughout the country. And I think it is a big mistake.

Another issue, and I am very concerned with and I will say it here, it might not be as relevant, is the issue of terrorism. We have to deal with the issue of terrorism. I am on the Intelligence Committee. I probably know as much as anybody about how serious that is. But we are taking moneys and resources away from drugs, and it is going to hurt us. You know, 85 percent of all violent crime is drug-related, and we have to keep our focus and keep our eye on the ball and keep the resources coming to the State and local if we are going to be effective in our battle against drugs.

So, Mr. Chairman, thank you for the hearing, and I yield back the balance of my time. Before I do that, though, before I yield, I do want to acknowledge Tom Carr, Director of HIDTA Washington-Baltimore. I have to go to another hearing now so I won't be able to hear his testimony, but we acknowledge our locals. Thank you.

Mr. SOUDER. I thank the gentleman for his tremendous interest in this subject.

I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record, and that any answers to written questions provided by the witnesses also be included in the record. Without objection, so ordered.

I also ask unanimous consent that all exhibits, documents and other materials referred to by the Members and the witnesses may be included in the hearing record, and that all Members be permitted to revise and extend their remarks. Without objection, it is so ordered.

Our first panel is composed of the Honorable Regina Schofield, Assistant Attorney General, Office of Justice Programs at the U.S. Department of Justice; the Honorable Stuart Nash, Associate Deputy Attorney General and Director of the Organized Crime Drug Enforcement Task Force at the U.S. Department of Justice; and the Honorable Scott Burns, Deputy Director of State and Local Affairs at Office of National Drug Control Policy.

As an oversight committee it is our standard practice to ask witnesses to testify under oath. So if you would stand and raise your right hands.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative.

I thank you for coming, and we will start with Ms. Schofield.

STATEMENTS OF REGINA SCHOFIELD, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS [OJP], U.S. DEPARTMENT OF JUSTICE; STUART NASH, ASSOCIATE DEPUTY ATTORNEY GENERAL AND DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE [OCDETF], U.S. DEPARTMENT OF JUSTICE; AND SCOTT BURNS, DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

STATEMENT OF REGINA SCHOFIELD

Ms. SCHOFIELD. Thank you.

Mr. Chairman, Mr. Cummings and Ms. Watson, I am Regina Schofield, the Assistant Attorney General for the Office of Justice Programs. I am pleased to be here this afternoon on behalf of the Attorney General, the U.S. Department of Justice, and especially the Office of Justice Programs to discuss the President's fiscal year 2007 drug control budget and his larger budget request.

Through my work at the Department of Health and Human Services, I learned of the devastating impact of substance abuse on our children, family and communities. My time at OJP has reinforced that understanding. I want to assure the subcommittee that I share its commitment to eliminate illegal drugs and drug abuse.

I realize that much of the subcommittee's focus today is on the Edward Byrne Memorial Justice Assistance Grant program [JAG]. As you're aware the President's budget does not include funding for JAG, consistent with our fiscal year 2006 request. I recognize the concern that this raises among Members of Congress, law enforcement and other interested parties. The decision to eliminate JAG was not made lightly. Given the current fiscal limitations we are all facing and the need to focus our resources on combating terrorism, the choice we made, while difficult, was necessary.

I ask that the JAG decision be looked at with the understanding that the program represents less than 1 percent of the funding spent by State and local governments on law enforcement. The de-

cision should also be examined in the context of our overall budget request.

We have asked for over $1.2 billion in discretionary grant assistance to State and local governments, including $66.6 million to strengthen our communities through programs providing services such as drug treatment. We would target those resources toward programs where we believe they can have the greatest impact.

We have requested $69.1 million for our Drug Court Discretionary Grant program, which is a $59.3 million increase over the fiscal year 2006 level. Drug courts use the power of the court to effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services for nonviolent substance-abusing offenders. Our fiscal year 2007 request would allow us to provide funding for more than 100 drug courts, which include starting new drug courts and improving existing ones. Our request will also provide training for hundreds more drug courts.

I have included many other examples from our budget request in my written testimony, which I ask be submitted for the record. In our budget request, we have also targeted initiatives that allow us to work together with State and local law enforcement to make the most of our limited resources, not just by working harder, but by working smarter. Our Regional Information-Sharing Systems program [RISS], helps local police working with State and Federal partners identify and share criminal intelligence. We currently have more than 7,300 member RISS agencies nationwide.

The training and technical assistance we provide is another way to make an impact with limited dollars. Training and technical assistance builds knowledge and expands capacity in the field, but it can also be the key to helping States and localities leverage or even save limited training dollars. This year OJP will develop a National Drug Endangered Children Resource Center, which will provide critical information to the Federal Government, States and local communities on how to best help children that have been hurt by drugs, including methamphetamine.

We also support the Center for Task Force Training, or CenTF, which provides training for law enforcement on drug task force management and investigative techniques. In response to law enforcement demand, we more than tripled the number of meth training courses offered nationwide during 2004 and 2005 for a total of up to 12 courses. Working together with State and local law enforcement, we have developed performance measures to gauge effectiveness of drug task forces. This was done through a partnership with the National Narcotics Officers' Associations' Coalition. The new performance measures will not only help State and local law enforcement evaluate these task forces, but also help us to plan and operate them more effectively.

The Coalition is one of many law enforcement organizations with which we have a close relationship. We are also in constant contact with State and local law enforcement agencies so that we can help them do their jobs more effectively.

The administration, and specifically the Department of Justice, share a commitment with our State and local law enforcement partners to making America's communities safe and secure. Both

our current activities and our fiscal year 2007 proposed budget reflect these priorities. Thank you again for the opportunity to be here today, and I would welcome the opportunity to answer any questions.

Mr. SOUDER. Thank you.

[The prepared statement of Ms. Schofield follows:]

Department of Justice

STATEMENT

OF

REGINA B. SCHOFIELD
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

"FY 2007 DRUG CONTROL BUDGET AND THE BYRNE GRANT, HIDTA, AND OTHER LAW ENFORCEMENT PROGRAMS: ARE WE JEOPARDIZING FEDERAL, STATE AND LOCAL COOPERATION?"

PRESENTED ON

MAY 23, 2006

STATEMENT
OF
REGINA B. SCHOFIELD
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

May 23, 2006

Mr. Chairman, Mr. Cummings, and Members of the Subcommittee: I am Regina B. Schofield, Assistant Attorney General for the Office of Justice Programs (OJP). I am pleased to be here today on behalf of the Department of Justice to talk about the President's Fiscal Year 2007 Drug Control budget and his larger budget request. I commend the Subcommittee for its attention to addressing drug abuse prevention, treatment and enforcement issues. Your deep concern over these issues is shared by this Administration, specifically by the Department of Justice.

The President's budget recognizes that the threat of illegal drugs and drug abuse is grave and affects not only the health and wellbeing of our communities and families, but even our national security, as drug trafficking is linked to the financing of certain terrorist groups. I realize that much of the Subcommittee's focus today is on the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The President's budget does not include funding for JAG. I recognize the concern this raises among Members of Congress, law enforcement, and other interested parties. The decision to eliminate JAG was not made lightly. Given the current

fiscal restraints we are all facing and the need to focus resources on combating terrorism, the choice we made, while difficult, was necessary.

I would hope that the JAG decision would be looked at in the context of our overall budget request. The Department of Justice's portion of the President's budget includes over $1.2 billion in discretionary grant assistance to state and local governments, including $66.6 million to strengthen communities through programs providing services such as drug treatment; $44.6 million to fight terrorism; $88.2 million to combat crime and violence; $214.8 million for law enforcement technology; and $209 million to support drug enforcement.

Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, OJP and its predecessor agencies have effectively provided federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims. From its inception, OJP has devoted substantial resources and programming to support state and local efforts to break the cycle of drug abuse and crime. We view our core mission to be that of promoting and supporting federal, state and local cooperation to address these vital issues.

OJP and the Office of Community Oriented Policing Services (COPS) support state and local law enforcement primarily through direct grant funding for state and local projects; training and technical assistance to help state and local jurisdictions build their crime fighting capacity and leverage resources; and development of cross-jurisdictional resources.

The budget request features investments in programs that are well known to this Subcommittee, including the Drug Court Discretionary Grant Program and the COPS

Methamphetamine Program.

For Fiscal Year 2007 we have requested a $59.3 million increase for the Drug Court program, for a total of $69.2 million. The Drug Court Discretionary Grant Program provides financial and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments to plan, implement, and enhance their drug courts. Drug courts use the coercive power of the court to effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services for non-violent, substance-abusing offenders. As you may be aware, drug courts started at the grassroots level in Florida, well before federal funding became available, and have grown to over 1,600 operating drug courts across the country today, with many more in the planning stage.

In Fiscal Year 2005 we funded 65 drug court projects. Also, through our Drug Court Planning Initiative, we provided training to an additional 215 communities across the country. In addition, we continued to provide funds to the National Institute of Drug Abuse to support the "E-Court-Web Project," which we expect to be completed this year. The project will enable drug courts to report critical data, including recidivism and graduation rates, directly to our Bureau of Justice Assistance (BJA).

In Fiscal Year 2006, due to a significant decrease in funding, we will be funding fewer drug court programs. But we will continue to provide training and technical assistance. We will also continue, through our National Institute of Justice, to support an extensive evaluation of 29 drug court projects. The $69.2 million we requested for Fiscal Year 2007 would allow us to provide funding for more than 100 drug courts and provide training for hundreds more.

The COPS Methamphetamine Program has provided a unique mix of direct funding, training, and technical assistance across the wide range of law enforcement activities. Since 1998, COPS has invested more than $385 million nationwide to combat the spread of methamphetamine, and has developed a problem-solving guide to help law enforcement develop proactive prevention strategies and to improve the overall response to clandestine drug labs. The $40 million requested for FY 2007 is intended to support state and local clandestine lab clean-up efforts.

The President's FY 2007 budget request includes other programs that relate to our nation's capacity to combat illegal drug use and drug abuse. We are requesting $29.8 million for the Southwest Border Prosecution program, which provides funding for local prosecutors' offices in the four states along the Southwest Border (California, New Mexico, Arizona, and Texas) for the costs incurred in processing, detaining, and prosecuting drug cases and other cases referred from federal arrests or federal investigations. Drug cases constitute about 30 percent of the cases referred by federal authorities. We are also requesting $10.7 million, more than doubling the current funding level, for the Domestic Cannabis Eradication and Suppression Program, which was recently moved from the Drug Enforcement Administration to OJP.

The Fiscal Year 2007 budget request includes $9.9 million, a $2.5 million increase from Fiscal Year 2006, for continuation of the Prescription Drug Monitoring Program, which helps states, local, and tribal governments prevent and detect the diversion and abuse of pharmaceutical controlled substances. At the conclusion of Fiscal Year 2005, 23 states had implemented monitoring programs with the support of this initiative. Forty-two jurisdictions

have received technical assistance that would help in establishing programs. We are also developing a model system that would enable states to easily share prescription drug monitoring information with each other.

As you may be aware, there is a particular need to address the high level of alcohol and substance abuse among Native Americans, which creates both significant law enforcement and health problems in tribal communities. The Department is again requesting that several tribal grant programs, including the Indian Alcohol and Substance Abuse Program, the Indian Country Prison Grants Program, and the Tribal Courts Program, be consolidated into a single tribal law enforcement grant program. This will enhance tribal communities' flexibility to address their unique law enforcement needs, including combating alcohol and drug abuse. For Fiscal Year 2007, we have requested $31.1 million for this new competitive program, which would be administered by COPS in consultation with OJP.

As important as direct program funding may be, we believe that the Department makes a tremendous impact on the safety of America's communities through the training and technical assistance we provide, as well as the insightful research and statistical information developed to inform criminal and juvenile justice practitioners and policy makers,. Training and technical assistance play a key role in enhancing practical operating capability in the field. This knowledge can also be the key to helping states and localities leverage, or even save, limited training dollars.

For example, BJA supports the Center for Task Force Training (CenTF). BJA developed and implemented the CenTF Program to increase the effectiveness of multi-jurisdictional narcotics task force management and enforcement efforts throughout the nation.

The program's objectives are to develop and refine curricula, deliver training, produce multimedia resources, and develop and maintain an informational Web site and Web-based resource center. CenTF provides training to law enforcement on drug task force management, investigation, and rave/club drug response. CenTF courses, including Narcotics Task Force Management and Methamphetamine Task Force Management, address basic investigative techniques and task force management issues such as personnel selection, handling confidential informants, and raid planning. The methamphetamine course also provides information specific to the chemicals required to manufacture methamphetamines, exposure risks, and suggestions on handling meth lab seizures. In 2005, more than 1,400 narcotics officers and task force commanders received this training, bringing the total number of task force commanders trained to 5,583.

In response to law enforcement demand, we more than tripled the number of methamphetamine training courses offered nationwide during 2004 and 2005, for a total of up to 12 courses offered in addition to three narcotics training courses. In Fiscal Year 2006, BJA will place emphasis on extending this training to tribal law enforcement officers throughout the U.S. Attorney General Gonzales recently announced that OJP will develop a new methamphetamine investigation training specifically tailored to tribal law enforcement. This new course will provide tribal law enforcement what they need to know to conduct successful and safe methamphetamine investigations. CenTF will deliver the training in ten locations throughout the U.S. in 2006 and 2007. We expect that several hundred tribal law enforcement officers will receive training through this initiative. Already, in the short time since the Attorney General's announcement, we have received many calls from tribal and non-tribal law

enforcement offering to host a CenTF methamphetamine course. While a goal of this training is to improve tribal law enforcement's methamphetamine investigations, we will also emphasize coordinating these investigations with relevant non-tribal enforcement.

We have received many reports of the effectiveness of CenTF. Last year, OJP told the Subcommittee how a St. Tammany Parish (Louisiana) Sheriff's Office credited the BJA Methamphetamine Investigation Management Workshop for helping make the largest methamphetamine bust in the history of southeastern Louisiana. These kinds of success stories continue and we continue to get very strong reviews from trainees as well.

This spring OJP, through our Office for Victims of Crime, will develop a National Drug Endangered Children Resource Center, which will provide critical information to the federal government, states, and local communities on how to best help children hurt by drugs, including methamphetamine. This effort will help drug enforcement officers and child welfare workers aid children found in environments where drugs are manufactured, sold, or used. The Resource Center will also raise awareness of these children's needs and provide a forum for leading experts and researchers to propose solutions.

In addition to direct funding and training and technical assistance, OJP supports state and local law enforcement through cross-jurisdictional efforts that can best be accomplished through federal capabilities. For example, the Regional Information Sharing Systems (RISS) program is made up of six regional intelligence centers that serve member state and local agencies in their respective geographic areas. The RISS centers facilitate and encourage information sharing and support to more than 7,300 city, county, state, tribal, and federal member agencies. RISS provides secure communications capabilities and other support, such

as investigative analysis products, specialized surveillance equipment loans, and confidential funds for undercover operations. RISS operates and maintains the only secure, nationwide information sharing system, known as RISSNet, available to state, federal, and tribal law enforcement agencies, which is controlled by its member agencies.

Officers accessing the RISSNet secure communications network can also access a number of High Intensity Drug Trafficking Areas (HIDTAs), a national gang intelligence data base (RISSGang), the National Drug Intelligence Center, as many as 23 state justice systems, and the National Virtual Pointer Index System, which is an all crimes deconfliction system. RISS's ATIX (Automated Trusted Information Exchange) allows non-traditional groups of users, such as medical facilities, limited access to the RISS Network in order to improve interagency communications, information sharing, and dissemination of threat information.

From 2003 through 2005, member agency investigations supported by RISS Center services resulted in over 14,000 arrests, seizure of $124 million in narcotics, and $46 million in seized currency and property. In 2005, RISS played a key role in establishing our National Sex Offender Public Registry, a Web site that enables law enforcement and citizens to search already existing state and territory public sex offender registries. RISS also provided logistical support to law enforcement in areas damaged by Hurricane Katrina.

The President's Fiscal Year 2007 budget includes $39.7 million for RISS, virtually maintaining the Fiscal Year 2006 funding level. The money will be used to provide increased intelligence and forensic services for state and local law enforcement. We anticipate that by the end of Fiscal Year 2007, more than half of the nation's 17,784 state and local law enforcement agencies will be RISS members.

OJP's Community Capacity Development Office administers Operation Weed and Seed (Weed and Seed), which is a cross-jurisdictional strategy that aims to prevent, control and reduce violent crime, drug abuse and gang activity in designated high-crime neighborhoods across the country. Weed and Seed sites range in size from several neighborhood blocks to a few square miles.

The strategy involves a two-pronged approach: law enforcement agencies and prosecutors cooperate in "weeding out" violent crime and drug abuse; and "seeding" by bringing human services to the area to facilitate prevention, intervention, treatment and neighborhood revitalization. A community oriented policing component bridges the weeding strategies. The President's 2007 Budget seeks $49.3 million for the initiative, virtually maintaining the Fiscal Year 2006 funding level.

Weed and Seed's approach of coordination and collaboration across disciplinary and jurisdictional lines enables communities to craft local strategies to prevent substance abuse.

We know that we cannot effectively combat substance abuse without also reducing gang activity and gun violence. Through our Project Safe Neighborhoods (PSN) Initiative, we have awarded more than $250 million since 2001 to the 94 U.S. Attorneys Districts. The U.S. Attorneys, working with local law enforcement and other officials, tailor their PSN strategy to fit the districts' unique violent crime problems. Violent gang members and criminals who use guns are prosecuted under federal, state or local laws, depending on which jurisdiction can provide the most appropriate punishment. Each district engages in deterrence and prevention efforts through community outreach and media campaigns, and ensures that law enforcement and prosecutors have the training necessary to make the program work.

Since 2001, PSN funds have helped hire more than 500 state and local gun crime prosecutors. At the national level, we have also trained more than 19,000 law enforcement officers and others across the nation in appropriate gun crime investigation methods. Grants also support locally-based training for thousands more officers, prosecutors and community members. This year we will award an additional $10 million in state and local grants for gun crime reduction efforts under PSN.

The President's 2007 Budget expands the PSN program to include a focus on gangs. In parallel with this new focus, on February 15, 2006, Attorney General Gonzales announced the award of approximately $30 million in state and local grants and training and technical assistance to support Project Safe Neighborhoods efforts to combat gang violence. These efforts under PSN will complement other Department anti-gang initiatives, such as the Attorney General's comprehensive Anti-Gang Initiative, which will focus anti-gang resources on prevention, enforcement and offender reentry efforts in six sites throughout the country: Los Angeles, Tampa, Cleveland, Dallas/Ft. Worth, Milwaukee and the "222 Corridor" that stretches from Easton to Lancaster in Pennsylvania. The Department is committing $15 million to support this comprehensive initiative.

The President's proposed FY 2007 budget requests $395 million for PSN, including $59 million for the critical State and Local Gun Violence Assistance program, which supports PSN's law enforcement and community partners in their efforts to combat violent gangs and gun crimes.

Overall, while the budget request reflects reductions and elimination of some grant programs that provide direct funding to state and local agencies, we believe the investments

we are proposing represent a continued commitment to the success of state and local programming, while mindful of our dual goals of public safety and economic prosperity. Through careful planning and close coordination on the federal, state, and local level we can make the most out of the resources that are available – not just working harder, but working smarter.

As you may be aware, before starting at my current position, I had a long career at the Department of Health and Human Services (HHS). Through my work there I learned of the devastating impact of substance abuse on our children, families, and communities. My time at OJP has reinforced that understanding. I want to assure the Subcommittee that I share its commitment to eliminate the scourge of illegal drugs and drug abuse. In doing so I am also expressing the continued commitment of the Administration, specifically the Department of Justice, to work with our state and local partners. Together, we can take on substance abuse, gun violence, gang violence, and other crimes. Together, we can make America safer for all of us.

Mr. SOUDER. Mr. Nash.

STATEMENT OF STUART NASH

Mr. NASH. Chairman Souder, Ranking Member Cummings and distinguished Members of Congress, I am pleased to appear before you today.

Before I proceed, I want to thank this subcommittee for its strong commitment to oversight of the Nation's drug enforcement efforts.

As you know, the President's budget request proposes transferring the HIDTA program from the Office of National Drug Control Policy to the Department of Justice. The Department of Justice views the President's proposal as a tremendous opportunity for DOJ and HIDTA to forge an enduring and productive partnership.

In our view, HIDTA's ability to marshal the skills and intelligence of Federal, State and local law enforcement agencies and to coordinate those efforts in a manner conducive to the law enforcement landscape in particular areas of the country has led to important successes in the drug enforcement field. The transfer of HIDTA to the Department of Justice would allow both HIDTA and DOJ to pursue drug enforcement more effectively. The transfer would permit more comprehensive coordination, enhanced deconfliction, more extensive intelligence sharing, and more effective strategic planning between HIDTA initiatives and the drug enforcement efforts being pursued by the Department of Justice.

Several misconceptions have arisen as to what the President's proposal entails. First and foremost, the President's proposal is not a proposal to merge the HIDTA program with OCDETF. OCDETF, as you know, is the Organized Crime Drug Enforcement Task Force program, and it is the centerpiece of DOJ's drug control efforts. OCDETF is charged with coordinating all the elements of the Federal Government involved in drug enforcement, including DOJ, the Department of Treasury, and the Department of Homeland Security in concerted efforts against the largest national and international drug-trafficking and money-laundering organizations.

If the HIDTA program were to be transferred to DOJ, DOJ has committed that HIDTA would be administered as a freestanding program completely independent of OCDETF. In this connection, I think it is necessary to explain my own status as a witness here today. I am Director of the OCDETF program; however, I am also Associate Deputy Attorney General serving on the Deputy Attorney General's staff, and advising him on all matters related to counternarcotics and asset forfeiture policy. It is in that second role that I am here testifying today, on behalf of Deputy Attorney General Paul McNulty as his counternarcotics advisor. The fact that I also happen to be the Director of OCDETF should not be taken as any kind of signal that, contrary to our specific representations, OCDETF would somehow be involved in DOJ's management of the HIDTA program.

Another misconception regarding the President's proposal is, if granted management of HIDTA, that the Department of Justice would impose rigid centralized controls over the program, depriving the individual HIDTAs of their ability to tailor their operations to the needs of their specific geographic areas. DOJ recognizes that

HIDTA is specifically designed to allow State and local law enforcement to participate equally with Federal agencies in defining the local drug threats and to craft localized solutions to combat those threats. Decentralized decisionmaking is woven into the very makeup of the HIDTA program.

Finally, there is a misconception that DOJ would use its stewardship of the HIDTA program to unfairly direct HIDTA assets to benefit drug enforcement activities pursued by the DOJ components to the exclusion of the State and locals. However, DOJ has committed to the bedrock principle that Federal agencies on the one hand, and State and local agencies on the other, should have an equal voice in managing their individual HIDTAs. DOJ appreciates as clearly as anyone how counterproductive it would be for us to alienate our State and local partners, or, for that matter, our non-Justice Federal partners, thereby losing their invaluable contributions to the shared enterprise of drug enforcement.

Mr. Chairman, as you were aware, in February Mr. McNulty came to Capitol Hill to meet with you on this issue. Later that month he met and spoke with the HIDTA Directors at their annual conference outlining his commitment to the HIDTA program. Mr. McNulty followed this meeting with an individual letter to each of the HIDTA Directors requesting any input they might have on this topic. And he and members of his staff, including me, have continued meeting with HIDTA leadership, State and local law enforcement and congressional staff to get their views on this issue.

Based on our initial meetings, the Department has developed certain fundamental principles that will guide DOJ's administration of the HIDTA program. Among these are HIDTA will remain as a separate program within the Department with its own budget and an independent management structure. HIDTA executive boards will retain equal representation between Federal agencies and State and local law enforcement. Assuming passage of the President's fiscal year 2007 budget request, DOJ will retain all of the existing 28 HIDTAs. Each HIDTA executive board will retain discretion to make its own funding decisions regarding the resources allocated to it.

In closing, I want to emphasize that the Department believes that the HIDTA program is a valuable tool in our Nation's efforts to investigate and prosecute drug traffickers. The Department will continue to strongly support the HIDTA program and will work with its leadership to develop new initiatives to vigorously enforce our Nation's drug laws.

Thank you for your attention to this important issue and the opportunity to testify here today, and I am happy to answer any questions that you might have.

[The prepared statement of Mr. Nash follows:]

Department of Justice

STATEMENT

OF

STUART G. NASH
ASSOCIATE DEPUTY ATTORNEY GENERAL
DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

"THE FY 2007 DRUG CONTROL BUDGET AND THE BYRNE GRANT, HIDTA, AND OTHER LAW ENFORCEMENT PROGRAMS: ARE WE JEOPARDIZING FEDERAL, STATE AND LOCAL COOPERATION?"

PRESENTED ON

MAY 23, 2006

Statement of Stuart G. Nash
Associate Deputy Attorney General
Office of the Deputy Attorney General
Before the
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Of the
Committee on Government Reform
May 23, 2006

Chairman Souder, Ranking Member Cummings, and distinguished Members of Congress: I am Stuart G. Nash, Associate Deputy Attorney General in the Office of the Deputy Attorney General. I am pleased to appear before you today to discuss the President's Fiscal Year 2007 Drug Control budget, and specifically the President's proposal to transfer the High Intensity Drug Trafficking Area (HIDTA) Program to the Department of Justice (DOJ). Before I proceed, I want to thank the Subcommittee for its commitment to oversight of this nation's drug enforcement efforts.

Overview

As you know, the President's FY 2007 Budget proposes transferring the HIDTA Program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice.

The Department of Justice views the President's proposal as a tremendous opportunity for DOJ and HIDTA to forge an enduring and productive partnership. In our view, HIDTA's ability to marshal the various skills, intelligence, and competencies of federal, state, and local law enforcement, and to coordinate those efforts in a manner conducive to the law enforcement landscape in particular areas of the country, has led to important successes in the drug enforcement field. Through these successes, HIDTA has demonstrated its ability to target a variety of threats impacting the local communities that the Program was designed to serve.

In the fifteen years since the HIDTA Program was established, however, we have come to recognize that the vast majority of these so-called "local" threats are actually, closely connected to the large national and international drug trafficking organizations. The illegal drug trade we see today exists without distinction between any previously perceived boundaries between "local," "national," and "international" threats. Insistence on maintaining such boundaries is unnecessarily complicating our drug enforcement efforts.

Simply put, by working together in the same Department, both HIDTA and DOJ will be more effective. The transfer of the HIDTA Program to DOJ would permit more comprehensive coordination, enhanced de-confliction, more extensive intelligence sharing, and more effective strategic planning between HIDTA initiatives and the drug enforcement efforts being pursued by DOJ.

The transfer of the HIDTA Program to DOJ would bring significant benefits, both to DOJ and to HIDTA, by allowing closer cooperation between the Programs. HIDTAs would receive the benefit of DOJ's established law enforcement resources, including ready access to the many federal agents and prosecutors who have dedicated their lives to drug enforcement efforts. Equally importantly,

HIDTAs would gain access to the extensive network of drug intelligence that is developed and maintained by the DOJ components dedicated to drug enforcement. DOJ, in turn, would receive the benefit of more extensive information-sharing and better de-confliction relative to the many jointly pursued targets. In sum, closer cooperation would create numerous opportunities for both programs to leverage their respective strengths for the benefit of communities throughout the nation.

Misconceptions

Before delving into greater detail on the benefits that we believe would accrue to drug enforcement generally from more closely aligning the efforts of HIDTA and the Department of Justice, it should be noted that several misconceptions have arisen as to what the President's proposal entails. It is worth taking a few moments to correct these misconceptions.

First, and foremost, the President's proposal is not a proposal to merge the HIDTA Program with OCDETF. OCDETF, as you know, is the Organized Crime Drug Enforcement Task Force Program, and it is currently the centerpiece of DOJ's drug enforcement strategy. OCDETF is a program that implements Administration policy by coordinating all the drug enforcement elements of the federal government – including DOJ, the Department of Treasury and the Department of Homeland Security – in concerted efforts against the largest national and international drug-trafficking and money-laundering organizations.

DOJ has no intention of merging the HIDTA Program with OCDETF. If the HIDTA Program were to be transferred to the Department of Justice, DOJ has committed to maintain HIDTA as a free-standing, independent program.

Indeed, if the HIDTA Program were to come to Justice, it would, like the OCDETF Program, be managed out of the Office of the Deputy Attorney General – the number two ranking official in the Department of Justice. The benefits of this arrangement for the HIDTA Program would be substantial. At the beginning of this Administration, the OCDETF Program was elevated out of the Criminal Division, to the Office of the Deputy Attorney General, to raise the profile of the Program, and to ensure the Program's visibility, and access to, the senior leadership of the Department. The placement of OCDETF in the Deputy Attorney General's Office has had its intended effect – ensuring that OCDETF, and drug enforcement generally, remains front and center as a top priority of the Departmental leadership. The HIDTA Program would similarly be accorded a place in the Deputy Attorney General's Office – with all that benefits that accrue from such a placement -- and thus would exist at DOJ on par with, but independent from, the OCDETF Program.

In this connection, I think it is necessary to explain my own status as a witness here today. I wear two hats at the Department of Justice. I am Director of the OCDETF Program. However, I am also an Associate Deputy Attorney General, serving on the Deputy Attorney General's staff, and advising him on matters related to counter-narcotics and asset forfeiture policy. It is this second role that makes me the appropriate individual to come before you and to testify, on behalf of the Deputy Attorney General, as to what DOJ's plan would be for operation of the HIDTA Program. The fact that I also happen to be the Director of OCDETF should, in no way, suggest that, contrary to our specific representations, OCDETF would somehow be involved in supervising the management of the HIDTA Program. I am simply here, testifying before you, in my capacity as the Deputy Attorney General's advisor on all drug-related issues.

Another misconception is that, if granted management of the HIDTA Program, the Department of Justice would impose rigid, centralized controls over the program, depriving the individual HIDTAs of their ability to tailor their operations to the needs of their specific geographic areas. Critics of this transfer have suggested that the Department of Justice would administer the HIDTA program using OCDETF as a model. This assumption is misguided. The comparison between the way that the Department of Justice administers the OCDETF program and the way that the Department would administer the HIDTA program is inapt. OCDETF is the program through which the federal government pursues an important, but narrow aspect of the overall drug enforcement effort – an attack on the largest national and international drug-trafficking and money-laundering organizations. While state and local law enforcement are important participants in the vast majority of OCDETF cases, OCDETF exists principally for the purpose of coordinating efforts among the federal agencies.

The mission of HIDTA is not only broader – "to combat drug trafficking and its harmful consequences in critical regions of the United States" – but the program is specifically designed to allow the state and local law enforcement participants to define, on an equal footing with their federal counterparts, the local drug threats, and to craft localized solutions to combat those threats. De-centralized decision-making is an integral part of that system and, indeed, is woven into the very make-up of the Program. Even if the Department were so inclined, the structure of HIDTA would not permit us to rigidly centralize decision-making over the HIDTA Program. The Department of Justice recognizes that the key to the strength of the HIDTA program is de-centralized decision-making. For example, the Appalachia HIDTA focuses on eliminating the growth of marijuana on public lands, while the Central Valley California HIDTA concentrates eliminating the production and distribution of methamphetamine. Likewise, the Southwest Border HIDTA focuses on the cross-border importation of all drugs. Obviously, it would be nonsensical for anyone, including DOJ, to attempt to standardize the efforts of the HIDTAs, each of which faces a unique combination of threats.

Finally, there is a misconception that DOJ would use its stewardship of the HIDTA program to unfairly direct HIDTA assets to benefit drug enforcement activities pursued by the DOJ components (to the exclusion of the state and locals and/or other federal agencies). Again, it is difficult to see how this could realistically be accomplished. The HIDTA Program is built on the premise that federal agencies (on the one hand) and state and local agencies (on the other) should have an equal voice in managing their individual HIDTAs. Each HIDTA has an Executive Board, composed equally of federal and state and local representatives, which makes decisions regarding the expenditures of funds by that HIDTA. DOJ has guaranteed that this bedrock principle of the HIDTA Program – the equal representation of federal agencies and state and locals – will be preserved.

More importantly, the involvement of state and local agencies is essential to the successful pursuit of federal drug enforcement efforts. The very purpose of the HIDTA Program is to foster coordinated efforts between the levels of government. DOJ recognizes, as clearly as anyone, how counterproductive it would be to alienate our state and local partners (or, for that matter, our non-Justice federal partners) thereby losing their invaluable contribution to this shared enterprise.

The DOJ Plan

The Department of Justice has, since the President's Budget was announced in February, engaged in an active effort to solicit input from all affected parties as to how the HIDTA Program could best be administered by DOJ.

Mr. Chairman, as you are aware, within days of the budget announcement, members of the Deputy Attorney General's staff, including myself, reached out to members of your staff, and the staffs of other Members who had expressed concern with this proposal, to get input as to how the HIDTA Program could best be administered by DOJ. Within two weeks of the budget announcement, the Deputy Attorney General himself came to Capitol Hill to meet with you, Mr. Chairman, to get your thoughts about the transfer of the HIDTA program. Later in February, the Deputy Attorney General met and spoke with the HIDTA Directors at their annual conference in Washington, D.C., outlining his commitment to the Program, and fielding questions from them about what DOJ would do with the Program if it were, in fact, transferred. The Deputy Attorney General followed this meeting with an individual letter to each of the HIDTA Directors, requesting any thoughts they might have about the most effective way the HIDTA Program could function within the Department of Justice. The Deputy Attorney General and members of his staff, including me, have continued meeting with various HIDTA leadership, state and local law enforcement, and Congressional staff to get their views on this issue.

Based on our initial meetings, the Department has developed certain fundamental principles that will guide DOJ's administration of the HIDTA Program – if the President's proposal is adopted. Certainly, the Department has not yet developed a detailed operational plan for the HIDTA Program nor would it have been appropriate to do so at this point. It is important that, before such a plan is finalized, we have a full and candid discussion with all the affected parties concerning how the Program can best be administered. DOJ looks forward to a continuing dialogue on this issue. In the meantime, the following fundamental principles provide a clear picture of what the HIDTA Program would look like under the administration of the Department of Justice:

Principles

- As stated earlier, the Department intends to maintain HIDTA as a separate program within the Department with its own budget and an independent management structure, residing within the Office of the Deputy Attorney General.

- HIDTA will continue to operate as a grant program, with resources flowing from the Department to independent grant fiduciaries.

- The Department intends that HIDTA Executive Boards will retain equal federal and state/local representation, to preserve equitable allocation of HIDTA resources.

- The Department will explore ways to enhance coordination and strategic planning between HIDTA sites, such as creating geographic zones to coordinate initiatives among and between HIDTAs within each zone.

- Assuming passage of the President's FY 2007 budget request, DOJ will retain all of the existing 28 HIDTAs.

- Each HIDTA will be funded at a significant percentage of their Fiscal Year 2006 level (dependent on the enacted appropriation), with additional discretionary funding available on a competitive basis.

- Each HIDTA Executive Board will retain discretion to make its own funding decisions regarding the resources allocated to it. However, performance measures will be rigorously applied to ensure accountability for the use of all resources. Grants that, over a reasonable time period, fail to show demonstrable results would be redirected to more productive uses.

- In order to achieve maximum impact, HIDTAs will be encouraged to coordinate enforcement initiatives more closely with other Department crime fighting initiatives, including Project Safe Neighborhoods, the Safe Streets Violent Gang Task Forces, and the Organized Crime Drug Enforcement Task Forces.

DOJ and HIDTA

On February 15, 2006, the Attorney General reiterated that targeting and reducing the drug supply is one of the Department of Justice's top priorities. The Department is determined to reduce the threat, trafficking and violence caused by illegal drugs and to break the cycle of drugs and violence by reducing both the demand for and availability of illegal drugs. To this end, the Department is confident that HIDTA must play an integral role in achieving this goal. In particular, HIDTA's essential role in partnering the federal government with state and local law enforcement efforts and the Program's unique ability to tailor its efforts to regional threats, makes HIDTA an essential piece of the federal drug enforcement strategy.

Coordination and de-confliction of enforcement efforts against sophisticated, geographically dispersed, multi-faceted criminal organizations, such as drug conspiracies, is one of the most difficult tasks currently facing law enforcement. Even when the coordination required is between the field divisions of a single agency, such coordination is extremely difficult to accomplish effectively. When coordination is attempted between agencies, the difficulties increase exponentially. Coordination and de-confliction between HIDTA and investigations being pursued by DOJ components or other OCDETF agencies would improve dramatically by moving the Program to the Department of Justice.

Similarly, there would be significant gains in the intelligence capabilities of both DOJ and HIDTA if HIDTA were administered by DOJ, and barriers to sharing intelligence between the programs were thereby reduced. Linking the HIDTA Program to the Department's drug enforcement efforts would facilitate a strategic, intelligence-driven approach to eradicating local and regional drug threats, while enabling unprecedented intelligence coordination on a national level, in support of efforts to disrupt and dismantle the most significant drug trafficking organizations.

Because drug trafficking organizations are criminal organizations of opportunity, drug law enforcement often overlaps with efforts to investigate other criminality such as gang activity and violent crime. As a result, HIDTA investigations naturally produce valuable intelligence regarding crimes that will impact other Department of Justice initiatives such as OCDETF, the Safe Streets Violent Gang Task Forces (SSVGTF), and Project Safe Neighborhoods (PSN).

Likewise, Department programs will generate intelligence impacting HIDTA initiatives. Housing all of these initiatives in one Department will place the federal government in the best position to share intelligence and leverage resources across programs. For example, a HIDTA investigation targeting a local methamphetamine trafficking organization might produce intelligence identifying ties to a national gang. Rather than pursue this investigation as a localized drug conspiracy, the HIDTA could partner with the SSVGTF, making it more likely that this collaborative investigation will completely dismantle all aspects of the gang's criminal activity. In doing so, the investigation also may result in more significant charges against the organization and ultimately, longer sentences.

Finally, on the level of policy and resource allocation, HIDTA and OCDETF complement one another. Significant gains can be made by allowing a single entity, in this case the Office of the Deputy Attorney General, to array the resources of these two significant drug enforcement programs in a manner that allows them to support one another, without unnecessarily duplicating efforts. The result will be a more effective attack on the entire spectrum of drug crime.

Conclusion

In closing, I want to emphasize that the Department believes the HIDTA Program is a valuable tool in our nation's efforts to investigate and prosecute drug traffickers. Drug trafficking is a multi-dimensional problem and therefore, necessitates a multi-faceted law enforcement strategy. One aspect of this strategy is for federal agencies to work with their state and local counterparts to target local threats, and where possible, to use the intelligence gathered at the local level to expand those cases to the regional and national level. With its state and local partnerships, the HIDTA Program is uniquely positioned to promote this strategy. The President's proposal is designed to assist the HIDTA Program in fulfilling this role more efficiently and effectively.

The HIDTA Program has made numerous valuable contributions to our overall drug enforcement effort. The Department will continue to strongly support the HIDTA Program and work with its leadership to develop new initiatives for vigorous implementation of our National Drug Control Strategy.

Thank you for your attention to this important issue and the opportunity to testify here today. I will be happy to answer any questions you may have.

Mr. SOUDER. Mr. Burns.

STATEMENT OF SCOTT BURNS

Mr. BURNS. Chairman Souder, Ranking Member Cummings, distinguished members of the subcommittee, thank you for the opportunity to appear before you today in support of the President's fiscal year 2007 national drug control budget. I want to thank the subcommittee for its strong bipartisan commitment to our shared national goal of reducing drug use in America, especially among our youth.

You have inquired about the fact that for 2007, the budget proposes transferring the High Intensity Drug Trafficking Area [HIDTA], program currently operated by the Office of National Drug Control Policy to the Department of Justice. The administration's basis for this transfer is to ensure better coordination with the Organized Crime and Drug Enforcement Task Force and the Department of Justice's many other drug enforcement efforts. That's where DEA is. That's where the FBI is, that's where the U.S. marshals and Alcohol, Tobacco and Firearms and the National Drug Intelligence Center, NDIC, are.

The administration believes that the Department of Justice's management and oversight of the program will ensure that we are fully utilizing all resources and programs to their fullest potential to achieve the common goal of market disruption of illegal drugs. The administration will preserve important elements of the programs such as intelligence sharing and fostering multiagency and multijurisdictional law enforcement coordination among Federal, State and local agencies and officials.

The Department of Justice has ensured it will make certain that the HIDTA program plays a key role in our Nation's drug enforcement efforts, particularly those involving coordination with State and local departments, and do that in a manner that complements the activities of other existing programs and of individual agencies involved in drug enforcement.

The 2007 budget proposes $207.6 million for HIDTA as a distinct activity within the Department of Justice. And as was mentioned earlier by you, Mr. Chairman, and Ranking Member Cummings, that's level funding.

I would concur with the Department of Justice statement by Mr. Nash and the written testimony that the HIDTA program is clearly a valuable tool in our Nation's efforts to investigate and prosecute drug traffickers.

And in closing, I know that you have covered many aspects of the President's fiscal year 2007 Federal drug control budget with the Office of National Drug Control Policy Director John Walters, but I think that it is important to note that the President's 2007 drug control budget request is $12.6 billion. That's an increase of $80.6 million over fiscal year 2006 enacted level.

Again, I thank you for the opportunity to appear before you today and look forward to answering any questions you or the members of the committee may have.

[The prepared statement of Mr. Burns follows:]

Statement by Scott M. Burns
Deputy Director for State and Local Affairs
White House Office of National Drug Control Policy
Before the House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
May 23, 2006

Chairman Souder, Ranking Member Cummings, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today in support of the President's Fiscal Year 2007 National Drug Control Budget. I thank the Subcommittee for its strong bipartisan commitment to our shared national goal of reducing drug use in America, especially among our youth.

High Intensity Drug Trafficking Area (HIDTA) program

For 2007, the Budget proposes transferring the High-Intensity Drug Trafficking Area (HIDTA) program, currently operated by the Office of National Drug Control Policy, to the Department of Justice (DOJ). The Administration's basis for this transfer is to ensure better coordination with the Organized Crime and Drug Enforcement Task Force (OCDETF) and the Department's many drug enforcement efforts. The Administration believes that DOJ's management and oversight of the program will ensure that we are fully utilizing all resources and programs to their fullest potential to achieve the common goal of market disruption for illegal drugs. The Administration will preserve important elements of the program, such as intelligence sharing and fostering multi-agency and multi-jurisdictional law enforcement coordination among Federal, State, and local agencies and officials.

DOJ will make certain that the HIDTA program plays a key role in our Nation's drug enforcement efforts, particularly those involving coordination with State and local departments, in a manner that complements the activities of other existing programs, like OCDETF, and of individual agencies involved in drug enforcement. The 2007 Budget proposes $207.6 million for HIDTA as a distinct activity within DOJ.

Edward Byrne Memorial Justice Assistance Grants

As noted in testimony from my colleague from the Department of Justice, the FY 2007 budget proposes elimination of the Byrne Memorial Justice Assistance Grants. Over $1.2 billion in discretionary grant assistance is available for state and local law enforcement through the U.S. Department of Justice for many of the same purposes JAG funded, such as training and equipment that logically cross-cut crime and drug issues. The Administration is additionally committed to providing funding to State and local entities for terrorism preparedness programs, primarily through the Department of Homeland Security. The DOJ Fiscal Year 2007 President's Budget request provides over $1.2 billion in discretionary grant assistance to State, local and tribal governments, including

$44.6 million to fight terrorism; $66.6 million to strengthen communities through programs providing services such as drug treatment; $88.2 million to combat violence, including enhancements to Project Safe Neighborhoods; $409.2 million to assist crime victims; $214.8 million for law enforcement technology, including funding to continue and further develop the Administration's DNA initiative; and $209 million to support drug enforcement, including funding to continue and expand the Southwest Border Drug Prosecution Program. To help States plan or implement prescription drug monitoring programs, the Harold Rogers Prescription Drug Monitoring Program request is $9.9 million, while $40 million is requested for the cleanup of methamphetamine labs. In addition, the request for the Cannabis Eradication Program is $10.713 million, an increase of nearly $6 million.

Methamphetamine

Since the early 1990s, and especially over the last few years, the use of methamphetamine has become a severe and troubling problem, both at the national level and in affected communities. In October 2004 the Federal government released the *National Synthetic Drugs Action Plan*, a comprehensive national plan for addressing the problems of synthetic and pharmaceutical drug trafficking and abuse. Next week, the Administration will release the 2006 *Synthetic Drug Control Strategy*, which is a strategy for responding to the use, production and trafficking of methamphetamine, and the non-medical use of controlled substance prescription drugs.

Although there has been concern over the increase in domestic laboratories until 2004, there has also been good news. On the one hand, the number of methamphetamine laboratories appears to have peaked in 2004 with more than 17,500 domestic laboratory incidents. But domestic laboratory numbers appear to have taken a sharp downturn in 2005, thanks largely to innovative strategies employed by the States. After peaking with more than 17,500 laboratory incidents reported in 2004, data for first ten months of 2005[1] show a substantial and significant reduction in methamphetamine laboratory incidents (15,203 in the first ten months of 2004, compared to 11,189 in the first ten months of 2005 – a 26.4% reduction). Since 2002, the number of domestic "super labs" reported—those methamphetamine laboratories with a production capacity estimated at 10 or more pounds within a 24-hour period—has posted a dramatic decline, falling from 144 in 2002 to just 38 in 2005, due both to joint DEA and Canadian RCMP law enforcement interventions to stem the smuggling of pseudoephedrine into the United States and to aggressive domestic investigations by Federal, State and local law enforcement. With a new anti-methamphetamine law, the Combat Methamphetamine Epidemic Act ("Combat Meth Act"), recently enacted by the United States Congress and signed by the President on March 9—the strongest Federal anti-methamphetamine legislation enacted in our Nation's history—the Administration seeks to continue such reductions.

[1] Methamphetamine laboratory numbers tend to be complete after six months. As of the date of this testimony, methamphetamine laboratory number data was current through October 2005.

Other positive developments include decreases in the past-month use of any illicit drug among youth[2] by 19 percent[3] and past month use of methamphetamine use by 36 percent[4] since 2001. This tracks good news regarding other youth drug use. Similarly, the use of steroids dropped dramatically among youth from 2001 to 2005 with the use of steroids down 38 percent, 37 percent, and 30 percent for lifetime, past year, and past month use, respectively. The past-month use among teens of hallucinogens and LSD use is down by nearly two-thirds, as is past-month Ecstasy (3, 4 methylenedioxy-methamphetamine, or MDMA) use. Marijuana use has also dropped in all three categories: 13 percent for lifetime use, 15 percent for past year use, and 19 percent for 30-day use, decreasing 28 percent among 8th graders (from 9.2 percent to 6.6 percent), and 23 percent among 10th graders (from 19.8 percent to 15.2 percent).

Working with our international allies has taken on additional importance because the market share held by domestic methamphetamine laboratory operators looks to be decreasing. This is thanks to innovative strategies employed by the States. We expect this trend to continue, thanks to the leadership of the Congress in passing, and President in signing, the Combat Meth Act.

On the international front, in March 2006 the Administration, after consultation with an array of interested nations, successfully pushed through a resolution on synthetic drug precursors, particularly methamphetamine precursors, at the annual meeting of the United Nations Commission on Narcotic Drugs (CND). The U.S.-sponsored CND resolution will greatly advance the rapid exchange of detailed precursor shipment information and will lead to reduced diversion of meth precursors.

Federal efforts have also had a dramatic effect on the fight against methamphetamine. The High Intensity Drug Trafficking Area (HIDTA) program has 96 initiatives that are specifically focused on methamphetamine—the largest number of initiatives focused on any single drug. Further, the President's 2007 Budget includes $40.1 million for Meth lab clean-up, an increase of $20.3 million over the 2006 enacted level. In addition, DEA has taken steps to counter the methamphetamine threat. DEA conducted *Operation Wildfire*, a sweep operation conducted with state and local law enforcement partners in more than 200 cities across the United States that resulted in 427 arrests and the seizure of more than 208 pounds of methamphetamine.

Thank you for the opportunity to testify.

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[2] "Youth" refers to 8th, 10th, and 12th graders, the populations measured by the *Monitoring the Future* study.
[3] 2005 *Monitoring the Future*. Special analysis conducted for the Office of National Drug Control Policy by MTF researchers.
[4] Ibid.

Mr. SOUDER. I thank you all.

Let me start with a few general comments, that this subcommittee has jurisdiction over the Department of Justice as a whole, and obviously our primary focus, because it was the choice of the leadership to make this committee a drug committee because it was divided up into so many different ones, and similarly, that was why we created the Office of the National Drug Control Policy, that at some point—and I want to make sure I state this on the record. I am a strong believer in OCDETF. OCDETF has done a great job in its task. I believe that the drug courts have been a phenomenal impact at the local level, and it is something we need to look at expanding. I believe that Bureau of Justice Assistance in looking at—for example, in my district, the number of people coming out of prisons is overwhelming certain neighborhoods, and the ability to try to reach these people while they are in prison, to try to transition out—most of them, by the way, are there for drug and alcohol-related reasons, but as they come back in, if we didn't have these kind of programs to figure out how we are going to deal with it, I don't know what we would do.

This isn't about the other programs. What we are focused here right now is more directly on the narcotics efforts, some of which overlap, and some of which don't overlap. So—and let me also say it's not about individuals. Let me be real honest. As the only remaining—I shouldn't speak for Mr. Cummings. Let's just say on the Senate side, every major antidrug person has already asked for the resignation of the drug czar, and I have not done so at this point, but my frustration is high. And I know many others in the House have tried to bring forth a resolution to do that, and thus far I don't think the President really cares.

But I am saying this directly. I don't have a problem with Attorney General Gonzalez running a lot of these programs. He actually spoke up first on meth. He's been very articulate. This isn't about individuals. Paul McNulty has been a friend of mine for many years. I can't think of another individual that I would more trust running a program than Paul McNulty. He's a wonderful guy. We worked with this. This is about structure. And one of my questions to Mr. Nash is, do you know why we created the Office of National Drug Control Policy? Do you know why we created the drug czar?

Mr. NASH. Yes, I do. And I am very sensitive to the concerns, and I think it was a well-conceived notion at the time that it was taken, and it remains a well-conceived notion. It is very important to have someone who has the President's ear and who has the bully pulpit to make sure that drug enforcement remains front and center in the national attention.

I think that consistent with that, however, and consistent with the President's proposals, is the notion that shop is within the office of the White House. It is a policy shop, and the types of programs that office runs are programs that are different in nature than the HIDTA program. They are not law enforcement operations, and it is somewhat anomalous to have a law enforcement operation being run out of the White House, whereas at the Department of Justice that's what we do. And I think that there would be significant benefits to be gained by moving this law enforcement program into the Department of Justice and allowing

people with law enforcement background, like Mr. McNulty, as you acknowledged, to take control of a number of these assets and to align them so that they are all engaged in a nonduplicative, effective fashion. And I think that's what motivates the President's proposal here.

Mr. SOUDER. I can't tell you how much I appreciate that answer because it is a straightforward answer about—that I believe actually reflects much of what is going on behind the scenes. And I want to make clear that I am putting some words in your mouth that you did not intend, but let me kind of give an interpretation to what you just said, and then you can disagree, because I don't think you're going to like the way I interpret it.

Your statement today gives more guidance as to how you would do the restructuring of the HIDTA, and I appreciate some of the attempts in there to clarify. But this clearly was driven by something beyond a frustration with the HIDTA, because, to date, nobody in a private or public statement has been willing to say HIDTA—they don't think it is working well. They haven't really, other than it is somehow going to streamline the relationship. But when I ask both informally and publicly, "oh, you mean the Attorney General's office doesn't coordinate with the drug czar? You mean you don't coordinate with the HIDTAs now?" And everybody says, "oh, no, we cooperate now. But how would you cooperate more? You mean there are things you could do to cooperate with the current HIDTAs that you're not currently doing?" Nobody wants to say that.

This is driven by policy decisions beyond what's immediately in front of us. One is budget, because if it isn't isolated as part, where we can see it on narcotics directly, it gets much harder for us to sort out what's with narcotics. But the second is a philosophical position, and the philosophical position behind what you just said is a change of what the drug czar's office was intended to be by Congress, who drew it up over the objections of administration in the first place; not the current President, but long before this. And the concept of Congress was not—was to give the drug czar direct control over some programs, rather than to sit in some building—room in the Executive Office Building giving his opinions and being ignored by the Secretary of State, ignored by the Secretary of Defense, ignored by the Attorney General, ignored by the President because he didn't have any actual money or people to mobilize.

That's why we created the drug czar's office; that we already know that drug czar isn't being, in my opinion, a very effective advocate for many of the policy decisions that are being made. We have yet to identify any kind of programmatic decision that he's objected to. And Dr. Rice, Secretary Rice, or Secretary Rumsfeld goes, oh, yeah, you're right, we actually do need to deploy more things on heroin in Afghanistan, we actually do need to do this down in Colombia; because he isn't treated with the respect even now with all this behind him.

Taking HIDTA out roughly takes—I think it's what, close to 50 percent of the dollars of the agency, other than their immediate staff. Then the CTAC is being reduced dramatically, which is another big chunk of the budget, which leaves the media campaign, which at best is shaky ground here. And I know from talking to

Director Walters, he somehow thinks he is going to strengthen the media campaign. Congress is furious that the media campaign hasn't been focused more on meth, and unless it's focused more on meth, it's going to be cut again and maybe disappear. So there won't be any reason to have any drug czar's office if we take all these things out.

But the honesty of your statement, which is, by the way, not dissimilar to some of these other types of things as we tried to move through the faith-based office question and its direct control, is a philosophy of the administration. The administration does not have a right, by fiat, to change policies that aren't authorized by Congress. This proposal is dead on arrival as long as I am here and as long as the Republicans are in the majority and I am here, and I can assure you from Senator Biden that he has no intention whatsoever should the Democrats take over in the Senate. And I think you heard from our colleagues here in the House that their goal here isn't to gut the drug czar's office.

This proposal is a waste of everybody's time. It is a waste of any kind of staff time you have developing it. It isn't going to happen. What we need to do is figure out how to make the HIDTAs more effective to integrate. If there's an integration problem, let's deal with the integration program with the Department of Justice.

This isn't just about the Department of Justice. This is about the Department of Homeland Security and how you are going to integrate with the Border Patrol and the Coast Guard and ICE. This is about the State Department and how you integrate their efforts and satellite information and the data and all this. This isn't just about the Department of Justice.

The Department of Justice does a terrific job, and there was a fundamental question, should we have a drug czar or should we make the DEA, in effect, the drug czar's office, should everything run in DEA. But because so many departments—the Agriculture Department gets into research and spraying. The National Forest Service has much of the marijuana on their grounds. It doesn't make sense to consolidate all of these joint-type efforts. You yourself and in your testimony, which was very good on showing the different HIDTAs and what they do, show that this isn't much of what they do, isn't even in your domain. It's partly in your domain. Without the U.S. attorneys, without the prosecutors, this wouldn't work. Without DEA it wouldn't work. But it's also in other people's domain. That's why we created the drug czar's office, and the budget this year is a direct assault on that, which then gets underneath the assault on State and local cooperation, because to try to entice their dollars in, we didn't say everything had to be national or that it was going to be national goals. We tried to adjust this sharing. Furthermore, many of us warned about the COPS program, that locals were going to get too dependent on the Federal dollars, but as a practical matter, because often we as Republicans at every level don't want to raise taxes.

What happened in the narcotics efforts is that the Byrne grants and the HIDTA are the last remaining frontiers of where the local law enforcement is funding their narcotics operation. Only 1 percent of their budget, but it may be 80 percent of their narcotics budget. Now we're faced with the reality in front of us. If we wipe

out this budget, there will be no narcotics task forces. There will be nobody putting money into the HIDTAs, and we won't have a narcotics program. Then the national efforts that are so important to OCDETF, to Panama Express and all those groups, if your locals pull out of the stuff, nobody's going to be making the street arrests with us to make the Federal cases.

We have the potential house of cards, and it's going to go like that. And that's why in Congress there's such a push back, not because of the individuals involved, not because of that we have an argument with the Justice Department which we overall think is doing a good job; we have frustrations with the drug czar's office, we have frustrations with the general thrust of it. But some of it, which is what we deeply felt from the time, and I have been a strong supporter of this administration, but almost from the word go, there was first a movement afoot to take the drug czar's office down from Cabinet-level status. There was objection when we put in the ONDCP reauthorization that it had to have because we can't do that, only the administration can, but suggested that it should be treated that way. Then the administration tried to take it out of our ONDCP bill, that there is a lack of fundamental awareness of what—why we have this office and our concern that we are going to go—narcotics are going to remain a core challenge in this country, and we are going to go chasing off on different types of terrorism, we are going to go chasing off on bird flu, we are going to go chasing off on church burnings, we are going to go chasing off on missing children, and that's what the Attorney General has a wide sweeping thing.

The DEA and the drug czar's office are the two things that their focus is narcotics, and if we weaken that office, we will weaken the narcotics efforts.

If you would like to make any comments. I didn't mean to misstate that, but I felt that you articulated what is, in fact, the administration's concerns.

Mr. NASH. I obviously can't, in the timeframe, respond to each and every one of your points. I would like to pick out one of your points, however, and address it because I don't want my own comments to be misconstrued, and that is in focusing on coordination between HIDTA and the Department of Justice, I don't want to leave the impression that HIDTA presents a special case, and that it is more difficult for the Department of Justice to coordinate with HIDTA than it is for the Department of Justice to coordinate with the Department of State or the Department of Homeland Security or the Department of Treasury, or any of the other Federal departments that have a piece of the drug enforcement mission.

The fact is that coordination of drug—multifaceted drug enforcement investigations that span State jurisdictional boundaries, that span international jurisdictional boundaries is one of the more difficult tasks that confronts modern law enforcement, and to the extent that anything can be done to lower barriers for that coordination, the Department of Justice's viewpoint that should be done, and that is one of the things motivating this proposal, is that in our experience it clearly is easier to coordinate parts of an investigation when the two entities being coordinated are housed within the same shop. And so the same thing that makes HIDTA effective,

which is collocated State and locals from various police departments and Federal agencies sitting together in the same place working cases in conjunction with one another, that motivation that makes that work and that caused us to bring them together in that environment, that argument also makes sense in taking HIDTA and folding it into a more central place, in our view.

Mr. SOUDER. So maybe the Southwest border should go under DHS, the San Diego should go under DHS, because it's not bordering HIDTA. I mean, if the principle is where do they overlap the most, Justice Department isn't necessarily where you would put it. That's how we got into the whole concept of the drug czar in the beginning.

Mr. NASH. The Department of Justice does have the Federal mission for domestic law enforcement, and from that perspective it certainly makes sense that the HIDTA program reside, in our view, because it is a wonderful program and because, you know, we would be foolish to look a gift horse in the mouth, we certainly would love to be associated with that program and to take advantage of those resources. If there is some sentiment that the HIDTA program should be designed as a border protection resource, then certainly Congress should look to the Department of Homeland Security. But as presently constituted, as a law enforcement entity designed to aid the coordination between State and local and Federal law enforcement, in our view, the Department of Justice is the appropriate place.

Mr. SOUDER. Well, you touched on another point, and that is the Department of Homeland Security is also supposed to be doing narcotic enforcement, and that would include at the border, inside the border and elsewhere. ICE, if they are, do not view part of their mission—which is one of the things we had a concern about, that the administration separated counternarcotics out from terrorism, and our staff learned that the Homeland Security Committee, of which I'm part, has changed that under law, but that suggested another concern there which is the administration's lack of understanding the link in terrorism, immigration and narcotics.

I'll yield to Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

To Mr. Burns, Director Walters gave us a number of assurances when he first came to us as a nominee, and those assurances included a very strong commitment to support demand reduction programs and HIDTA. President Bush, then Governor Bush, personally pledged his commitment to HIDTA during his first Presidential campaign. So everyone involved with the HIDTA program appears, you know—we are beginning to feel a bit of a betrayal with regard to the commitment to HIDTA because these proposals would pretty much terminate the program as we know it. As we know it. What considerations have led the administration to reverse course with respect to HIDTA? And I do see it as a reversal.

Mr. BURNS. Well, I wasn't here, Congressman, when Mr. Walters was confirmed. I'm not privy to statements and discussions or negotiations you or others had with him.

Mr. CUMMINGS. OK. But how long have you been with the Department?

Mr. BURNS. Since 2002.

Mr. CUMMINGS. OK. Well, you know what's happened over the last few years.

Mr. BURNS. Yes.

Mr. CUMMINGS. And some of this, things I'm talking about, are things more recent that have happened since you have been there. So let's just separate, since you weren't back there during the nominating process, and talk about this evolution of how we got here today as far as HIDTA is concerned, from your standpoint.

Mr. BURNS. From my standpoint I don't believe that anyone could not recognize the effectiveness of HIDTA, its ability to bring Federal, State and local law enforcement together. If you take into account the 93 percent of all law enforcement in this country is State and local, and 7 percent is Federal, clearly if we are going to coordinate efforts in this country with respect to reducing the flow and the demand, and thus addiction to illegal drugs, there has to be a cooperative effort between Federal, State and local.

I think Mr. Nash's statement, which is the same that is in my opening statement, is that this administration believes—and it may be a policy dispute—but this administration believes that the Office of National Drug Control Policy should be first and foremost a policy office, and that it ought not be running operational programs. This is the only supply side operational program that I am aware of in the White House. And I don't want to speak specifically for Director Walters, but I can tell you that he believes that it ought to be placed with other operational supply side agencies and offices, DEA, FBI, OCDETF, and that there it will be in a position to coordinate better.

Mr. CUMMINGS. Well——

Mr. SOUDER. I should have, because I didn't realize ONDCP was taking this same position. So that means the national media campaign should move to because it's operational?

Mr. BURNS. Well, I said the only supply side operational program that I'm aware of. That would be a prevention and education program.

Mr. SOUDER. Should CTAC be moved?

Mr. BURNS. I'm sorry, I can't hear you.

Mr. SOUDER. The CTAC, the different things that local police—that you proposed to reduce, should that program be moved out of your Department?

Mr. BURNS. I would say that's consistent with the policy of this year's proposal. We are cutting all of the technology transfer aspect.

Mr. SOUDER. You would keep that whole thing out of your Department?

Mr. BURNS. I think the 9 million is research.

Mr. SOUDER. So why would you keep research and demand but not supply? Is there any precedence in the White House that you would run—I can't think of another White House agency that runs a national media campaign of any sort. If the principle is that you shouldn't be doing—you should be policy and not running agencies, I assume that, to be consistent, everything would be taken out except for the policy. Research is done by NIH. Research isn't managed in a White House policy shop.

If you're arguing you're just a White House policy shop, which, by the way, you aren't, you're created by Congress, but the slippery slope you're on is that your other programs would follow that same criteria. There aren't other White House policy shops that run research operations that manage it, that manage national media campaigns. I mean, this is a slippery slope you're on.

Mr. BURNS. I'm just telling you that the administration's position is that the HIDTA program, in response to the question, is a supply side operational law enforcement-type program that this administration believes is better situated in the Department of Justice.

Mr. CUMMINGS. Now, you understand that the HIDTA Directors have a whole different view of this; do you not?

Mr. BURNS. Yes.

Mr. CUMMINGS. And I know for a fact that you have a tremendous respect for these Directors because you know that they are out there every day giving it everything they've got, sometimes going against very difficult circumstances. And so you really believe in them, right?

Mr. BURNS. Yes. Absolutely.

Mr. CUMMINGS. OK. And these are the folks who basically are on the ground. Would you say they are the ones who are pretty much dealing with these drug problems almost face to face with the persons who are dealing in the drug trafficking; is that correct?

Mr. BURNS. Absolutely.

Mr. CUMMINGS. And one of the things that the President says when he always talks about giving due respect to those who are on the ground, and I'm not trying to be smart or anything, but it makes sense that if you've got people who are on the ground, who are dealing with it every day, who are facing every day the very people that go out there not knowing—into the streets and into the meth labs not knowing whether they are going to come back to their families, they deal with that every day, and if they say—and you already said that you have a tremendous amount of respect for what they do. If they say they don't think this is a good idea, I mean, have you all taken that into consideration? Do you understand what I'm saying?

Mr. BURNS. Yes, sir.

Mr. CUMMINGS. Yeah. I mean, I'm just curious. And they are adamant, and I don't think that this is a just some little turf battle for them. They're very, very upset about this. And we, up here, we are trying to hear all of it, but we are also trying to make sure that whatever we do in spending the taxpayers' dollars is done effectively and efficiently.

So what we have on the one hand are the people who are on the ground saying, Congresspersons, I beg you not to put this under Justice because we don't think that it will be as effectively run if you do that. But on the other hand, we have the administration saying, you know, we want to do it our way. And I guess what I am getting to is who should we be listening to?

Mr. BURNS. Well, I have the utmost respect for each and every one of these 28 HIDTA Directors, 27 men and Mona Neill in north Dallas, TX. They are not only my colleagues, they are my friends. But, Congressman, I am here today on behalf of the Office of Na-

tional Drug Control Policy. The President's budget proposal and that of the Directors is that this program is better situated in the Department of Justice where it is with like Federal operational programs and not in the Office of National Drug Control Policy.

Mr. CUMMINGS. Other Directors of what? Not the HIDTA Directors. The HIDTA Directors believe that this ought to be under what?

Mr. BURNS. Oh, no. The HIDTA Directors in unanimity believe that it ought not be transferred to the Department of Justice. I'm just telling you that the President's budget proposal, and I am here on behalf and in support of that.

Mr. SOUDER. Just for the record, because he said directors, you meant the OMB Directors, the ONDCP Director; is that who you meant by directors, the President's directors?

Mr. BURNS. Yes.

Mr. CUMMINGS. Thank you, Mr. Chairman. Let me—and I know that when you say that, basically what you're saying is you're coming with the marching orders from the President. I got that piece pretty much right. And from your Director, Director Walters; is that right?

Mr. BURNS. Yes. My job as Deputy Director at the Office of National Drug Control Policy for State and Local Affairs is to support the President's budget.

Mr. CUMMINGS. Right. Now. I guess what I'm asking you is how did you get there? In other words, how did you all get—we have on the one hand these folks who are saying, you know, this is not going to work; begging and pleading, saying, Congresspeople, please, don't let this go into Justice. We love Justice. Justice is wonderful. We respect them. That's what they're saying to us. But they're saying, this will not work. Now—and we've got you saying what you're saying.

And all I'm trying to say to you is that we are like sort of in the middle here. We want to hear the President, and pay, you know, due respect to the President, but we've also got folks that are like our constituents who are out on the street. And so I am saying, how did you all—did you all come together with the HIDTA Directors and say, look, this is what we think we ought to do? Did you get any input from them? Because what you're doing affects what they do every day. I'm just curious.

And by the way, we had this same argument last year. See, that's the other piece. And so I was wondering in that year—well, first of all, did you do it before for last year's budget, and then did you do it again for this year's budget, knowing that it was an issue?

Mr. BURNS. Yeah. And I think Congress spoke last year, and whatever you do this year will be dispositive with respect to the issues. You have an administration that believes a program should be in Justice. You have what I believe is a successful program, the High Intensity Drug Trafficking Area program, with 28 of the finest law enforcement officers in the country saying it ought to remain where it is. And you're right, we went through the same thing last year, and here we are again.

Mr. CUMMINGS. Well, last year you all recommended a 56 percent cut in funding for HIDTA; is that correct?

Mr. BURNS. That's correct.

Mr. CUMMINGS. And this year the proposal is substantially less of a cut. Can you explain to me why that is? In other words, why did you decide this year, because you came in with some strong arguments last year, 56 percent, let's do this cutting? And you were trying to convince us that this was what we should do, and now it is substantially less of a cut. I think, what was it, 16.4? Substantially less of a cut. So what's the difference between last year and this year?

Mr. BURNS. Well, I would say two things. One, the $207.6 million is what the President has asked for the last 3 or 4 or 5 years. That's level-funded. It would not be indicative of a cut from $228 million. That's supplemental money that the Congress has added to the President's budget request each and every year. So the $207.6 million number is consistent.

With respect to $100 million last year, and now requesting, as we have in past years, the $207.6 million number, all I can say to you, Congressman, is we heard what you said last year: Congress believes in this program, don't cut it. Here we are back at a level-funded amount.

Mr. CUMMINGS. So what are you trying to tell me? You heard with the left ear that we said don't cut it, but you didn't hear with the right ear that we said don't put it in Justice. Is that a fair statement?

Mr. BURNS. It's a fundamental difference of opinion between two branches of our government, the executive branch and the congressional branch.

Mr. CUMMINGS. OK. I just have two more questions, and I want to go to Ms. Schofield.

Ms. Schofield, can you describe the consultation that took place between ONDCP and the Justice Department concerning the President's proposal to eliminate the Byrne Justice Assistance Grant program?

Ms. SCHOFIELD. Mr. Cummings, I had no such discussion with ONDCP, and I'm not aware that there were discussions between OJP and ONDCP about the budget.

Mr. CUMMINGS. So it wouldn't surprise you if there were no discussions? All right.

Mr. SOUDER. Can I ask a question? I thought that the Justice Department was proposing it be a policy shop.

Ms. SCHOFIELD. I'm sorry?

Mr. SOUDER. I thought the Justice Department and the White House position was they wanted the drug czar to be a policy shop where the drug czar was in charge of giving suggestions on the drug budget. And you're saying you didn't consult on that; no?

Ms. SCHOFIELD. No. What I am saying is I am not aware of any discussions. I came to OJP last June after being confirmed by the Senate and inherited part of the 2007 budget, but we have had no discussions with ONDCP about our——

Mr. SOUDER. Would you check with other people in the Department of Justice?

Ms. SCHOFIELD. I certainly will, and I will let you know.

Mr. SOUDER. The oversight committee, we would like to know—we are not going to get into arguments about the documents—is

was there substantive discussions with ONDCP about the Byrne grants that directly affect drug law enforcement, because we heard under oath that the administration's position was that the drug czar's office shouldn't operate programs, they should be a policy shop. And if they're a policy shop and not talked to on policy, then what are they?

Ms. SCHOFIELD. I will, and I will let you know.

Mr. CUMMINGS. Thank you very much.

Mr. Nash, you seem to have a lot of faith that if HIDTA is under Justice, HIDTA's going to do just fine. Is that right? In other words they'll do just as great a job as they are doing right now. I think that's pretty much what you said. If that's not what you believe, just say it.

Mr. NASH. No, no. I do believe that they are an excellent program now. I do have confidence that this proposal is designed to make them an even better program.

Mr. CUMMINGS. And although they don't believe that it would make it a better program, the Directors, that is——

Mr. NASH. I think they have voiced that opinion very strongly, yes, sir.

Mr. CUMMINGS. So it is sort of like Big Brother says this is good for you.

Mr. NASH. Well, I will say, as I tried to correct in my initial testimony, I do believe that much of the proposal that the HIDTA Directors have been responding to in the past was based on misconceptions as to what it would mean if the program were moving to the Department of Justice.

Mr. CUMMINGS. And what were the major misconceptions that you, you know—apparently you have some idea what you think they were.

Mr. NASH. Well, I do believe that the messaging—and I'm not sure how this was interjected into the messaging, but the belief is that the HIDTA program would be merged into the OCDETF program, and if not merged, it would be run like the OCDETF program. And my—the thrust of my testimony was in the hopes of dispelling that notion.

I think we do, at the Department of Justice, have an appreciation for what it is that makes the HIDTA a successful program and one that should be preserved in its current form if it were to move to the Department of Justice.

Mr. CUMMINGS. Well, I can tell you that I agree with the chairman with regard to OCDETF. I think OCDETF does a great job. It has always been, as long as the chairman has been chairman and I have been ranking member, it has been a major concern of ours that we always are concerned, particularly after September 11th, that the whole idea of fighting the drug war would take a—not a back seat, but would be maybe put in the trunk. And then the war on terrorism, which is very, very important, and all of us agree we've got to do it, but we did not want it to fall back into the trunk, so to speak.

And I think one of the concerns is that when you—moving it over to Justice, because Justice is dealing with so many things, you know, that it might be pushed back. That's one of the concerns. And it sounds to me, when I listen to your testimony, as if you're

going to. The program basically would be put under Justice, and then the program would basically kind of operate just like it's been operating. So then the question becomes, then if it's going to do what it's been doing, and we're just kind of moving it over, then why do it?

You know, and I've heard your testimony, but that's what really makes me wonder. And the reason why I'm so concerned about it is that if I'm the person who's on the ground, and I'm putting my life on the line, and I say that I don't think this is going to work, then, you know, I would just hope that—and then, not only that, but I've got the Congress saying that we feel pretty comfortable with the way things are, that is, with HIDTA not being under the Department of Justice. It seems to me that we would stop and just say, OK, all right, OK. Let's do it that way and let it go forward.

And so now we're going to have to go through this same exercise again. And I can guarantee you—I can't guarantee because I can't speak for the Congress, but there's a pretty good chance it'll come out the way it's been, the way it came out last year. Thank you.

Mr. SOUDER. Thank you. And I want to say that I believe your statement did clarify some, as did Mr. McNulty's meeting with me. However, the misconception is because last year, under oath, there were no assurances, there was nothing that was sent up to Congress, and therefore we leaped to the assumption that since it was being put under OCDETF, and since the OCDETF model didn't include participation, and, in fact, testified under oath relative to that, that's how the misconceptions occurred. It wasn't like we pulled them out of thin air. It's there was nothing there.

This is the first time we have seen any details in print. We did have some verbal conversations. It didn't change our minds, obviously, but at least it had some guidelines for the first time that we have ever seen in print.

Yield to Ms. Watson.

Ms. WATSON. I listened very diligently as to the reason why you have these programs that moved on the Justice Department so there could be better coordination, but it does not work on the streets. You know, this is not the first hearing I have been in and I hear all these grandiose proposals and we are going to do this that and the other. It does not work on the streets. And I am wondering, how do you evaluate success? How are you going to show that the move will make the programs more effective.

Now I am going to throw out some thoughts; and whichever ones of you would like to answer, please do so.

But the President's request repeats last year's proposal to eliminate or reduce funding for key drug control programs within the Department of Justice that support Federal, State and local cooperation. The President proposes a more than one-third reduction in the funding for the COPS Meth Hot Spots program which allocates money for problem-oriented policing to combat the use and distribution of meth labs, including child endangerment programs, enforcement, drug courts, training and treatment.

On August 29th, I lost my 22-year old niece in Sacramento, CA, because of methamphetamine use once or twice. We identified a property where young people were going in, cooking up the ingredients and turning them into pills and selling them. These things

lived with me in Sacramento when I was in the Senate. We called and we cannot get law enforcement out because the county sheriffs' office is shorthanded. The people that report are intimidated and fire bombed. I am on the ground.

I just lost a niece, 22 years old. So you can sit here and talk about the coordination at the same time you are cutting the ability for the State, the counties and the cities to enforce? And I don't hear a word about how you are going to evaluate these programs, to see that when you reduce their dollars, the program is still effective. I don't understand that when our cities and counties are hurting and our States are hurting and we are not putting money into COPS programs and meth is getting out of control in the suburban areas.

I lived in the most unlikely area for drug sales and drug use, but it is more prevalent in rural and suburban areas. That means we need boots on the ground, and how do we do that when these programs are being cut?

Would someone like to respond? Mr. Burns.

Mr. BURNS. Well, I would rather defer to the other two.

Ms. WATSON. Whoever.

Mr. BURNS. Let me just say this.

First of all, I am sorry for your tragic loss——

Ms. WATSON. Thank you.

Mr. BURNS [continuing]. And I mean that.

Ms. WATSON. Thank you. I am sorry, too.

Mr. BURNS. That is terrible. But you raise a number of important issues, and I know that the chairman's time is tight, but we could be here all day, and I would love to do that and sit down with anyone——

Ms. WATSON. Just explain to me how you do it when you cut the budgets of these programs locally.

Mr. BURNS. I will tell you this. The overall President's request for this year is higher than last year. So when you say "cut," it is a matter then of sitting down and making a determination with respect to, well, what got cut? Was because if something got cut, something certainly got added. Drug court slash, there were $10 million, $10 million. They are an effective program in this country. The proposal this year is $70 million. So there has been a $60 million increase in the request from the President.

Methamphetamine labs have to be cleaned up in Sacramento and all across the country. Last year, there was $20 million available for that. This year, we have asked for a $20 million increase.

So those are two examples of things that haven't been cut——

Ms. WATSON. I need you to yield——

Mr. BURNS. Those are examples of things that haven't been cut.

Ms. WATSON. I need you to yield for a moment. Is this not correct? The President proposes a more than one-third reduction in funding for the COPS Meth Hot Spots program. Is that true or not true?

Mr. BURNS. My understanding is that is true.

Ms. WATSON. That is what I am referring to. That is why I used the example of my niece, because it was methamphetamine that effected her heart and took her life.

And so how do you explain to me that there's an increase somewhere?

Mr. BURNS. Well, because you latched on to one program that was cut——

Ms. WATSON. Exactly.

Mr. BURNS. An additional $30 million in meth-specific treatment that has been requested, $30 million more to reach out to people in your community and across the country, to meet a need that everyone agrees was lacking. So there has been an increase in that.

It is a fundamental decision by the administration to look at programs. There is a process in place to judge them, and we can all agree or disagree what the scorecard was——

Ms. WATSON. Mr. Burns.

Mr. BURNS. Yes.

Ms. WATSON. I mentioned one specific program that has been cut.

Mr. BURNS. Yes.

Ms. WATSON. And the results of cutting that program means there is less training of local police and treatment locally. And you can talk about all over the country. But when there is—of course, you can say it is an increase if you are talking about the whole country. But when you cut those specifically in these programs—and I told you we saw the lab. You can't even get it closed down.

So we are talking about Hot Spots. And the money for these Hot Spots and to train law enforcement and to coordinate has been cut.

So how can you say because there is more money nationally but for this specific program there is less? We are seeing the negative results of less funding. So I don't understand your explanation of how you could cut this program and expect things to get better.

Mr. SOUDER. Will the gentlelady yield?

Ms. WATSON. Yes.

Mr. SOUDER. Did you say it was an increase from your budget request?

Ms. WATSON. I can't hear you.

Mr. SOUDER. Did you say it was an increase from your budget request?

Mr. BURNS. My understanding is that the President's fiscal year 2007 Federal drug control budget is an increase over the 2006 Federal drug control budget.

Mr. SOUDER. So you are saying you increased your proposal which Congress actually increased more the previous year?

Mr. BURNS. Yes.

Mr. SOUDER. So it is actually a reduction in what we spent last year?

Mr. BURNS. It is an increase over what was enacted in 2006. It is more—we are asking for more than what you enacted last year, Congressman.

Mr. SOUDER. So we are—so there has certainly been a shift.

I will yield back. Ms. Watson, did you have any further questions?

Ms. WATSON. I just wanted to say that funding for the National Alliance for Model State Drug Laws would be eliminated under the President's request. And to propose elimination and scaling back of vital demand reduction and domestic law enforcement programs

raises serious questions about the depth of the administration's commitment to reducing domestic demand for illegal drugs and supporting State and local drug enforcement agencies and efforts. And this is what I am concerned about on the ground.

If we accommodate these requests and cut, we can't get the job done. It is not really attacking the problem. And I am trying to find out how you think we can really address these issues without the kind of resource supports down to the local level.

Mr. BURNS. Well, my response, without being repetitive, is twofold. One, these cuts haven't taken place yet or these changes. This is proposed for 2007. So as we sit here today there has not been a one-third cut in the program——

Ms. WATSON. That is the budget we are working with. You know, the President proposes. We advise and consent. So you are representing the administration. I am raising the question of "tell me why the proposal would be made such as it is." Of course, we are going to work with it, and we are going to do all we can to see that it does not go into force. But you are sitting here, and we are having a discussion, and I just want to know what your thinking is and what your real commitment is if you want it to be successful and how you measure that.

Thank you.

Mr. SOUDER. Thank you.

Let me ask this question again. You are saying that your total budget request is how much of an increase? Was it $20 million? Is that what you said?

Mr. BURNS. My understanding, Congressman, is that the President has asked for in the 2007 drug control budget $12.6 billion; and that is $80.6 million over what Congress enacted in 2006. So it is a——

Mr. SOUDER. So it is less than 1 percent.

Mr. BURNS. But the point being, if we are talking about cuts and how could you come before us with all of the—it makes the point that this President and this drug czar are as committed this year in overall funding against this issue than what was enacted by Congress last year. We are asking for more than what was enacted. It makes that simple point, nothing more.

Mr. SOUDER. We will be putting into the record—we will at least take some of the summaries. We submitted this report that went through the entire committee with additional views, all of us signed on, and it literally takes apart a whole bunch—for example, you didn't count the war supplemental funds, previous year in Afghanistan, on narcotics. We have disputes at how you reallocated and made changes in the DOD budget, what you allocated to narcotics, that it doesn't account for the fact that—so we don't believe that the budget comparison is accurate.

The second point being we are also here arguing about shifts inside the budget that move from State and local assistance to Federal, which is a policy question. It is true that the overall budget isn't being shifted by 40 percent. It is being done if dollars are going to State and local, whether we are getting into safe and drug free schools, which is another argument that we have had. The part that was going directly to schools was being eliminated, the part that was going to the Federal was increased, and there was

a philosophical shift in addition to a dispute about whether the total dollars are there.

The way that the Department of Homeland Security was being accounted, all of a sudden arbitrarily the administration decided to assign part of that into the narcotics budget. That is part of our frustration even in matching oranges to oranges.

Yield to Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman.

I know that I missed most of the discussion because I was someplace else talking about an ounce of prevention is worth much more than a pound of cure; and I am just wondering, Mr. Burns, did I hear you mention the word "treatment" in your response to Representative Watson?

Mr. BURNS. Yes, sir.

Mr. DAVIS. There may have been some increase someplace that maybe treatment would take care of some of the need that she was raising some of the issue about?

Mr. BURNS. My response, Congressman Davis, was she asked me why a particular program may be cut. And my response, and probably awkwardly, was to tell her that the administration in weighing and grading and judging a number of programs. Indeed, it recommends cuts of some, but then there are increases of others. I gave her some examples of what has been increased; and I used the example of treatment, specifically methamphetamine treatment, because there has been a specific recommendation this year in addition to the same $1.8 billion that goes toward treatment in this country that several million be directed specifically toward methamphetamine.

Mr. DAVIS. And so there is some increase in treatment resources that in terms of the overall problem should help with reduction.

Mr. BURNS. I would hope.

Mr. DAVIS. Let me ask the other one question that I really wanted to ask, is how much coordination is there between the different approaches? I mean, is there an effort to seriously coordinate trafficking, prevention, law enforcement with treatment? Are there programs designed where we try and bring all of the entities together to kind of look at how effective are we really being, dealing with all components at the same time?

Mr. BURNS. That is a great question; and the answer to that is the Office of National Drug Control Policy has not only tried to do that on a national level, a State level, a city level, but a State and local level.

We have a major cities initiative, Congressman, where we go into Chicago, we go to Los Angeles, we go to Miami; and we say we need to coordinate. We need to coordinate prevention and education and treatment and law enforcement. Do we have a balance? Is too much being spent on one area and not another? How much are the cities putting in? Maybe the State isn't spending as much money as it should or sharing its burden, and maybe the Federal Government has not looked at community coalition or treatment modalities or that law enforcement needs some beefing up.

So, to answer your question, that is the crux of what we have been trying to do with respect to coordination across the country.

Do we have the appropriate balance and are we funding and supplying the various programs enough?

Mr. DAVIS. Is the lead the same in each area? Are there different lead entities that might handle the coordinated effort? For example, could it perhaps be law enforcement in one area, maybe somebody from the treatment community in a different area, or prevention people in another area? Is there any one model for that or are there different approaches based upon what might be taking place in different communities?

Mr. BURNS. Congressman Cummings mentioned Big Brother. The last thing we do at the White House is go to a city and tell them what they need. We go there and we ask them—because each city, as you know, is unique—what is the best model? And each one is different. And certainly in some cities it is the prevention entities that are leading the way; in others, it is treatment.

But I have to tell you, in the vast majority, the major cities in this country, it has been law enforcement that has stepped up and brought everyone together, broken down barriers in some instances that have been there for a long time; and, for that, they have to receive credit.

Mr. DAVIS. Thank you very much; and thank you, Mr. Chairman.

Mr. SOUDER. Thank you. Thank you.

Ms. Schofield, does the bureau—does the Office of Justice Assistance—have you done some of the kind of coordinated things that Mr. Davis asked about?

Ms. SCHOFIELD. There are Justice Assistance under RJP, yes.

Going back to the discussion on drug courts and adding to what Mr. Burns mentioned, that the original request in 2007, 2006, is actually $70 million for drug courts. We received a $10 million increase, a $10 million—I am sorry—amount from the Congress. We have asked for $69 million this year, and that money actually would go toward treatment and prevention.

Drug courts have proven to be extremely successful. We are in the 4th year of a 5-year intensive study. The first year that people have finished up on specifically with meth treatment, 83 percent of those people have been meth free; the second year of the study has shown that 72 percent of them have been meth free. That is a success story that we would like to buildupon and why we have asked for additional resources for drug courts.

Mr. SOUDER. And I want to say for the record, first off, I have been willing to express my frustration. I am pleased that the proposed meth treatment part inside the treatment, it is not additional money, but it's a setaside for meth treatment because we didn't have enough programs, and Ms. Setacury has been expanding those on the treatment side. This is another effort by the administration to try to address that on the treatment side.

The drug courts, where they are in areas where methamphetamine, either mom and pop, Nazi labs or the crystal meth, have been trying to work with it; and we're making some progress.

As far as the dollars increase in treatment, it's mostly been in the faith-based initiative which I support but which Congress has been mixed on and—but it hasn't been an overall major increase in treatment.

But the administration has been studying, asking more for drug courts than Congress has been willing to give; and that is a problem here in Congress. We don't like to rob Peter to pay Paul. But the fact is that we have to do some of those kind of things in the budget. And the drug court is a place that has been strong, it can be easily overexaggerated for its impact. This is tough stuff, but at least we are making measurable progress where people are getting drug tested and we are—you have, if it is an effective program where the judges are overlooking the individuals and holding them accountable and the alternative is incarceration, it tends to be a stronger incentive than a lot of our other types of programs. And it's had a measurable impact on society and deserves the funding, and I want to thank you for that.

One last question, let me ask Ms. Schofield, did you develop the Bureau of Justice Assistance programs like drug courts? Have you personally had interaction with the drug czar's office?

Ms. SCHOFIELD. Yes, I have, sir.

Mr. SOUDER. So in each of the different programs you have a—you ask them what they have been learning in the field and how it relates?

Ms. SCHOFIELD. Particularly in my Bureau of Justice Assistance we have been working with Mr. Burns personally on regional conferences dealing with meth, and we look forward to continue working with him. The first one I believe will be in August. We talked about it actually at the beginning of this session here today. OJP will be cosponsoring with us in ONDCP.

Mr. SOUDER. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Yes. I guess about 3 or 4 hours ago a reporter was asking me about meth. He asked, well, do you feel that meth has received a lot more attention than crack cocaine, heroin, and cocaine? And I said I think that they have all received quite a bit of attention, and I want us to—you will find no greater advocate of making sure that we deal with the meth problem than you are going to find sitting right here. But I also want to make sure that those problems that have been historically problems for my district and so many urban districts, like crack cocaine, heroin, cocaine, that we are addressing those vigorously.

The drug court, what made me think about that is when the chairman was talking about the drug courts we found that the drug courts have been extremely effective in Baltimore. But—and so I was very pleased to hear about that. That is a good thing.

But going back to you, Mr. Burns, when Mr. Davis asked you the question about the balance and making sure that you do things and make sure that everything is balanced, prevention, treatment and whatever, I couldn't help but think about the fact that—like the Baltimore-Washington HIDTA has all that within it, treatment, prevention and certainly the law enforcement piece. So I guess, well, they have that balance within the HIDTA itself.

So I think that we have to keep that balance. Because I got to tell you, while I do—I am concerned about the supply side, I am very concerned about the folks who are using it and cutting down the demand side.

Because I think both are important. But I don't want us to get lost in the process or forget that there are a lot of people—if you called a convention of all the former drug addicts in Baltimore and those who are under treatment, you would have a major convention.

So that is all I wanted to say, and I wanted to thank you all.

Mr. SOUDER. Thank you.

Mr. Burns, I know this is kind of an odd question. That is, due to the fact that you are the—the official administration position is you would like to get rid of HIDTAs, out of the drug czar's office. Have you ever had a discussion that HIDTAs were intended to deal with drug trafficking and that is why they are in law enforcement? And there has been an exemption, I think, for two HIDTAs.

But I have often wondered why the same model wasn't put together for prevention and treatment. Just like we have HIDTAs for drug trafficking, we don't have similar pooling at the State level.

There have been efforts on drug prevention and treatment separate from law enforcement. Why at the Federal level haven't we tried to look at taking our efforts in drug free schools, in drug treatment under the multiple agencies there, our national ad campaign and look at how can we, in regional as well as national, do something in prevention and treatment much like we are doing in drug trafficking? That when we start to merge them sometimes we get—you have a battle for where you put which. But, to me, we haven't ever had this kind of concentrated local thing unless there is some kind of community effort like happened in my county where it pops up or in Cincinnati where it pops up.

We have CADCA out there, community anti-drug groups that would be logical to merge with this, SADD, MADD, PRIDE, all the DARE programs, all this kind of stuff. Have you ever even had an internal discussion to talk about structuring that? I know you deal with it on an ad hoc basis. But where we would systemize and say, look, we are putting literally hundreds of millions of dollars into these things at the Federal level. Why don't we look at how to do a model like HIDTA?

Mr. BURNS. Well, certainly there are multi-disciplined approaches in States and in communities. And again, with additional time, Mr. Chairman, I would love to sit down and talk to you about it.

Some people would say we do it now; we just don't call it anything, that certainly we coordinate Federal block grants and some moneys for treatment. There are States and communities that come up with moneys for prevention and education. Somebody sits down with the chief of police and the sheriff in that town and they say, we should have a group; and they get a community coalition grant, $100,000 a year for 5 years, and there it is. And that is happening across this big country we have. But we don't call it HIDTA or we don't call it some national treatment prevention effort. But it is something I would love to discuss with you more.

Mr. SOUDER. Because they are colocated.

One of the key things in HIDTA is they are colocated. The question would be, is it prevention treatment if you had a regional representative like, in our State of Indiana, the Governor's office has this, but you were colocated where you had somebody—not nec-

essarily every day. It is a little different from drug trafficking. But you had a regional center where you had different major treatment people represented. You had CADCA community person represented. You had anybody who is going out and doing drug education in the schools. If a drug treatment grant is coming in, if the Department of Justice assistance grants are coming in for people coming out of prisons—because it does seem like a very ad hoc type of basis when you actually get down into the weeds, as I do; and I just don't believe we have had as effective a focus of coordinating on prevention and treatment like we have in drug trafficking.

And I don't want to—I am the last one who wants to undermine law enforcement where it is, in effect, working to be colocated. But I believe we haven't had the same focus and I just wonder if that has been an internal discussion.

Any other questions on this panel?

Thank you very much for your patience.

We are going to, I believe, have a vote before too long, so if we can get the next panel up, sworn in and see if we can get through opening statements.

Thank you for coming. I know it was a wonderful, pleasurable experience, but it is part of the oversight function to try to figure out and work through our differences.

[Witnesses sworn.]

Mr. SOUDER. We appreciate you coming today, and we look forward to your testimony. Each of you have been involved in this for a long time, bring lots of law enforcement experience and lots of interaction in multiple agencies; and we appreciate the opportunity to hear from you.

Start with Mr. Brooks.

STATEMENTS OF RON BROOKS, PRESIDENT, NATIONAL NARCOTICS OFFICERS' ASSOCIATIONS' COALITION; AND DIRECTOR, NORTHERN CALIFORNIA HIDTA; TOM CARR, DIRECTOR, WASHINGTON-BALTIMORE HIDTA; TOM DONAHUE, DIRECTOR, CHICAGO HIDTA; ABRAHAM AZZAM, DIRECTOR, SOUTHEAST MICHIGAN HIDTA; AND JOHN BURKE, DIRECTOR, SOUTHWEST OHIO REGIONAL DRUG TASK FORCE [SWORD]

STATEMENT OF RON BROOKS

Mr. BROOKS. Thank you, Mr. Chairman.

The 44 State associations and more than 62,000 law enforcement officers I represent as president of the National Narcotic Officers' Associations' Coalition are grateful for the continuing leadership that you, Congressman Cummings and the Speaker of the House provide on this issue.

As a police officer, you learn to live with risk and expect the danger. That is really our world. But what keeps me up at night is the deaths, fear, ruined lives that I've seen at the hands of addiction and violent crime.

The present drug control budget takes law enforcement for granted. It recommends the elimination of the Byrne Justice Assistance Grant and the transfer of HIDTA to the Department of Justice.

Mr. Chairman, you, Mr. Cummings and your colleagues have stood by us for years. I am asking the Congress to stand by us at this critical hour and not let this happen.

Thanks to the vision of leadership provided by the U.S. Congress, there is good news in our fight against drug criminals. Significant reductions in overall drug use have been reported, and violent crime has fallen. But this budget proposes to kill the programs that have been instrumental in those successes.

Drug abuse kills more than 28,000 Americans each year, and the impact on our economy is estimated to be $180 billion. Drug trafficking and abuse are the most significant and continuing threats to our domestic security.

Since September 11th, no child on U.S. soil has been injured or killed in a foreign organized terrorist attack, but almost every child will be asked by friends or acquaintances to try dangerous illegal drugs and, unfortunately, too many will make the wrong choice.

This budget request would tie the strong hand of State and local law enforcement behind its back, reducing support for multi-jurisdictional drug enforcement. HIDTA task forces are the lifeblood of State and local drug enforcement, which make up 97 percent of all drug arrests; and they have demonstrated clear results. In 2004, Byrne-funded task forces were responsible for seizing over 5,600 meth labs, 54,000 weapons and massive quantities of narcotics and cash assets. These real, quantifiable results indicate the power of using Federal dollars to leverage State and local investment in public safety.

The administration argues that the Federal Government has gotten too deep into funding State and local law enforcement activities, but I strongly disagree that Byrne-JAG and HIDTA fall into this category.

Minimal funding through Byrne-JAG leverages massive State and local investments in Justice programs to enhance cooperation, build good cases and pursue organizational targets. Drug trafficking is an interstate and international problem which calls for Federal investment. The best way for the Federal Government to assist State and law enforcement in targeting priority organizations is through multi-jurisdictional task forces. These task forces take full advantage of State and local intelligence and expertise, and they contribute to investigations of national and international drug trafficking organizations.

The NNOAC is not alone in calling on Congress to recognize the importance of the Byrne-JAG program. Fifteen major organizations representing hundreds of thousands of public servants across this country joined us in signing a letter supporting full funding for the Byrne-JAG formula program and retention of the HIDTA program at the Office of National Drug Control Policy.

In addition to our concerns of Byrne, the NNOAC strongly opposes the administration's proposed transfer of the HIDTA program to Justice. HIDTAs are the single most effective collaborative partnership in the history of the criminal justice system. They have balanced governance and are administered through ONDCP, which is agency neutral. A transfer to Justice would lead to a disintegration of those valuable partnerships.

Mr. Chairman, ONDCP is a critical institution with a pivotal role in national security and drug policy. But it needs strong leadership, and that has been lacking. I cannot understand how this drug czar can support recommendations by OMB to dismantle the most effective State and local drug control programs in the Nation. It reflects a lack of understanding of the importance of State and local law enforcement in the Nation's drug control strategy; and it allows a disturbing pattern, including ONDCP burying its head in the sand on the methamphetamine issue, arbitrarily defunding our community prevention coalitions, and most recently being caught flat-footed by Mexican legislation to legalize drug possession.

In our experience, only Deputy Director for State and Local Affairs Mr. Scott Burns has reached out to key stakeholders. But because of that lack of meaningful consultation with drug enforcement by the director and his staff, Representative Terry offered an amendment which you supported that directed ONDCP to consult with law enforcement in the development of drug control strategies.

Mr. Chairman, our members are truly grateful for your recognition of the value of our expertise on this matter. Mr. Chairman, we are at a critical decision point. My colleagues and I have served and protected the public our entire careers. Eighteen thousand of my brothers and sisters are now memorialized on a wall just down the street, including my partner who died in my arms after being shot by a marijuana trafficker and another partner whose hand I held as he died from complications of exposure to meth lab chemicals. We are united in our support for the Byrne-JAG program and the retention of the HIDTA at ONDCP.

Mr. Chairman, let me just close by saying that our group knows that the true drug warriors in this country don't just wear vests or carry guns. Our partners in the fight against drugs have been the members of this subcommittee that have taken a leadership role. Our 62,000 members hold you, Mr. Cummings and the members of this committee in very high regard.

Thank you.

Mr. SOUDER. Thank you.

[The prepared statement of Mr. Brooks follows:]

STATEMENT FOR THE RECORD

Ronald E. Brooks, President

National Narcotic Officers' Associations' Coalition (NNOAC)

Subcommittee on Criminal Justice, Drug Policy, and Human Resources

Committee on Government Reform

United States House of Representatives

May 23, 2006

INTRODUCTION:

Chairman Souder, Ranking Member Cummings, Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the serious immediate and long-term consequences of proposed cuts to Federal funding for multi-jurisdictional drug enforcement programs, specifically the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) formula program and the High Intensity Drug Trafficking Area (HIDTA) program, and the proposed move of the HIDTA program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice.

I am the President of the National Narcotic Officers' Associations' Coalition (NNOAC), which represents 44 state narcotic officers' associations with a combined membership of more that 62,000 police officers throughout the nation. I am a veteran police officer and have spent the vast majority of my 33-year law enforcement career assigned to drug enforcement. Last year I retired from state service as an Assistant Chief with the California Department of Justice, Bureau of Narcotic Enforcement and continue to serve in law enforcement as the Director of the Northern California High Intensity Drug Trafficking Area (NC HIDTA).

Thanks to the vision and leadership provided by the United States Congress, and this Subcommittee in particular, there is considerable good news to report to the American public regarding our fight against illicit drugs and drug-related violent crime. In recent years, the White House Office of National Drug Control Policy (ONDCP) has reported significant reductions in overall drug use. Moreover, our nation has experienced dramatic reductions in both violent crime and property crime over the past several years, in part as a result of our success in battling drug abuse and drug-related crimes on a multi-jurisdictional basis. These successes have caused many of us to look with pride on accomplishments brought about by implementation of a balanced and comprehensive drug strategy. As you know, our national drug control strategy relies on a robust commitment at the Federal, state and local levels to prevention, treatment and the enforcement of Federal, State, and local drug laws.

We have experienced success, in large part, as a result of policies and programs legislated by Congress over the past 20 years. Speaking frankly, Mr. Chairman, I am deeply concerned about

recent budget and policy proposals, which may have unintended consequences. They could gut law enforcement's ability to battle drug-traffickers, and imperil whole states and communities across the nation. The effect of going forward with these changes could be devastating. While the administration's policies have generally been supportive of law enforcement, recently proposed cuts and changes seem to disregard what has worked, and are beginning to lead us down a path we don't want to travel.

THE IMPORTANCE OF DRUG ENFORCEMENT:

Law enforcement is easy to take for granted. Often, we underestimate the significance of security around us, because we become accustomed to living in a relatively secure environment. But Mr. Chairman, taking the life-and-death role of drug law enforcement officers for granted, especially at this time in our history, would be a terrible mistake.

The present drug control budget proposes to take drug law enforcement for granted. If the FY 2007 recommendation for the Federal Drug Control Budget is adopted by Congress, the Byrne-JAG formula program will be eliminated and the HIDTA program will be cut and moved to the Department of Justice. If these proposals are allowed to slip by, they will jeopardize years of institution-building and mission success that we have all helped to build.

Success over the past 20 years has been achieved by the hard work and commitment of America's law enforcement officers, prosecutors, drug court judges, treatment professionals and efforts of the grassroots prevention community, including parents, teachers, clergy, national guardsmen, and community anti-drug coalitions.

In a recent poll of citizens' concerns conducted in the Central Valley of California, the dangers of methamphetamine and meth-related crime ranked higher than war in Iraq, terrorism, rising gas prices, and the economy. Nationwide, drug abuse has been near the top of American families' concerns for over twenty years.

On May 15, 2006 I attended the National Law Enforcement Officer's Memorial service on the steps of the United States Capitol. During that service, President George W. Bush memorialized the sacrifice of 18,000 American law enforcement officers who paid with their lives to make America a safer place to work, live and raise our children. At least seventy of those officers killed in the past six years died while enforcing drug laws. On June 8th I will join thousands of grieving family members at a candlelight vigil led by parents and the DEA to remember our nation's children who have been lost to drugs. These two memorial services are reminders of the importance of drug enforcement and of Congress' role in framing – and maintaining – sound drug policy.

As Americans, we must never give up in our fight to preserve, protect and defend this great nation from the scourge of drugs. To do so would dishonor the memory of my fellow police officers and those who have died as a result of drug abuse. It is our solemn duty to do everything in our power to keep our nation's most precious treasure – our children – safe and drug free.

THE IMPACT OF DRUG TRAFFICKING AND ADDICTION:

While I know the members of this subcommittee understand the true impact of the drug problem, it is easy for discussions in Washington regarding drug policy and funding for drug treatment, prevention, and enforcement programs to become academic. The reality for the 62,000 members represented by the NNOAC – and for law enforcement officers, fire fighters, EMS workers, probation officers, drug court judges, and treatment professionals – is that these issues involve real-life tragedies.

From a personal point of view, my civilian friends often ask me about the physical and emotional toll that thirty-three years of facing the danger of ruthless drug dealers has taken on me. The truth is that as a police officer, you learn quickly to live with constant danger. What keeps me up at night is the death, fear, economic despair, and ruined lives I see as a result of drug addiction and drug-fueled violent crime. I have seen a lot of it. It is hard to watch generations of families succumb to the downward spiral of drug use, abuse, and addiction. It is hard to carry children out of meth houses reeking of poisonous gas. It is hard to see families, like the Angela and Carrell Dawson family in Baltimore, subjected to the vilest form of terrorism at the hands of drug dealers.

Drug enforcement officers are driven in their commitment to fight the scourge of drug abuse by recurring images of innocent children languishing in dirty diapers, living in deplorable and dangerous conditions and suffering from malnutrition and drug-addicted parents who often abuse them and who are unable to care for them. We are driven to face the danger of drug enforcement by witnessing impressionable young lives ruined when they are lured into a culture of crime by adults promising quick money. We see kids become dealers for adults, or lookouts that facilitate the drug sales operations of adults.

I once supervised a raid on a rural California super-lab that was producing more than 100 pounds of methamphetamine per two-day reaction cycle. As we approached the house to execute our search warrant, a large cloud of highly toxic gas began to vent from the house. Upon entry into that dangerous environment, we encountered four armed meth cookers and a woman, eight-months pregnant, who had been in the house for the entire two-day reaction cycle with her two small children.

During another lab raid, I found a teenage boy, an honors student, who lived with his meth-addicted father in a home where two separate chemical fires had flashed through the house, neither of which were reported to the fire department for fear that the meth production would be discovered. That teenager was working to survive, despite the daily danger posed by chemical exposure, explosion, fire, and armed encounters with rival drug dealers.

In deciding the fate of Federal assistance for state and local drug enforcement activities these questions must be asked: With the effects of drug abuse costing more than 28,000 American lives each year, how many more cuts can we afford to make to drug enforcement programs before the goals of our National Drug Control Strategy become impossible to reach? How many more deaths will occur if we abandon what has proved to be a successful and balanced approach of our nation's drug problem by dramatically reducing or eliminating successful drug

enforcement programs such as the Edward Byrne Justice Assistance Grants and the HIDTA Program? The impact of reducing the Federal commitment to assisting local law enforcement fight drug trafficking will deliver a slow but devastating blow to the quality of life in America.

Drug enforcement was hit two years ago when the original Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant were consolidated into the Byrne Justice Assistance Grant (JAG) Program with an overall reduction in funding without a mandate to use those funds for drug-related criminal justice programs. The program again suffered last year when the combined funding total was reduced from $634 million to $416 million.

In one example of the impact of the cuts, the governor of Texas eliminated funding for most drug task forces in the state because he determined that available funding was needed for border enforcement. Tragically, that trend of eliminating or decreasing task forces is one that the members of the NNOAC are experiencing throughout the United States despite the demonstrated importance of the role that state and local law enforcement play in the fight against drugs.

According to Department of Justice statistics, state and local law enforcement officers account for 97% of all drug arrests and prosecutions. At a Congressional briefing last year, Tom Constantine, who was the longest serving administrator of the DEA, stated that of the three percent of the drug cases attributed to Federal law enforcement most, if not all, were initiated by state or local arrests and investigations.

DRUG TRAFFICKING IS TERRORISM:

On September 11, 2001, almost 3,000 Americans were murdered by terrorists from foreign lands. The intensity, magnitude, and sheer evil of that single attack were a wake-up call to the world. Ironically, the events of 9/11 overshadowed a different kind of attacks – chemical attacks that occur each day in cities and towns in the form of death-dealing illegal drug trafficking.

We must live with – and prepare for – the threat of foreign terrorism. Still, I believe that drug trafficking and abuse are the most significant continuing threats to our domestic security. We are engaged in a mortal battle with illegal drug trafficking organizations, drug-funded gang activity, and violent drug-related crime.

Illegal drug overdoses killed more than 28,000 Americans in 2003, according to the Centers for Disease Control and Prevention. The impact on our economy is estimated to be more than $180 billion each year. But those stark numbers don't paint the complete picture. The unrelenting attack by international drug cartels, American street gangs, meth cookers, and neighborhood drug traffickers is a tragedy that touches every family in America. How can we quantify the lives ruined, opportunities lost, and heartache caused by drug abuse?

Since September 11, 2001, the focus of Federal assistance to state and local public safety agencies has shifted to protecting the homeland from terrorist activities and equipping first responders. Of course, it is important to fund preparedness and response capacity, but that shift has come at the expense of the drug enforcement mission.

That shift has not only affected America's communities, but has impacted aspects of the Global War on Terror. By shifting state and local law enforcement assistance resources to homeland security, we must not lose our focus on drug enforcement and drug prevention. I know you share my concern, Mr. Chairman, that protecting our homeland MUST mean protecting citizens from drug traffickers and violent drug gangs at home. To save the perimeter but lose the heartland would be a hollow victory.

Since September 11th, no child on U.S. soil has been injured or killed in a foreign-organized terrorist attack. But almost every child, regardless of race, gender or economic background will be asked by friends or acquaintances to try dangerous illegal drugs. Each child will struggle with a choice that has the real potential to ruin their life, a choice that – wrongly made – will cause them to sacrifice their health, mental state, education, and family. Stumbling into the world of drugs will likely force them to be estranged from family, friends and faith, far too often robbing them of life itself. Unfortunately, many of our nation's young people will make that life-altering choice this year – a choice with devastating results.

We don't allow ourselves to fight terrorism with one hand tied behind our back. Yet, the current Byrne-JAG budget proposal would tie the strong hand of state and local law enforcement behind its back by reducing support for multi-jurisdictional drug enforcement. Congress must not let this happen.

TASK FORCES WORK:

Contrary to statements in the Administration's budget request, multi-jurisdictional drug task forces have demonstrated clear results. Notably, on Byrne-JAG, the PART process cited by the administration omits key achievements by individual Byrne-funded task forces. According to data compiled by the National Criminal Justice Association, based on detailed metrics submitted by individual State Administering Agencies for 2004, task forces funded in part by Byrne-JAG were responsible for:

- 54,050 weapons seized
- 5,646 methamphetamine labs seized
- $250,000,000 in seized cash and personal property (does not include the value of narcotics seized)
- Massive quantities of narcotics removed from America's streets, including:
    - 2.7 million grams of amphetamines/methamphetamine
    - 1.8 million grams of powder cocaine
    - 278,200 grams of crack
    - 73,300 grams of heroin
    - 75 million cultivated and non-cultivated marijuana plants
    - 27 million kilograms of marijuana

These results are real. They are quantifiable. They are defensible. And they indicate the power of using Federal dollars to leverage massive state and local investment in public safety.

Drug traffickers and drug facilitators are not bound by the borders of one state, any more than they are bound by the borders of one nation. Criminal mobility is why multi-jurisdictional task forces are critical in battling this threat to our personal, community and national security. A joint approach is critical in targeting drug trafficking organizations. Multi-jurisdictional task forces are the lifeblood state and local drug law enforcement; they help reduce the impact of drug and firearm traffickers, gangs such as MS-13, pharmaceutical diversion, and organized crime in America's communities by linking organizations with information, leveraged assets, and a real-time advantage for law enforcement.

Another argument used by ONDCP in supporting previously proposed budget cuts to the HIDTA Program and the elimination of Byrne-JAG is that with recent reductions in crime and drug use, financial resources should be shifted to other priorities. I could not disagree more with this statement. We witnessed, in the early 1990s, what happens when resources are shifted away from the fight against drugs – drug usage and crime rates increased. We should embrace the Byrne-JAG formula program because it works; we should not look for reasons to dismantle it.

Since September 11th, there has been ongoing criticism that Federal law enforcement, the intelligence community and the Department of Defense did not adequately share information to reduce the risk of terrorism. Thanks to the HIDTA Program and Byrne-funded multi-jurisdictional drug task forces, Federal, state and local drug investigators are co-located and working cooperatively in cities, towns, and rural communities throughout the country. Agencies across the nation have established trusted relationships and make excellent use of the Regional Information Sharing Systems (RISS) and the HIDTA Intelligence Centers (ISCs), and are de-conflicting tactical operations and sharing case information in accordance with the National Criminal Intelligence Sharing Plan.

With regard to HIDTA, that information sharing would not occur without the cooperation that comes when agencies have the resources and ability to be housed together with a unified command structure working to address a common regional strategy that is funded federally but administered by balanced Executive Boards that equitably represent the interests of all participating agencies. Our information sharing and investigative cooperation is enhanced even more because our grant guidelines and Executive Boards mandate that cooperation.

BYRNE FORMULA GRANTS LEVERAGE FEDERAL DOLLARS:

The Administration argues, and some in Congress believe, that the Federal government has gotten too deep into funding state and local law enforcement activities. I agree that Federal funding should not supplant state and local funds for local activities, but I strongly disagree that Byrne-JAG and HIDTA fall into this category. The Byrne Justice Assistance Grants fund multi-jurisdictional task forces that don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information, build good cases, and pursue organizational and regional targets rather than just individual dealers. Both enforcement targets are valid and necessary, but without task forces law enforcement would revert to working within their own stovepipes and arresting targets of opportunity rather than focusing on organizational targets that have a disproportional impact on the problem. Drug enforcement would revert back

to the days when I first started working narcotics in 1978 when we worked within our own teams without cooperating or using intelligence to lead us in drug trafficking investigations.

Drug trafficking is an interstate and international problem which necessarily calls for Federal involvement. The best way for the Federal government to assist state and local law enforcement is through multi-jurisdictional drug task forces which take full advantage of state and local ground-level intelligence and expertise, but which contribute to Federal investigations of regional, national, and international drug trafficking organizations.

Byrne-JAG formula funding, when spread across the country, is too thin to supplant funding by state and local governments for justice and law enforcement programs. The minimal funding that the Byrne-JAG formula provides leverages state and local investment in justice programs to enhance cooperation, implement best practices, and improve training of peace officers and prosecutors. In addition, the program properly recognizes the critical role that the Federal government has in addressing America's crime problem. A national, integrated threat demands a national, integrated response with state and locals leading the way, but with the Federal Government providing meaningful support.

In reviewing programs around the country, many Byrne-JAG or HIDTA-funded task forces contribute between $30 and $40 of state or local funding for every Federal dollar received. This leveraging of Federal dollars creates the incentive and ability for successful drug enforcement that not only addresses the local drug threat but also coordinates investigative efforts against national and international drug trafficking organizations. These Federal dollars don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information and build good cases.

Drug enforcement has come a long way in the past fifteen years, but that hard-earned improvement will wane if Federal resources are not available to help continue the multi-jurisdictional task force model and the concept of intelligence-led policing. Byrne-JAG formula funding that is used by states for multi-jurisdictional drug task forces is rarely used to pay for personnel. It is primarily used for facility leases, overtime costs, vehicle leases and technology that is necessary for effective multi-jurisdictional drug enforcement efforts. Byrne funds are truly the glue that holds together multi-jurisdictional drug units throughout America.

The Byrne Justice Assistance Grant formula program allows states, counties, and municipalities to allocate funds each year to state and local programs that address pressing crime problems in their areas. But Byrne-JAG represents only a small fraction of the massive resources state and local governments drive into direct justice expenditures. In 2002, the latest year for which aggregate Census Bureau statistics are available, the following amounts were spent by state and local governments on justice programs:

- State Direct Justice Expenditures: $60,295,081,000
- Local Direct Justice Expenditures: $87,151,684,000
- Total State and Local Justice Expenditures: $147,446,745,000

The same can be said of the HIDTA program. HIDTAs, like Byrne-funded task forces, provide agency-neutral environments with balanced management led by an Executive Board with equal Federal, state and local participation. This neutrality and balanced system of governance fosters information sharing, tactical and subject deconfliction, and local and regional intelligence analysis that most state and local agencies simply don't have the resources or training to perform themselves, and that Federal agencies are inadequately focused and equipped to perform.

Inexplicably, the FY 2007 Budget Request does not acknowledge the importance of Federal partnerships with state and local governments in fighting crime. Reducing Federal involvement by cutting or eliminating programs that invest in state and local law enforcement, drug interdiction, prevention, treatment, community corrections, rehabilitation, re-entry and juvenile justice programs makes no sense. Such an act would reverse the trend toward enhanced cooperation that has contributed to the dramatic crime rate reductions of the past ten years.

Since FY 2002, funding for justice assistance programs in the Department of Justice has fallen dramatically from $2.2 billion to $800 million – a cut of more than 63%. While reductions in crime and drug use rates over the past 10 years have been significant, they have leveled off over the past two years. The majority of the reductions occurred when state and local law enforcement assistance accounts were funded at high levels. Although impossible to draw a causal link between robust funding for justice assistance programs and reduced crime rates, the correlation cannot be ignored. Improved information sharing, cooperation, equipment, and training for state and local law enforcement has contributed to more orderly communities and more effective law enforcement.

GROUPS JOIN TOGETHER TO SAVE BYRNE AND HIDTA:

Twenty-two professional organizations representing the criminal justice community and state and local government entities met early this year to discuss serious budget concerns regarding the Byrne-JAG formula program. Fifteen of those groups, including the National Alliance of State Drug Enforcement Agencies, International Association of Chiefs of Police, National Sheriffs' Association, National District Attorneys' Association, National Association of Counties, Major City Chiefs' Association, Major County Sheriffs' Association, National Association of Drug Court Professionals, National HIDTA Directors, National Troopers' Coalition, and others signed a letter to urge Congress to fund the Byrne-JAG formula program FY 2007 at the authorized level of $1.1 billion. I would like to submit the letter for the record. Congress authorized this level of funding earlier this year in the Department of Justice Appropriations Authorization Act, Fiscal Years 2006-2009.

This is the first time in my career that such a broad range groups has felt strongly enough about a single public safety issue to join forces on a common goal. Many of these groups have jointly met for meetings with congressional leadership to discuss the importance of adequate funding for the Byrne-JAG program. Several of the groups participated in a joint briefing on the importance of Byrne-JAG funding issue for congressional staff.

Mr. Chairman, the NNOAC is not alone in calling on Congress to recognize the importance of the Byrne-JAG formula program. Together, these groups represent hundreds of thousands of public servants and they are united in their focus.

DRUGS FUEL VIOLENT CRIME:

Violence, intimidation, and disinformation are the primary tools of drug traffickers. Drug criminals use force and intimidation to control turf, ensure the swift payment of drug debts, and deter those who might cooperate with law enforcement. A 1997 Bureau of Justice Statistics study of state prison inmates found that criminals who were under the influence of drugs while committing their crime accounted for 27% of all murders and 40% of robberies, a dramatic example of the link between drug use and violent crime. For this reason, drug law enforcement is critical to reducing violent crime and saving lives.

Experience shows that increases in drug arrests are followed by drops in violent crime. Drops in drug arrests are followed by increases in violent crime. In 1994, the New York Police Department implemented a program that targeted individuals and drug gangs that were believed to be responsible for much of the city's violent crime. The department targeted all levels, from street dealers to the drug kingpins that were responsible for supplying the bulk of the drugs that made their way to the streets of New York.

The results were nothing short of phenomenal: from 1994 to 1998, narcotics arrests doubled from 64,000 to 130,000 while serious and violent crimes dropped from 432,000 to 213,000. New York City's per capita homicide rate was reduced to that of Boise, Idaho. The cumulative effect of this multi-year trend was that as many as 750,000 people were spared from being the victims of violent crime and as many as 6,500 of our fellow human beings are alive today who would have been the victims of a homicide if had not been for aggressive law enforcement.

LEADERSHIP IN THE FIGHT AGAINST DRUGS:

The purpose of the Office of National Drug Control Policy (ONDCP) is to establish policies, priorities, and objectives for the nation's drug control program. The NNOAC vigorously supported the confirmation of ONDCP Director John Walters in 2001. Mr. Chairman, I cannot understand how – given the importance of state and local law enforcement in this nation's drug control strategy – this Drug Czar can support recommendations by the Office of Management and Budget to eliminate or dismantle the most effective state and local drug control programs in the nation – the Byrne-JAG formula program and HIDTA. These proposals only make sense if ONDCP's "priorities and objectives" include reducing cooperation and coordination among law enforcement against drug trafficking organizations.

Over the past four years, a disturbing pattern has developed of ONDCP being uninformed or uninvolved in critical aspects of national drug control policy. In our experience, only the Deputy Director for State and Local Affairs, Mr. Scott Burns, and his staff at the Office of State and Local Affairs (OSLA) have reached out to key stakeholders in law enforcement, prevention and treatment, and have worked tirelessly to support the HIDTA program.

The National Drug Control Strategy has become largely irrelevant in the eyes of many constituencies it is intended to guide. It has not adequately identified drug threats, nor has it provided the guidance needed to coordinate efforts to address our nation's complex drug problem. A glaring example of the inadequacy of this important document is the failure to identify and strategize a response to the threat posed by methamphetamine.

For several years, while Congress, law enforcement, the media and average Americans were sounding the alarm on the unique threat posed by methamphetamine, ONDCP leadership remained silent and did little to coordinate Federal action on the problem. Only when members of Congress led by you, Mr. Chairman, Mr. Cummings and the Speaker of the House demanded action, did ONDCP reluctantly acknowledge the need to comprehensively address the problem.

The leadership at ONDCP has turned their back on American drug law enforcement, by consciously supporting elimination of the Byrne-JAG program and the transfer of the highly successful HIDTA program to the Department of Justice. These cuts would result in elimination of most multi-jurisdictional task forces and would scale back information sharing and collaboration among law enforcement agencies. The office has also shown a lack of support for community anti-drug grant programs by suddenly, arbitrarily and inexplicably de-funding prized community-based drug prevention efforts.

Last month's recess appointment of a new Deputy Director for Supply Reduction, despite the nominee's lack of operational experience, opposition to the nominee by law enforcement organizations, and opposition by a majority of the Senate Judiciary Committee was an ill-advised move by ONDCP leadership. Most recently, three days after the American public learned of Mexico's plan to legalize drug possession earlier this month, ONDCP's Director released a startling and odd statement praising Mexico for its dedication to fighting illegal drugs, without commenting on the impact of the legalization legislation.

While the NNOAC strongly agrees with Director Walters that narcotics legalization is – and always will be – a dangerous course in any nation, and NNOAC commends his efforts to help Canada beat back narcotics legalization, ONDCP's silence on Mexico's legalization efforts was disturbing.

Effective leadership entails frequent stakeholder communication. ONDCP leadership, with the exception of Mr. Burns, has failed to consult with law enforcement practitioners who have valuable insight and advice on the importance of Federal investment in state and local drug enforcement programs, the nature of various drug threats, and the crafting of a meaningful National Drug Control Strategy.

Last year, when supporting the elimination of Byrne-JAG and changes to the HIDTA Program, ONDCP leadership failed to consult with the NNOAC, National Sheriff's Association, International Association of Chiefs of Police, the Fraternal Order of Police or the HIDTA Directors. The continuing lack of consultation with experts in drug enforcement resulted in the adoption of an amendment during House consideration of ONDCP reauthorization directing ONDCP to consult with law enforcement in the development of drug control strategies. The

amendment was offered by Rep. Terry with your support, Mr. Chairman, and we are very grateful for your recognition of the value of our expertise.

Progress in the fight against drugs has been achieved through sustained leadership of dedicated members of the House and Senate. Unfortunately, ONDCP has not listened to Congress on important drug issues. Part of ONDCP's responsibility is to use the "bully pulpit" to carry a strong anti-drug message to every American, identify and coordinate response to emerging drug threats such as methamphetamine, and support America's drug enforcement partnerships, including state and local law enforcement - the community that makes 97% of all drug arrests in America.

In a recent written response to questions posed by you, Mr. Chairman, Director Walters cited a lack of demonstrable results as one of the reasons that he was supporting elimination of Byrne-JAG funding. The Director is wrong. He cited OMB's Performance Assessment Rating Tool (PART), which he also cited last year when acceding to drastic budget cuts in the HIDTA Program. Since that time, the Performance Measures Program (PMP) developed by the HIDTA Directors, reviewed by this committee and other leaders in the Congress, has clearly validated the dramatic results produced by America's twenty-eight HIDTAs.

RETAIN HIDTA AT ONDCP:

The Administration's FY07 Budget proposes to transfer the High Intensity Drug Trafficking Area (HIDTA) Program to the Department of Justice from the Office of National Drug Control Policy. Again, this reflects a poor understanding of the critical needs in the field, the record of HIDTA success, and how we got here. We oppose this transfer because it could create a Federal-state imbalance within individual HIDTAs and could lead to reduced state and local participation, which is the cornerstone of the program's effectiveness. Transferring HIDTA to the Department of Justice would compound the damage already done to Federal, state and local law enforcement partnerships as a result of recent reductions in funding for other justice assistance programs.

CONCLUSION:

If we agree that drug abuse in America is a national problem – with enormous potential impact on every state, congressional district, community and family – and one that requires a coordinated international, national, state, and local law enforcement response; if we agree that drug abuse poses a significant threat to the security of our nation on many levels; if we agree that drug profits fuel terrorism and weaken our ability to respond to terrorist threats; and if we agree that drug trafficking and drug abuse presents a palpable risk to our families, then we should all reach the same conclusion: A coordinated strategy that includes all levels of government, including Federal resources for targeted and effective multi-jurisdictional drug enforcement activities, must be a top priority of the Federal government.

The HIDTA and Byrne-JAG formula programs provide a small amount of the overall funding that is dedicated each year to state and local drug enforcement, but their role is pivotal. Their presence is a key to our success. The funding provided through Byrne-JAG and HIDTA provides the necessary incentive for multi-jurisdictional coordination, as well as the essential elements for state and local law enforcement officers to work with Federal counterparts to control the drug epidemic. It is this coordination that has improved the effectiveness of drug enforcement and has helped reduce drug use and violent crime.

If Congress allows either Byrne-JAG or the HIDTA program to be cancelled, cut or diverted; if it reduces or eliminates the balance of governance over individual HIDTAs; Congress will effectively cripple multi-jurisdictional drug enforcement at the local and regional levels. Is this really what is best for America? The dedicated law enforcement officers that I represent believe that common sense, a history of success, compelling facts, and the urgency surrounding multi-jurisdictional coordination all support an uncompromising commitment to both Byrne-JAG and HIDTA.

It is time to return to the basics in promoting sound drug policy and providing for the safety of every American from drugs and drug related crime. We must once again embrace those strategies and programs that have led to a safer and more drug free America. We must demand leadership from our nation's Drug Czar. We must work together with enforcement, treatment, and prevention to effectively carry out different but equally important roles in a comprehensive national drug control strategy. We must understand that Federal law enforcement alone does not have the resources necessary to protect Americans from the threat of drugs and gangs. Adequate Federal assistance must be provided in the form of Byrne-JAG formula grants to fund the multi-jurisdictional task forces that provide the first line of defense for cities and towns throughout this nation. We cannot sacrifice the safety of our families and our communities by failing to support drug enforcement.

On behalf of America's narcotic officers, I urge the members of this subcommittee, who have been the leaders in developing our national drug control policies, and in protecting programs that fight back against drugs, to strongly support the $900 million for the Byrne Justice Assistance Grants formula program in the Senate and House Budget Resolutions. I would also ask you to encourage your colleagues to clearly reject the transfer of the HIDTA Program to the Department of Justice where it will lose its character as a robust collaborative partnership.

Mr. Chairman, Ranking Member Cummings, members of the Subcommittee, I want to thank you for inviting me to share the views of America's narcotic officers. We applaud you for all that you have done to promote sound drug policy. The members of the NNOAC hold you in great esteem and appreciate your service to America.

Mr. SOUDER. Mr. Carr.

STATEMENT OF TOM CARR

Mr. CARR. Chairman Souder, Ranking Member Cummings and distinguished members of the committee, I am honored to appear before you today to discuss the HIDTA Director's concerns with the administration's fiscal year 2007 budget proposal that contains what we believe to be unacceptable budget cuts for Byrne and Justice Assistance Grant programs and the proposed transfer of the HIDTA program to the Department of Justice.

I come to you with over 35 years of law enforcement experience, including over 21 years of experience in drug law enforcement and policy development.

Since its inception in February 1994, I have had the honor to serve as the Director of the Washington-Baltimore HIDTA. Among my many duties as a HIDTA Director I chaired the committee that developed the HIDTA Performance Management Process used nationwide in the HIDTA program today to measure its efficiency and its effectiveness.

On March 10, 2005, when I testified before this committee about the administration's fiscal year 2006 budget proposal, you may recall that the Office of Management and Budget and the Office of National Drug Control Policy alleged that the HIDTA program was inefficient and ineffective. I am pleased to see that at least today these offices are not assailing the program with that flimsily supported charge.

Mr. Souder, Mr. Cummings, Ms. Watson and members of the subcommittee, as you well know, the HIDTA program was one of the most successful government programs in existence today. My fellow Directors and I assert that a drug control program that yields a return on investment of $63 for every program dollar invested, seizes $10.5 billion in illicit drugs at wholesale value, nearly a half billion dollars in illegal drug assets or drug profits, dismantles and disrupts over 35 drug trafficking and money laundering organizations, destroys more than 4,500 clandestine drug laboratories capable of producing a minimum of $31 million worth of methamphetamine, and apprehends more than 12,000 fugitives, to mention only a few of its many accomplishments over a 12-month span, can hardly be thrown in the ash heap because it is not demonstrating results. Indeed, the HIDTA program should be emulated, not immolated.

At this time, I would like to provide you a copy of the High Intensity Drug Trafficking Area Program 2004 Annual Report for the record; and I have provided that to the committee. This report details, as you well know, all the program's marvelous accomplishments for calendar year 2004.

Our 2005 performance results will be published this summer. However, I can tell you in advance that the program has already identified over 5,000 drug trafficking organizations and 491 money laundering organizations. Of these, 1,600 or so were international, 1,500 multi-State, and 2,400 were local in scope. We have done over 429 RPOT investigations, and we have referred over 1,100 DTOs to the ONDCP program. Our HIDTA initiatives have suc-

cessfully dismantled 950 drug trafficking organizations and disrupted over 2,000.

And, by the way, I thought you would be interested to know that Mexico is the principal source for the drugs being trafficked on our streets, according to our records; and, based upon our information, it also appears that the largest single ethnic group involved in DTOs is Mexican.

Our HIDTA program was built on the premise that Federal, State and local agencies have an equal voice in managing the HIDTA—the individual HIDTAs and addressing the regional drug threats.

Mr. Nash, who, by the way, I truly admire for his commitment and dedication to helping resolve this Nation's drug problems, spoke about the complications that would be resolved by moving the HIDTA program to the Department of Justice. I submit to you that these complications are in the minds of those vying for control of the HIDTA program, not in the minds of those performing the day-to-day work of coordinating activities, deconflicting cases, exchanging intelligence and information, planning activities, and ultimately dismantling and disrupting drug trafficking organizations.

It appears to have taken the Department of Justice some 15 years to recognize what, Mr. Chairman, you pointed out, that the HIDTA program with its emphasis on regional drug threats links directly to the larger national and international aspects of the drug trade. HIDTA's bottom-up approach to dismantling and disrupting drug trafficking organizations on the local, multi-State and international levels has proven to be a most effective one, as our performance indicators have shown for the last 2 years.

Mr. Nash and others at the Department of Justice assert that by moving the HIDTA program to Department of Justice HIDTA would gain resources and would become a stronger program. I have no doubt that in many ways this is true. My question is, why does it have to be moved to accomplish this? There is no reason that every benefit Mr. Nash cited cannot be afforded the program now. What prevents Department of Justice from coordinating activities, enhancing deconfliction services, sharing intelligence and developing strategic plans that include the HIDTA program?

Mr. Nash states that the HIDTA program would remain an independent, free-standing program within the Department of Justice. They hold that status now within the Office of National Drug Control Policy. However, ONDCP is viewed by Federal, State and local law enforcement as a neutral authority. By that I mean ONDCP is not the beneficiary of funding.

If moved to DOJ, Justice agencies would have an upper hand when it comes to obtaining HIDTA funds. State and local law enforcement would no longer have an equal footing with our Federal counterparts on the HIDTA executive boards when it came to devising strategies and obtaining funding. This fact would change and actually undermine the entire HIDTA process.

The Department of Justice plan—and I am glad to see this year they have a plan and have articulated one so we can at least gain some attempt to understand it—really contains only one new element. The other elements are already in place in the HIDTA program. That new element, however, is very disconcerting to us.

HIDTAs have not seen a programmatic increase since 1998. Operating costs have steadily escalated, and our ability to conduct operations has already been placed in jeopardy.

By reducing the baseline funding to HIDTAs in order to create a competitive discretionary fund, task forces will, by necessity, have to be eliminated or severely reduced in every HIDTA, regardless of their performance.

The proposition was put forth that, in order to achieve maximum impact, HIDTAs will be encouraged to coordinate enforcement initiatives more closely with other department crime fighting initiatives, including Project Safe Neighborhoods, the Safe Streets Violent Gang Task Forces, and the OCDETF program.

In the Washington-Baltimore HIDTA, Mr. Cummings, as you well know, we fund two Safe Street Task Forces. I sit on the Virginia Project Safe Streets Advisory Board, and Mr. Azzam sits on a similar project in his HIDTA. Tomorrow, my deputy director and program manager for intelligence are meeting with a regional OCDETF coordinator to assist in developing a new strategy for targeting for OCDETF. We are also in the process of procuring a gang data base compatible with that used by the FBI, ICE and ATF and used by everyone in our HIDTA region.

I can't imagine how we could achieve any more impact or any higher level of coordination than I just described for you.

Mr. Nash astutely mentioned barriers to sharing intelligence and that these would be reduced when the HIDTA program is moved to the Department of Justice. Again, I submit to you that these barriers are artificial and in the minds of those vying for control of the program.

Many HIDTA intelligence analysts have Top Secret clearances, we have facilities approved to handle classified material, and, most importantly, we have been and are willing to continue to share any and all information with the Department of Justice. It is the Department of Justice that has often been less than forthcoming.

Let me close by saying that, under Mr. Bagnoli's leadership, the Washington-Baltimore HIDTA has prospered. I consider him a close friend. Personally, I have every reason to believe that the HIDTA program would also prosper in Justice now that he is the Deputy Attorney General. However, it just does not have to be moved to Justice for this to occur.

Mr. Chairman, members of the subcommittee, on behalf of the National HIDTA Directors' Association, I thank you for the opportunity to speak with you today; and I look forward to responding to any questions you may have of me.

[The prepared statement of Mr. Carr follows:]

HIDTA Directors
Appalachia
Frank Rapier
Arizona
Raymond L. Vinsik
Atlanta
Ronald J. Caffrey
CBAG
Richard Gorman
Central Florida
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Central Valley
William Ruzzamenti
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Thomas K. Donahue
Gulf Coast
Tony Soto
Hawaii
Larry D. Burnett
Houston
Stan Furce
Lake County
Leo Arreguin
Los Angeles
Roger Bass
Michigan
Abraham L. Azzam
Midwest
David Barton
Milwaukee
Erick V. Slamka
Nevada
Mike Hawkins
New England
George C. Festa
New Mexico
Errol J. Chavez
New York/New Jersey
Chauncey Parker
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William I. Martin
North Florida
Edward B. Williams
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Mona Neill
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Ronald Brooks
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Dave Rodriquez
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Jose M. Alvarez
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Thomas J. Gorman
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Terence M. Azbill
West Texas
Travis Kuykendall
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Thomas H. Carr

NHDA
National HIDTA Directors Association

NATIONAL HIDTA DIRECTORS' ASSOCIATION

Statement by Thomas H. Carr

House Committee of Government Reform and Oversight
Criminal Justice, Drug Control Policy and Human Resources Subcommittee

Fiscal Year 2007 Drug Budget and the Byrne Grants, HIDTA, and other Law Enforcement Programs: "Are we jeopardizing federal, state and local cooperation?"

May 23, 2006

Chairman Souder, Ranking Member Cummings, and distinguished members of the Subcommittee: I am honored to appear before you today to discuss the HIDTA directors' concerns with the Administration's FY07 budget proposal that contains unacceptable budget cuts for the Byrne and Justice Assistance Grant programs, and the transfer of the HIDTA Program to the Department of Justice. I come to you with over 35 years of law enforcement experience, including over 21 years of experience in drug law enforcement and policy development. During my career, I worked as a criminal investigator, supervisor, law enforcement administrator, and university faculty member and researcher.

Since its inception in February 1994, I have had the honor of serving as the director of the Washington/Baltimore (W/B) HIDTA. Among my many duties as a HIDTA director, I chaired the committee that developed the HIDTA Performance Management Process (PMP) used nationwide in the HIDTA Program today to measure its efficiency and effectiveness.

On March 10, 2005, when I testified before this subcommittee about the Administration's FY06 budget proposal, you may recall that the Office of Management and Budget (OMB) and the Office of National Drug Control Policy (ONDCP) alleged that the HIDTA Program was inefficient and ineffective. I am pleased to see that at least today these offices are not assailing the Program with that flimsily supported charge. Mr. Souder, Mr. Cummings, and members of the Subcommittee, as you well know, the HIDTA Program is one of the most successful government programs in existence today. My fellow directors and I assert that a drug control program that yields a return on investment of $63 for every program dollar invested, seizes $10.5 billion in illicit drugs at wholesale value, nearly $0.5 billion in illegal assets (drug profits), dismantles and disrupts 3,538 drug trafficking

organizations and money laundering organizations, destroys more than 4,500 clandestine laboratories capable of producing a minimum of $31 million worth of methamphetamine, and apprehends more than 12,000 fugitives, to mention only a few of its many accomplishments over a 12 month span, can hardly be thrown on the ash heap because it is "not demonstrating success." Indeed, the HIDTA Program should be emulated, not immolated. At this time I would like to provide you with a copy of the *High Intensity Drug Trafficking Area Program 2004 Annual Report* for the record. This report details the Program's marvelous accomplishments for calendar year 2004.

Our 2005 performance results will be published this summer. However, I can tell you in advance that in 2005, the HIDTA Program identified 5,148 drug trafficking organizations and 491 money laundering organizations. Of these, 1,696 were international, 1,516 were multi-state and 2,427 were local in scope. According to our preliminary reports, 457 were involved in CPOT investigations, 429 in RPOT investigations, and 1,185 DTOs were involved in OCDETF investigations. HIDTA initiatives successfully dismantled 950 of these organizations and disrupted 2,333. The HIDTA investigations listed Mexico as the principal source country for the drugs being trafficked on the streets in America. Based on our information, it also appears that the largest, single ethnic group involved in these DTOs is Mexican.

Mr. Souder, Mr. Cummings and members of this Subcommittee, thanks to each of you and your colleagues in the House of Representatives and in the U.S. Senate, the folly of last year's efforts to cut the HIDTA budget by 57 percent and merge the Program with the Department of Justice's Organized Crime Drug Enforcement Task Force (OCDETF) failed. Nevertheless, and again without consulting any HIDTA directors, ONDCP Director John Walters has proposed the transfer of the HIDTA Program to the Department of Justice. He has also recommended reducing funding from the FY06 level of $227 million to $208 million. These proposals were wrong last year, and are no more appropriate this year.

The HIDTA Program is built on the premise that federal, state and local agencies should have an equal voice in managing their individual HIDTAs to address regional drug threats. ONDCP's Office of State and Local Affairs has and continues to provide a neutral yet supportive environment for this Program to flourish. Moving the HIDTA Program from ONDCP to DOJ would create an imbalance of power in each HIDTA. Various DOJ agencies are directly involved in each HIDTA's executive board, and these agencies annually compete for scarce resources and funds with non-DOJ federal agencies, as well as state and local drug law enforcement organizations. Simply put, ONDCP is better equipped to act as a neutral broker of HIDTA funding than DOJ since the Office does not maintain an enforcement arm, does not have representation on regional HIDTA executive boards, and does not compete for HIDTA funding in any way.

Part of the rationale offered for transferring the HIDTA Program was to provide better coordination with OCDETF. The Washington/Baltimore HIDTA falls within the Middle Atlantic OCDETF Region, one of the nine OCDETF regions. According to OCDETF statistics I have been provided, this region initiated 177 cases between 2003 and 2005. A total of 69 cases were HIDTA cases, which represents 39 percent of the region's case initiations. Our HIDTA promotes OCDETF training, and in March we co-sponsored the OCDETF Regional Annual

Meeting. I often talk with our OCDETF regional coordinator and our HIDTA provides input for the preparation of the OCDETF annual strategy and threat assessment. I am unable to see how our HIDTA could be any better coordinated with OCDETF by transferring the Program to DOJ. I know from talking with my colleagues that they also work very closely with OCDETF in their HIDTA regions. In fact, combined, the HIDTA Program reported being involved in 1,242 OCDETF cases in 2004 and, as mentioned, referring 1,185 DTOs to OCDETF in 2005.

According to the Administration's rationale, "Efforts to focus the HIDTAs on the President's National Drug Control Strategy priority targeting high-level organizations, such as the CPOT List, have been hindered by the practice of funding individual HIDTAs at the same level year after year. As a result, the Budget proposes a HIDTA program that will focus funds on regions that are primary national drug distribution or transit zones. This Budget provides this new, better-focused HIDTA program with funding of $208 million."

However, our data show that in 2004, HIDTAs dismantled or disrupted 3,538 DTOs and MLOs. Fifty-five percent of the DTO's and 86 percent of the MLOs were international or multi-state in scope. By the end of 2004, HIDTA initiatives nationwide reported their involvement in 425 CPOT investigations and 393 RPOT investigations. Our preliminary reports show that the HIDTA Program was involved in 457 CPOT and 429 RPOT investigations in 2005. Has the National Drug Control Strategy been hindered by the practice of funding HIDTAs at the same level year after year? Absolutely! All indications are that more funding for the HIDTA Program will most likely result in more CPOT and RPOT cases being initiated.

What is clear to all of the HIDTA directors is that the National Drug Control Strategy is not a National Strategy at all. Rather, it has become a Federal Strategy and one lacking in many important areas. The failure to recognize the critical role state and local police play in enforcing our Nation's drug laws and curbing the importation, production, manufacturing, distribution and consumption of illicit drugs has never been more apparent than when the National Strategy permits the elimination of the Byrne and Justice Assistance Grant programs. Similarly, the Safe and Drug Free Schools program is marked for elimination. It was our understanding that the National Drug Control Strategy was supposed to be developed in concert with state and local governments. Obviously, this was not done. There is something seriously wrong with a strategy that does not coordinate federal, state and local resources and seek cooperation at all levels of government.

In closing, I encourage you to delve into the facts and, when you do, I am sure that you will reach the same conclusions you drew last year. The HIDTA Program works best in the Office of National Drug Control Policy, and funding for Byrne and Justice Assistance Grant programs, the Safe and Drug Free Schools program, and the HIDTA Program should be restored.

Mr. Chairman, members of the Subcommittee, on behalf of the National HIDTA Directors' Association, I thank you for this opportunity and look forward to responding to any questions you might have of me.

Mr. SOUDER. It was outlined in the plan at least, which was more than what we had before.

Mr. DONAHUE. They called it a plan, but this is correct.

Mr. SOUDER. Mr. Donahue, thanks for coming in.

STATEMENT OF TOM DONAHUE

Mr. DONAHUE. Mr. Chairman, Congressman Cummings and Congresswoman Watson, I thank you for this opportunity to testify before you today. As you know, we testified on the same problem in March 2005. I predicted then that there would be an adverse impact on the Chicago HIDTA, and that has sadly come true. I predict that if the 2007 proposal is also passed, it will effect the Chicago HIDTA adversely.

The Chicago HIDTA has ensured that law enforcement drug operations have consistent direction, follow policy guidelines, and engage in strategic planning communicated across organizations and jurisdictions. These sectors give law enforcement an advantage over criminals that would be difficult to achieve if working independently.

HIDTA initiatives have been instrumental in assisting law enforcement agencies with accessing an all-source counterdrug investigative support center and source of counterdrug intelligence products, including a heroin offender trafficking base. They have also been involved in destructing distribution networks that supply organized street gangs in the greater Chicago metropolitan area. They continue to target numerous open air drug markets operated by street gangs in Chicago, especially the heroin markets of the west side, interdicting drug currency shipments via the highway system and governmental private carriers, disrupting organizations involved in laundering illicit money from the drug trade, and enabling the development of task cases against these dealers.

They are also involved in financial analysis directed at seizing assets acquired through illicit drug proceeds. They are involved in identifying the international sources of supply of drug trafficking groups that operate in the Chicago area. They also are instrumental in case and trial support as well as post-case seizure analysis.

All these activities speak to the comprehensive strategy that is required for intervening in drug crime. Each HIDTA has developed a cohesive, comprehensive program combining regional and locally focused initiatives to implement the national mission of countering that drug trade.

The drug problem in the Chicago area has increased dramatically over the past years. According to the Illinois Department of Human Services, there is a dramatic increase in the number of people requesting treatment for heroin and cocaine abuse. The Office of Alcoholism and Substance Abuse noted that in 2005 there were over 38,000 admissions for heroin addiction and over 20,000 admissions for cocaine addiction. Heroin alone was a 54 percent increase from 2004.

Since August 2005, it has been discovered that we have another problem in Chicago. That is fentanyl, which has been distributed in the heroin markets in Chicago. Fentanyl is a Schedule 2 substance under the Controlled Substances Act. The drug has shown up as pseudo heroin and also as an adulterant used with heroin.

Fentanyl is a synthetic opioid more than 100 times more potent than morphine or heroin. The use of this drug has left unsuspecting heroin abusers the victims of overdose and death. In the last year, there have been over 300 overdoses and over 40 deaths in the use of fentanyl.

HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. The joint leadership of the HIDTA Executive Board has been instrumental in ensuring that law enforcement engages in strategic planning and coordination of efforts to disrupt drug markets, halt the proliferation of criminal networks and reduce drug-related deaths. Without the ability to maintain the operational collaboration made possible by HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was episodic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking. Under these circumstances, it will be impossible to maintain the declining crime rates and prevent drug-related violence from again spiraling out of control.

The Chicago HIDTA has proven to have an established and effective Investigative Support Center. Since its inception, the Chicago HIDTA ISC has clearly defined the intelligence component for its enforcement initiatives. The Chicago HIDTA has lost focus due to the proposals in the 2006 budget in which the administration asked to move the HIDTA to ONDCP and cut its budget by 56 percent. As a result of that, I lost five very experienced analysts in my Investigative Support Center. It wasn't until approximately a week ago that I was able to replace those individuals, and I can't blame them for what they did because of the uncertainty of their future employment. The inability to provide quality work products, due to heavy workloads and job insecurity, has caused a great deal of stress and low morale in the ISC staff.

The ISC's intelligence program has had a solid reputation for novel methods to support law enforcement. The momentum from creativity and innovation has come to a screeching halt. During 2005, the ISC has had to turn down more than 40 local drug conspiracies, several Federal wiretap investigations and countless law enforcement inquiries. The intelligence elements of the following multi-agency law enforcement initiatives has ended or has been severely compromised due to the lack of experienced analysts at the Chicago ISC. They include our Package Interdiction Team, Domestic Highway Interdiction, the North Suburban Drug Units, the South Suburban Drug Units, our West Side Heroin Task Force, Drug-Related Violent Crimes Initiative and our Money Laundering and Financial Crimes Initiative.

Within the last year, agency intelligence systems and personnel are not being offered to the ISC by Federal, State and local law enforcement agencies. The Chicago ISC has not been invited to participate with newly created intelligence groups such as the Illinois State Police STIC Center and Federal "fusion" centers due to the viewed lack of support in the HIDTA program. Agencies do not want to commit to a program that may not exist in the future.

Clearly, the lack of confidence in the HIDTA program has undermined its purpose. Clearly, the President's 2007 budget would impair the HIDTA program.

Thank you for this opportunity.

Mr. SOUDER. Thank you.

[The prepared statement of Mr. Donahue follows:]

Statement by Thomas K. Donahue
to the
Congress of the United States
House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Fiscal Year 2007 Drug Budget and the Byrne Grants, HIDTA, and other law enforcement programs:
"Are we jeopardizing federal, state and local cooperation?"

May 23, 2006

Chairman Souder, Ranking Member Cummings, and distinguished members of the Committee: I am honored to appear before you today to discuss the Chicago HIDTA's concerns with the Administration's FY07 budget proposal that contains unacceptable budget cuts for the HIDTA Program, Byrne and Justice Assistance Grant programs and the transfer of the HIDTA Program to the United States Department of Justice (DOJ). I appear before you with 37 years of law enforcement experience, 10 years experience as a narcotics investigator and 12 years experience as a prosecutor concentrating on organized crime, narcotics cases, and related violent crimes. I have had the honor of serving as the director of the Chicago HIDTA since August 2000. My testimony today will attempt to answer the question posed by the Committee:

"How did the 2006, 2007 budget process effect the Chicago HIDTA?"

In doing so I will provide you with an overview of the HIDTA program and the impact of the uncertainty of HIDTA on the Chicago region. The impact of the transfer to the Department of Justice is stated in Attachment #1 of this statement.

In 1988, Congress wisely recognized the importance of coordinating federal, state and local law enforcement agencies to effectively address the nation's drug threat. Congress established the High Intensity Drug Trafficking Area (HIDTA) Program to provide coordination of drug enforcement efforts in critical regions of the country. This coordinated effort was necessary due to competing strategies within the federal, state, and local law enforcement community.

Building on the concept that the country faces a national drug abuse epidemic which is in reality a network of related and unrelated regional and local drug abuse problems and the markets that supply them, HIDTAs address regional drug problems based upon a unique threat assessment process. Each HIDTA develops its own strategy consistent with and complimentary to the National Drug Control Strategy. HIDTA Executive Boards implement their strategies by funding structured and formal initiatives (task forces), each with a mission that best uses its particular expertise and addresses a particular threat. A targeted strategy, implemented locally, produces greater immediate impact, while at the same time provides avenues for further investigation into national and international trafficking groups.

HIDTA Executive Boards, comprised of an equal number of federal, state and local law enforcement executives, meet regularly to govern each HIDTA. The HIDTA

management structure creates a level playing field among federal, state and local partners who understand all aspects of law enforcement and put the interests of the HIDTA above their own. Executive Boards hire directors who are highly experienced law enforcement professionals. Directors act as neutral brokers for participating agencies and are charged with carrying out the collective policy decisions of their Executive Boards. This neutrality fosters an innovative program, immune to turf battles. No other program of the federal government that integrates state, local and federal assistance and financial awards, allows this level of local oversight and direction. This is the first time in history state and local law enforcement has been empowered to manage drug investigations in their region.

The HIDTA program is in the forefront of promoting innovative methods and ideas. The evolution of the HIDTA intelligence subsystem initiative is an example. Historically, the sharing of intelligence among law enforcement agencies has been abysmal despite decades of attempts by federal agencies to create intelligence sharing centers. The program requirements of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing of intelligence on an unprecedented scale. The HIDTA.net/ riss.net/LEO information system architecture electronically links each HIDTA. Each HIDTA has direct access to multiple agency and commercial databases, and provides a full range of analytical services. HIDTA Investigative Support Centers (ISCs) now stand as object lessons in interagency cooperation, collaboration and coordination. HIDTA ISCs have played an integral role in numerous noteworthy criminal investigations.

Other innovations include:

1. Event deconfliction - HIDTA pioneered systems that allow undercover officers to schedule a time and location for events such as stakeouts, drug buys, execution of search and arrest warrants and sweeps, etc., and to determine if the event they are scheduling would conflict with a different agency for a similar time and location. Event deconfliction is a requirement within the program, and is available to non-HIDTA agencies as well. This system is critical to officer safety.
2. Target deconfliction - Agencies have wasted countless resources investigating the same targets because of systemic difficulties or reticence to share information. HIDTAs have developed systems that allow agencies to share targeting information, and working with DEA and other agencies have developed a National Virtual Pointer System that agencies are now using. HIDTA credibility as a neutral entity has fostered this progress and the intelligence subsystems are making it work.
3. National Clan Lab Database - Built in partnership with the El Paso Intelligence Center, this was the first federal law enforcement database to allow direct state/local access. Many methamphetamine labs are rural in nature. Many HIDTA-funded task forces who address clan lab investigations utilize this database for input and enforcement intelligence.
4. Electronic intercept capabilities - HIDTAs have developed centralized systems that have revolutionized technical investigative capabilities around the country.
5. RISS/HIDTA partnership -HIDTAs are members of the Regional Information Sharing Systems and have used the RISS to establish HIDTA.net, a secure system which connects all HIDTAs electronically.
6. Operation COBIJA - a multi-agency, multi-state interdiction project hailed as the best such effort ever developed.
7. Training - HIDTAs have leveraged existing training programs by working with them

to bring training to the officer, rather than requiring officers to travel. Tens of thousands of local/state/federal officers have benefited from this coordinated low cost training.

Each HIDTA has its own examples of how regional law enforcement has changed for the better because of its existence.

The HIDTA program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local heads of agencies join with their federal counterparts on an equal basis to determine the direction of their individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within the Office of National Drug Control Policy (ONDCP), a factor which has fostered willing state and local participation.

HIDTA's most important contribution to the war on drugs is the partnerships it has nurtured among participating agencies. These partnerships, developed over years, have become an institutionalized part of the program. This has led to leveraging of resources among its participants, which would not have occurred under any other program. This leveraging of resources and fiscal flexibility will likely be eliminated by placing HIDTA under the Department of Justice. Furthermore, placing HIDTA within a department that gives the perception it is under the control and direction of a federal law enforcement entity would certainly influence state and local participation and threaten collaborative partnerships that have been nurtured by the HIDTA model. If the HIDTA program is moved from the Office of National Drug Control Policy and the Executive Office of the President, it will give the wrong message to law enforcement and diminish the importance of the War on Drugs in the eyes of the public.

CHICAGO AREA IMPACT/Comments

In 2005, Chicago HIDTA initiatives seized 5,199 kilograms of cocaine, an increase of 128% over 2004; 24 kilograms of heroin and 12,992 kilograms of marijuana (both slightly decreased from 2004) and $16,521,392.00, an increase of 80% over 2004 money seizures. **The drug war is ongoing in Chicago.**

Chicago is a major U.S. transshipment hub for poly drug trafficking organizations. As a Midwest gateway, it serves as a distribution center for vast quantities of heroin, cocaine, marijuana and all types of illegal drugs. Multikilogram to ton quantities of these drugs are transported overland to Chicago primarily from Mexico, California and southwestern states in private and commercial vehicles. Once in Chicago drug shipments are typically broken down into smaller quantities for further distribution in or near the city. Additional quantities are transported to other Midwestern cities such as Detroit, Milwaukee and St. Louis, as well as to many cities and towns in the eastern United States for distribution. Mexican Drug Trafficking Organizations and criminal groups are the principal transporters of most illicit drugs to Chicago, particularly cocaine, marijuana, Mexico produced heroin and also significant quantities of South American heroin. Once in the city, the extensive network of

organized street gangs, an estimated 65 gangs with 68,000 members, control nearly all of the retail drug distribution in Chicago proper and its surrounding suburbs. The same routes and methods are used to transport drug proceeds back to source areas.

HIDTA helps to coordinate drug enforcement efforts for the City of Chicago and surrounding counties. Law enforcement partnerships with HIDTA have enabled the investigation, apprehension and prosecution of individuals responsible for distributing a broad array of dangerous drugs and causing the drug related violence manifested in home invasions, shootings, and kidnappings. Moreover, it has helped the Chicago Police Department and other law enforcement agencies build drug conspiracy cases against drug trafficking organizations and has supported complex investigations that have resulted in indictments both at the local and Federal levels.

The Chicago Police Department (CPD) has worked closely with HIDTA since 1995 when an initiative was formed to target the Gangster Disciples Street Gang. Since then, the working relationship between HIDTA and the Chicago Police Department has succeeded in disrupting the major narcotics trafficking rings and the distribution networks that are responsible for the deadly nexus of drugs, gangs and guns that have been a bane on Chicago. Reduction in drug crime has been due, in large part, to the successful collaborative model developed by HIDTA. This model brings local, state and federal law enforcement together to focus on a common mission—the disruption of drug trafficking. Chicago has not only benefited from this collaboration, it has learned that it is a smarter way of doing police business in urban crime areas and has clearly helped to make the city a safer place.

Through their role as a clearinghouse for sharing strategic information, HIDTA has provided the Chicago Police Department with the ability to identify, track and target trafficking groups. The Chicago Police Department and HIDTA have collaborated on numerous successful drug initiatives. One such initiative is the Street Corner Conspiracy Initiative. This initiative clears open air street corner drug markets, reclaims them from drug dealers, and restores community safety, thus giving the community a quality of life they haven't enjoyed in many years. Initiative operations in 2004 resulted in 35 investigations and 548 arrests as well as participation in four federal drug conspiracies with 198 arrests. If this one initiative did not materialize because HIDTA was unavailable, the city of Chicago would still be imperiled by 746 drug dealers plying their trade and terrorizing citizens. In 2005 the Chicago HIDTA Investigative Support Center (ISC) supported 47 Chicago Police Department street corner conspiracies with similar results. HIDTA has also coordinated specific enforcement initiatives against local street gangs such as the Gangster Disciples, Vice Lords, Latin Kings, Black Disciples, Four Corner Hustlers, Latin Disciples and numerous others who have created sophisticated networks for the distribution of drugs.

From September, 2002 to May, 2004 HIDTA partnered with the Chicago Police Department and state and federal agencies in addressing what may be the most serious drug threat in Chicago - heroin. HIDTA sponsored Operation DAYTRADER culminated in federal charges against 48 members of the violent Mafia Insane Vice Lords Street Gang and state charges against an additional 55 members. Because of the volume of information gathered from this operation, the initiative and the Chicago HIDTA Investigative Support Center (ISC) developed a Chicago Heroin Tracking Database, which tracks heroin arrests, seizures and other relevant data.

Furthering enforcement activities against organized Chicago street gangs, HIDTA has dedicated three local/state/federal populated initiatives to concentrate on the "Main 21", the twenty one organized street gang leaders identified as being the most violent and influential in drug distribution.

Drug activity fosters violent crime. In 2001, 2002 and 2003 Chicago ranked second, first and second in the number of murders in the United States. Fifty per cent (50%) of these homicides were gang and drug related. Chicago's homicide total for 2004 was almost 25% lower than in 2003. The 2005 homicide totals also decreased, bringing the Chicago homicide figures to a 40 year low. Innovative and concentrated strategies instituted by Chicago Police Department Superintendent Philip Cline, including HIDTA sponsored initiatives such as the Street Corner Conspiracy Initiative, West Side Heroin Initiative, and the Drug Related Violent Crime Initiative, have been credited with being instrumental in this reduction. There is little question that citizens applaud these enforcement initiatives for making the streets safer and allowing families to once again enjoy life in their communities.

Chicago HIDTA has also partnered with the Cook County Sheriffs Police Department to develop the Cook County Jail Initiative. The Cook County Jail is one of the largest single site pre-trial holding facilities in the United States, with an average daily count of at least 9,000 male and female detainees. This initiative brings together Cook County Sheriffs Police Department personnel and Chicago Police Department personnel as well as a working relationship with the Illinois Department of Corrections to gather intelligence from jail inmates as to gang and drug trafficking activity and disrupt the management of these activities by incarcerated gang leaders. HIDTA has designed an informational gang database to collate this information. Relevant information is shared with law enforcement agencies in affected jurisdictions.
HIDTA has also concentrated drag enforcement efforts in the surrounding areas of Cook, Grundy, Kendall and Will counties. Chicago based street gangs have migrated to these areas due to HIDTA successes in Chicago and a desire to expand markets. HIDTA initiatives have been developed to counter these threats.

Because it is a major destination and transshipment hub for poly drag trafficking organizations, HIDTA sponsors interdiction initiatives that have become nationally acclaimed. The Illinois State Police led Narcotics and Currency Interdiction Unit (NARCINT) uses traditional and non-traditional investigative practices involving surveillance and complex intelligence analysis to identify, target and interdict illicit drug and currency shipments generated by drug trafficking/money laundering organizations. This includes rapid response to intelligence regarding in-transit illicit drag shipments traveling through Illinois via motor carrier and follow up investigations of drug shipments seized in other jurisdictions and destined for delivery in Illinois. The Narcotics and Currency Interdiction Unit works in close concert with the Southwest Border COBIJA operation and was the first non-traditional border state to be included in this highly successful drag interdiction effort.

The Chicago Police Department led Package Interdiction Team (PIT) targets the shipment of illegal drags sent via government and private package/parcel carrier services. Initiative personnel inspect and profile suspicious packages at shipping facilities. Upon discovering illicit drugs, they target the addressee/receiver and take enforcement action. Information gathered regarding other parts of the chain of distribution, including shippers/receivers,

shipping/transportation companies and package handlers is acted upon or shared with other law enforcement agencies. Their expertise has led to numerous speaking engagements and training exercises throughout the country and the 2002 Office of National Drag Control Policy Outstanding Interdiction Effort Award.

The Internal Revenue Service led HIDTA sponsored Money Laundering and Financial Crimes Initiative has recently uncovered a scheme to launder drug proceeds. Over $100 million in mortgage fraud has been identified to date and this amount is expected to increase substantially with further investigation totally supported by the analytical skills of the HIDTA Investigative Support Center.

In addition to enforcement initiatives, much of what has been accomplished through HIDTA has been possible because of drug intelligence developed by the HIDTA Investigative Support Center. Very few local jurisdictions have the capacity to develop this level of drug intelligence. Consequently, they rely on the astute analysis and real time information from the intelligence operations of HIDTA that are key to advancing our law enforcement goals. The Chicago HIDTA Investigative Support Center provides analytical and case support not only for HIDTA initiatives but also for other law enforcement agencies that lack the resources and expertise to initiate and successfully conclude drug enforcement operations. The Investigative Support Center has also acquired and developed the SAFETNet system, a state of the art target and event deconfliction system essential to officer safety in drug investigations and prevention of duplication of investigative efforts. Chicago HIDTA has provided SAFETNet to five surrounding states.

HIDTA has ensured that law enforcement drug operations have consistent direction, follow policy guidelines, engage in strategic planning, and communicate across organizations and jurisdictions. These factors give law enforcement an advantage over criminals that would be difficult to achieve if working independently. HIDTA initiatives have been instrumental in assisting law enforcement agencies with:

- Accessing an "all source" counter-drug Investigative Support Center and source of counter-drug intelligence products, including a heroin offender tracking base.
- Disrupting distribution networks that supply organized street gangs in the greater Chicago metropolitan area.
- Continuing to target the numerous "open air drug markets" operated by street gangs in Chicago, especially the heroin markets on the West side.
- Interdicting drug and currency shipments via the highway system and government and/or private carriers.
- Disrupting organizations involved in laundering illicit money from the drug trade and enabling the development of tax cases against dealers.
- Financial analysis directed at seizing assets acquired through illicit drug proceeds.

- Identifying the international sources of supply of drug trafficking groups operating in Chicago.

- Case and trial support as well as post case seizure analysis.

All of these activities speak to the comprehensive strategy that is required for intervening in drug crime. Each HIDTA has developed a cohesive, comprehensive program combining regional, and locally focused initiatives to implement the national mission of countering the drug threat.

The drug problem in the Chicago area has dramatically increased over the past year. The Illinois Department of Human Services has reported dramatic increases in the number of people requesting treatment for heroin and cocaine abuse. The Office of Alcoholism and Substance Abuse noted that in 2005 there were 38,030 admissions for treatment from heroin addiction and 20,116 admissions for treatment of cocaine addiction in Cook County alone. This established an increase of 54% for heroin and 11% for cocaine.

Since August of 2005 it has been discovered that Fentanyl has been distributed in the heroin markets in Chicago. Fentanyl is a Schedule II substance under the Controlled Substances Act. The drug has shown up as pseudo heroin and also as an adulterant used with heroin. Fentanyl is synthetic opioid, more than 100 times more potent than morphine. The use of this drug has left unsuspecting heroin abusers the victims of overdose and death. In the last six months there have been more than 100 overdoses leading to more than 20 deaths from the use of Fentanyl.

Conclusion: HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. The joint leadership of the HIDTA Executive Board has been instrumental in ensuring that law enforcement engages in strategic planning and coordination of efforts to disrupt drug markets, halt the proliferation of criminal networks, and reduce drug-related deaths. Without the ability to maintain the operational collaboration made possible by HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was episodic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking. Under these circumstances, it will be impossible to maintain declining crime rates and prevent drug-related violence from again spiraling out of control.

The Chicago HIDTA has proven to have an established and effective Investigative Support Center (ISC). Since its inception the Chicago HIDTA ISC has clearly defined the intelligence component for its enforcement initiatives. The Chicago HIDTA has lost its focus since the proposal to reduce the HIDTA budget and move it to the Department of Justice. Within the last year, the Chicago HIDTA ISC staff has experienced a tremendous negative impact due to the uncertainty of the HIDTA program.

The jeopardy of the HIDTA program has caused a loss in ISC personnel. The loss of five experienced analysts during 2005 resulted in unreasonable workloads for the remaining analysts. The inability to provide quality work products, due to heavy workloads, and job insecurity has caused a great deal of stress and low morale on the ISC staff.

The ISC's intelligence program has had a solid reputation for novel methods to support law

enforcement. The momentum for creativity and innovation has come to a screeching halt. During 2005, the ISC has had to turn down 40 local drug conspiracies, several federal wire tap investigations and countless law enforcement inquiries. The intelligence element for the following multi-agency law enforcement initiatives has ended or has been severely compromised due to the lack of experienced analysts at the ISC:

- Package Interdiction Team
- Domestic Highway Interdiction
- North Suburban Drug Units
- South Suburban Drug Units
- West Side Heroin
- Drug Related Violent Crimes
- Money Laundering and Financial Crimes

Within the last year agency intelligence systems and personnel are not being offered to the ISC by federal, state or local law enforcement agencies. The Chicago ISC has not been invited to participate with newly created intelligence groups such as the Illinois State Police STIC Center and the federal "fusion" centers. Agencies do not want to commit to a program that may not exist in the future. Clearly the lack of confidence in the HIDTA program has undermined its purpose. Clearly the President's proposed 2007 budget would impair the HIDTA program.

Thank you for this opportunity to testify before you today.

Attached is one document submitted by the National HIDTA Directors Association

1. The HIDTA Program Should Remain at ONDCP.

Mr. SOUDER. Next we will hear from Mr. Azzam. I always like to have him in here so he can say "young man" to me, because not that many people call me that any more. But those of you at this table here have so much more experience, and we really appreciate you coming.

Mr. Azzam.

STATEMENT OF ABRAHAM AZZAM

Mr. AZZAM. Thank you, Mr. Chairman.

I am Abraham Azzam, the Executive Director of the Michigan HIDTA. I have attached a professional biography of my law enforcement career and experience, and that chronicles 49 years of anti-drug law enforcement.

HIDTA has been in existence since 1997. We have an annual budget of only three and a quarter million. We support 24 task forces with value-added assets. We have an Investigative Support Center. That Investigative Support Center provides deconfliction services and analytical support to the whole State of Michigan, and I have attached a brief description of the Michigan HIDTA and its daily operations. I have also attached a breakdown of the 383 Federal, State and local law enforcement members and our task forces.

As you know, we have a 700-mile border with Canada, our good neighbors.

The Michigan HIDTA has been committed to the most important HIDTA function; and that is simply coordinating and synchronizing Federal, State and local law enforcement. We have an animated and engaged executive board. Our HIDTA provides that neutral and effective environment for all our law enforcement community to potentate their multi-agency and multi-jurisdictional strengths. Our most notable HIDTA effect has been the creation of a mechanism for our State and local partners, the policemen out there, the road warriors, to interact and interface their valuable information with our Federal partners. This has proven to be very valuable in our anti-terrorism efforts.

They are aware of the events of 2005 and 2006 as regard to budgeting. These ill-conceived proposals had an actual operational posture on the Michigan HIDTA. The first reaction was shock and disbelief that we were betrayed by our own parent agency. The next result was a destabilization of the HIDTA infrastructure, similar to Mr. Donahue's. This was internally and externally.

There was no hope that we would survive until the end of 2005. We fought hard, and we relied upon our State and local assets and our legislators. Our Federal partners expressed support of HIDTA privately. Privately, they said, we are with you. Publicly, they were forced to be mute on the subject; and that detracted from their credibility with our State and local partners.

Internally, also, in spite of constant reassurance, I could soon detect the effects of the destabilization on our HIDTA staff. The loyal, dedicated people that make a HIDTA run—in my HIDTA at least—include a finance manager who once managed a credit union. She is a single mother. She has two teenage children. I have an IT manager who is a college graduate. He has triplets. I have an administrative assistant, also a college grad and a single mother of a teenager; and I have my deputy director who is a former major

in the U.S. Army. He has been with me since we started. He and I constantly reassure and calm our staff, asking them to trust us and trust the Congress to rectify this terrible and onerous mistake by ONDCP.

And I leave it right on ONDCP. It would have been justified for any of them to leave the Michigan HIDTA for more stable employment. I am proud to say they stayed.

The Executive Board and law enforcement community were generally relieved and grateful to Congress for the relief you have given us in 2005.

Now in 2006, on the first Monday of February, the incredible occurred. Mr. Walters and ONDCP are again proposing the disruption and destruction of the most effective law enforcement collaboration program in history. We do not understand how completely out of touch with reality Mr. Walters and his immediate staff have become. It seems as though the actions of Congress in 2005 just didn't happen.

ONDCP actions regarding issues of the Performance Program, policy and procedures, fiduciary issues, the disregard of our threat assessments, their reluctance to embrace the Highway Interdiction Program, which has proven to be the most excellent anti-terrorism collective around these days, and the continued effort to move us out of ONDCP all seem to be aimed at circumventing the will of Congress and for no good reason that I can see.

HIDTA's basic strength comes from the fact that it is neutral. It emanates from the national Office of Drug Control Policy, from the President of the United States. It's been an asset that provides comfort to all the participants, comes from the President's office. The U.S. Department of Justice is strong and professional, and they are part of our operation, but I fear it cannot provide the neutrality necessary to engender voluntary participation. The HIDTA program must be regionally administered, equal and neutral.

One of the problems that I have is that the HIDTA program has some 52 intelligence operations which are totally, absolutely disregarded by Homeland Security in their effort to stand fusion centers. The HIDTA currently has the most integrated intelligence function in the country, and if they would recognize us and join us they could save millions.

I will continue, sirs and madam, to continue to reassure my staff that their careers are secure. They are looking to me and to you to do the right thing. I will continue to reassure my law enforcement colleagues that HIDTA has a future.

And I am available for your questions. Thank you.

Mr. SOUDER. Thank you.

[The prepared statement of Mr. Azzam follows:]

Michigan High Intensity Drug Trafficking Area
613 Abbott Street, 2nd Floor
Detroit, MI 48226

May 23, 2006

House of Representatives
Committee on Government Reform

Testimony
Abraham L. Azzam
Executive Director
Michigan HIDTA

Thank you for this opportunity to testify before your subcommittee. I am Abraham L. Azzam, Executive Director of the Michigan HIDTA. I have attached a professional biography of my law enforcement career and experience. I am proud that it chronicles 49 years of anti-drug law enforcement. (Attachment A)

The Michigan HIDTA has been in existence since July of 1997. We have an annual budget of only 3.25 million dollars. Within this budget we support 24 Initiatives (Task Forces), an Investigative Support Center (ISC), as well as the HIDTA administration. Our HIDTA is authorized to operate in nine counties, five in southeast Michigan and four in western Michigan. Our Investigative Support Center provides deconfliction services and analytical support to the whole State of Michigan. I have attached a brief description of the Michigan HIDTA and its daily operations. (Attachment B & C)

Michigan has a 700-mile border with our Canadian neighbors; it has Heroin, Cocaine, Marihuana, a growing problem with Methamphetamines, club drugs, and other legal and illegal prescription drugs. These drugs are prevalent in both the Upper and Lower Peninsulas of Michigan.

Michigan HIDTA has been committed to the most important HIDTA function, which is **coordinating and synchronizing** federal, state and law enforcement efforts. We have an engaged and animated Executive Board that works in harmony with each other, facing and solving the recurring problems associated with anti-drug, anti-terrorism and violent crimes. HIDTA has provided the neutral and effective environment for all of our law enforcement community to potentate their multi-agency and multi-jurisdictional strengths. It has proven to be a win-win arrangement. A most noticeable HIDTA effect has been the creation of an effective mechanism for our state and local law enforcement partners to interact and interface their information with the federal partners. This has proven to be valuable in their anti-terrorism efforts.

I am aware that you and your subcommittee are familiar with the HIDTA program. I was pleased that you visited the Michigan HIDTA several years ago while Indiana and Michigan shared an old-fashion midwinter snowstorm.

I am here to specifically testify and answer your questions as to the effect of the effort by John Walters and the ONDCP staff to terminate the HIDTA program in 2005/2006. In February of 2005, the assembled HIDTA directors were notified it was proposed the funding for the HIDTA program be significantly reduced, and the program be moved to the OCDETF program in the Department of Justice. You are also very aware of the unprecedented effort which saved the National HIDTA Program.

What you may not be aware of is the insidious effect the ill-conceived proposal had on the actual operational posture of the Michigan HIDTA. The first reaction was shock and disbelief, that we were betrayed by our own parent agency. The next result was the destabilization of the HIDTA infrastructure, internally and externally. From February to November of 2005, it was uncertain what the future would hold. We directors, with our state and local partners, were engaged with Congress to save HIDTA, Byrne and COPS grants. There was hope but no certainty until late in 2005. Meanwhile, internally there was turmoil. Our federal partners expressed support of HIDTA **privately.** Publicly, they were forced to be mute on the subject, which detracted from their credibility with our state and local partners.

In spite of constant reassurance, I could see and detect the effects that this destabilization had caused on the HIDTA staff. The loyal and dedicated people who make our HIDTA run include a Finance Manager, who once managed a Credit Union and is a single mother with two teenage children; an Information Technology (IT) Manager, a college graduate, married with triplets; an Administrative Assistant, also a college graduate and a single mother of a teenager; and my Deputy Director, a former Major in the U.S. Army who has been with me since Michigan HIDTA began. He is dedicated, smart and tough. He has been an excellent partner who loyally and effectively covered "My Six" for nine years. He and I have constantly reassured and calmed our staff, asking them to trust us and the Congress to rectify this terrible and onerous mistake by ONDCP. It would have been justified for them to leave the Michigan HIDTA for other, more stable employment. I am proud to say they stayed because they believe in the HIDTA philosophy, and most importantly, they trust **ME** and **YOU** to do the right thing.

The state and local members of the Executive Board, police chiefs, sheriffs, and prosecutors all contacted their respective federal legislators. Chief William J. Dwyer of Farmington Hills, Michigan, Chief Theodore Quisenberry of Royal Oak, Michigan and Undersheriff Michael McCabe of Oakland County, Michigan requested me to join them in briefing Congressman Joseph Knollenberg on the serious impact the loss of HIDTA, COPS and Byrne grants would have on the local law enforcement. Specifically, HIDTA provides the most efficient way to combine the resources of federal, state and local law enforcement assets. Statewide, other representatives were contacted, as well as our two senators. Mr. Knollenberg responded, as did almost all of the House and Senate, who recognized the folly of destroying decades of progress in law enforcement collaboration.

Specifically mentioned were the deconfliction coordination, anti-methamphetamine efforts, and the ability to interact with federal partners, drug violence, terrorism issues and other numerous benefits derived from HIDTA, Byrne and COPS grants. Our Executive Board and the law enforcement community generally were relieved and grateful to Congress for the restoration relief given us in 2005 and hopefully, again this year.

Now, in 2006, on the first Monday of February, the incredible has occurred. Mr. Walters and ONDCP again are proposing the destruction and disruption of the most effective law enforcement collaboration program in history.

On February 8, 2006, the Michigan HIDTA Executive Board met in Grand Rapids, Michigan in conjunction with the Michigan Association of Chiefs of Police (MACP) Winter Conference. They were all completely shocked, outraged and dismayed. We do not understand how completely out of touch with reality Mr. John Walters and the ONDCP staff have become. It seems as though the actions of the Congress in 2005 did not happen.

There has **not** been a credible National Strategy issued from ONDCP in several years. The HIDTA Program has been treated with utter disregard and distain by Mr. Walters and his staff since the day he took office. All HIDTA directors provided input to the National Strategy, which was summarily

dismissed. In spite of our best efforts, he refuses to acknowledge the Performance Measurements Program, which documents the effectiveness of the HIDTA program. The National HIDTA program Return on Investment (ROI) is $60 in wholesale drugs and $3 for drug-related assets seized. The Michigan HIDTA has achieved a $119 ROI on drugs and $7 ROI for drug-related assets.

It has been quite obvious there is no love lost between ONDCP and the HIDTA directors. ONDCP actions regarding issues of the Performance Program, policy and procedures, fiduciary issues, the disregard of comprehensive threat assessments by all the HIDTAs, the National Highway Interdiction Program, which has proven to be an excellent anti-terrorism program, and the continued effort to move HIDTA out of ONDCP, all seem to be aimed at circumventing the will of Congress and the National Law Enforcement Community, and for no good reason.

HIDTA's basic strength is derived from the fact it is not another federal agency. The neutrality emanating from the Office of National Drug Control Policy, Executive Office of the President, has been an asset, providing comfort to all participants. The U.S. Department of Justice is a strong and professional part of our operations. I fear it cannot provide the **Neutrality** necessary to engender voluntary participation of our local partners. DOJ by its function must be structured and focused on its mission.

The HIDTA Program by its nature must be regionally administered, equal and neutral. The sense of local ownership will be essentially lost if the program is moved to the Justice Department. If Mr. Walters is allowed to eliminate **any** HIDTAs, U.S. law enforcement will regress.

The answer to these issues is obvious and simple to me. Let HIDTA remain in the Office of National Drug Control Policy. Properly fund and expand the HIDTA program to encompass the whole United States, not just 60% of the Nation. Most importantly, ONDCP must have a director and staff who are sensitive to the reality of the national drug problem with all its implications. Above all, a director who will lead, not isolate himself and his staff away from the reality of current events.

We need a leader who will recognize the unique strengths of the ONDCP and HIDTA. One who will offer the benefits of HIDTA to other essential efforts, such as the Department of Homeland Security **Fusion Centers.** HIDTA currently has the most integrated intelligence functions in our Investigative Support Centers (ISC) of any program I know.

This latest assault on the HIDTA program has compounded the uncertainty and lessened our credibility further. My fellow directors and I will continue to oppose the destruction of the HIDTA program. Meanwhile, I will return to Michigan, report developments to my Executive Board and law enforcement colleagues, many of whom asked me to invite you to conduct a **hearing in Michigan** where you can receive testimony from those who are on the front line of the law enforcement and anti-terrorism efforts -- state and local police officers, sheriffs and prosecutors.

I will continue to reassure my dedicated staff that their careers are secure. I will also continue to reassure my law enforcement colleagues that HIDTA has a future.

Thank you for accepting my testimony. I will answer any of your questions.

Abraham L. Azzam
Executive Director
Michigan HIDTA

Mr. SOUDER. Mr. Burke, I appreciate you being our clean-up witness today. Good to see you again.

STATEMENT OF JOHN BURKE

Mr. BURKE. Thank you, Mr. Chairman and committee. I appreciate the opportunity to be here.

I testified in the field hearing that you had in Wilmington, OH. You may remember I was born in Fort Wayne, IN.

I am the commander of the Greater Warren County HIDTA Drug Task Force in southwest Ohio, an agency that has received Byrne memorial and JAG funding for the past several years. In addition. I am also the vice president of the Ohio Task Force Commanders Association. I represent the 36 drug task forces in the State of Ohio; and I am jointly in charge, along with the FBI, of the Southwest Ohio Drug Task Force [SWORD], initiative that is part of the Southern Ohio High Intensity Drug Trafficking Area. I have been a law enforcement officer—I thought—for a long time, 38 years, until I heard that he had been involved for 49.

The illicit drugs in the United States continues to plague our jurisdictions and the good citizens that we protect. These drugs are brought into our communities usually from Mexico into our southwest border States and then transported by motor vehicle or shipped through a variety of commercial entities, including the U.S. Post Office.

In addition, millions of licit drugs—pharmaceuticals—are being smuggled into the United States from Mexico and Canada or shipped through freight handlers when citizens procure them through illegal Internet sites. These drugs then feed addictions and/or provide a ready supply of pharmaceuticals for sale. Prescription drug addiction conservatively makes up 25 to 30 percent of the overall drug problem in America and in some States is causing more overdose deaths than their illicit counterparts. One thing I saw on the news this morning was that a terrorist group has apparently earned millions of dollars through counterfeit Viagra sales.

Our region is also fighting a significant problem with the clandestine production of methamphetamine. Our labs have tripled from 2004 to 2005, and incredible resources of both manpower and money are being expended in order to fight the production of a drug that, in my opinion, is clearly the most addictive on the planet. We have been able to combine resources with our State investigative agency, local law enforcement and the Drug Enforcement Administration to address this growing concern.

However, as the problems of clandestine labs are handled, somewhat handled, the influx of "ice" or crystal methamphetamine from Mexico has already begun to infiltrate our region of the country.

The Byrne Memorial/JAG Grants. The reduction in Byrne Memorial/JAG Grant funding in Ohio has been devastating over the past 2 years toward fighting the illegal drug problem. In calendar year 2006, we have seen a minimum of a 50 percent reduction in these funds available to our task forces, with calendar year 2007 promising at least another 50 percent cut.

These cuts, if allowed to remain intact, will effectively eliminate a portion of the drug task forces in Ohio in 2007 and across the

country and cripple many others who manage to continue to exist. In most cases, the region's drug task force is the only law enforcement agency working full time on prosecuting high-level drug dealers.

These task forces work in concert with State, local and Federal law enforcement groups in combating the illegal drug trade. Local officers oftentimes provide the manpower and the intelligence associated with their own communities. This is an invaluable asset to State and Federal officers of law enforcement as they pursue this problem together.

Without the full reinstatement of Byrne Memorial/JAG Grants to the States, the resources provided by local law enforcement will be greatly curtailed and in several instances eliminated all together.

High Intensity Drug Trafficking Area. Southern Ohio has become the newest addition to HIDTAs in the United States. The Office of National Drug Control Policy funded program has already been highly effective in pursuing high-level drug trafficking criminal enterprises in southern Ohio.

HIDTA funds have provided our region with the ability to house local, State and Federal officers within the same office and work together on a daily basis pursuing national and international drug traffickers.

In my office, which we called SWORD, we currently house agents—I currently have agents from the FBI, the Drug Enforcement Administration, and the Ohio Bureau of Criminal Investigation, along with several local law enforcement officers and administrative staff, to conduct complex and sometimes lengthy drug investigations. To complement this effort, we also have a criminal analyst from the Ohio National Guard's Counter Drug Task Force to assist us in this endeavor.

HIDTA funds provide us the ability to aggressively pursue criminal enterprises that oftentimes are based near or outside the borders of the United States, most commonly Mexico. With HIDTA funding, we have been able to pursue large drug trafficking rings, money launderers and a violent murder-for-hire criminal coalition that yielded multiple indictments in the fall of 2005.

This unprecedented cooperation between local, State and Federal agencies has only been accomplished because of the existence of the Ohio HIDTA. If funding were to be eliminated for this very important program, the cooperation between these agencies in most cases would return to the minimal levels that existed before HIDTA's existence. If that happens, only the criminal element that preys on our region will benefit.

One last thing, the restriction on Federal forfeiture that does not allow enforcement to use the funds for current employees is in need of revision. This unnecessary restriction oftentimes ties the hands of local drug task forces who may secure large amounts of Federal forfeiture funds but cannot use them to support salaries of current employees. This can leave these task forces in the position of having ample funds for equipment, overtime and many other services but being totally unable to pay for the salary of the investigator.

In conclusion, this enormous job requires that these agencies work closely together and local drug task forces receive ample funding for their own existence. This funding has been provided in

the past through the Byrne Memorial/JAG Grants, which have dwindled to only a fraction of the levels provided in calendar year 2005. Restoring this funding to at least 2005 levels is extremely important to our drug enforcement efforts.

In over 38 years in law enforcement, I have not seen a program that better equips local, State and Federal officers to combat the illegal drug trade than HIDTA. The successful joint law enforcement enterprise that HIDTA has given my region of Ohio has been invaluable as we continue to partner into more complex national and international drug smuggling operations that would have been impossible without this federally funded program.

Local and State law enforcement needs the financial and resource assistance available from the Federal Government in order to combat the drug problem. Although we see the problems at the local level, they are the aftermath of national and international drug trafficking that can only be detoured through multiple agency cooperation, fueled by consistent and thoughtful funding.

I want to thank you very much for your time.

Mr. SOUDER. Thank you, Mr. Burke.

[The prepared statement of Mr. Burke follows:]

Warren County Drug Task Force
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Drug Tips: 1-866-307-0070 (Toll Free)

May 23, 2006

Honorable Mark E. Souder
U.S. House of Representatives
Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
Washington, D.C.

Dear Representative Souder:

I am the commander of the Greater Warren County Ohio Drug Task Force in Southwest Ohio, an agency that has received Byrne Memorial/JAG funding for the past several years. In addition, I am also the Vice President of the Ohio Task Force Commanders Association (OTFCA) and jointly in charge with the FBI, of the Southwest Ohio Drug Task Force (SWORD), an initiative that is part of the Southern Ohio High Intensity Drug Trafficking Area (HIDTA). I have been a law enforcement officer for over 38 years.

The illicit drug problem in the United States continues to plague our jurisdictions and the good citizens that we protect. These drugs are brought in to our communities usually from Mexico into our southwest border states, and then transported by motor vehicle, or shipped through a variety of commercial entities, including the U.S. Post Office.

In addition, millions of licit drugs (pharmaceuticals) are being smuggled into the United States from Mexico and Canada or shipped through freight handlers when citizens procure them through illegal Internet sites. These drugs then feed addictions and/or provide a ready supply of pharmaceuticals for sale. Prescription drug addiction conservatively makes up 25-30% of the overall drug problem in America, and in some states is causing more overdose deaths than their illicit counterparts.

Our region is also fighting a significant problem with the clandestine production of methamphetamine. Incredible resources of both manpower and money are being expended in order to fight the production of a drug that is clearly the most addictive on the planet. We have been able to combine resources with our state investigative

agency, local law enforcement, and the Drug Enforcement Administration to address this growing concern.
However, as the problems of clandestine labs are handled, the influx of "ice" or crystal methamphetamine from Mexico has already begun to infiltrate our region of the country. Our latest seizure was found to be over 92% pure, or three times the purity level of most of the local methamphetamine manufacturers.

This problem has a direct effect on our citizens when our county prosecutor feels that upwards of 90% of the felony indictments are drug related. This may expose itself through violent crime, related crime to procure drugs, or the devastation of addiction.

The nation's drug task forces are typically the law enforcement agencies that fight this drug battle everyday. In order to effectively pursue mid to upper level drug traffickers, considerable resources need to be available to these law enforcement entities. Without these resources, the drug investigations and enforcement will dwindle to the point of extensive ineffectiveness, plaguing our communities to intolerable levels.

Although our individual communities see the end result of illegal drug trafficking, the problem has to be handled on a regional, national, and even international scale in order to be effective. Therefore, the collaboration of local, state, and federal law enforcement officers are a necessity in continuing to attack this problem in an effective manner.

Byrne Memorial/JAG Grants

The reduction in Byrne Memorial/JAG Grant funding in Ohio has been devastating over the past two years toward fighting the illegal drug problem. In calendar year 2006 we have seen a minimum of a 50% reduction in these funds available to our task forces, with calendar year 2007 promising at least another 50% cut.

These cuts, if allowed to remain intact, will effectively eliminate a portion of the drug task forces in Ohio in 2007, and cripple many others who manage to continue to exist. In most cases, the region's drug task force is the only law enforcement agency working full time on prosecuting high level drug dealers.

These task forces work in concert with state, local, and federal law enforcement groups in combating the illegal drug trade. Local officers oftentimes provide the manpower and the intelligence associated with their own communities. This is an invaluable asset to state and federal officers as the law enforcement entities pursue this problem together.

Without the full reinstatement of the Byrne Memorial/JAG Grants to the states, the resources provided by local law enforcement will be greatly curtailed, and in several instances, eliminated all together.

High Intensity Drug Trafficking Area (HIDTA)

Southern Ohio has become the newest addition to HIDTA's in the United States. This Office of National Drug Control Policy (ONDCP) funded program has already been highly effective in pursuing high-level drug trafficking criminal enterprises.

HIDTA funds have provided our region with the ability to house local, state, and federal officers within the same office, and work together on a daily basis pursuing national and international drug traffickers.

In my office, (SWORD), we currently house agents from the FBI, DEA, and Ohio Bureau of Criminal Investigation, along with several local law enforcement officers and administrative staff, to conduct complex and sometimes lengthy drug investigations. To complement this effort, we also have a criminal analyst from the Ohio National Guard's Counter Drug Task Force, who assists in this endeavor.

HIDTA funds provide us the ability to aggressively pursue criminal enterprises that oftentimes are based near or outside the borders of the United States, most commonly Mexico. With HIDTA funding, we have been able to pursue large drug trafficking rings, money launderers, and a violent murder-for-hire criminal coalition that yielded multiple indictments in the fall of 2005.

This unprecedented cooperation between local, state, and federal agencies has only been accomplished because of the existence of the Ohio HIDTA. If funding were to be eliminated for this very important program, the cooperation between these agencies in most cases would return to the minimal levels that existed before HIDTA's existence. If that happens, only the criminal element that preys on our region will benefit.

Federal Asset Forfeiture

The pursuit of assets being used toward the commission of felony offenses, or assets obtained from the enormous profits derived from drug trafficking, is still a viable tool used by drug task forces across the country. Our drug task force has participated in equitable sharing on many cases over the past few years, with many cases still pending.

However, the restriction on federal forfeiture that does not allow law enforcement to use the funds for current employees is in need of revision. This unnecessary restriction oftentimes ties the hands of local drug task forces who may secure large

amounts of federal forfeiture funds, but cannot use them to support salaries of current employees. This can leave these task forces in the position of having ample funds for equipment, overtime, and many other services, but being unable to pay the salary of the investigator.

Conclusion

The continued effective drug enforcement effort in this country requires a collaboration of local, state, and federal law enforcement agencies. Although local governments see the grassroots problems of low-level traffickers and those addicted, incarcerating those responsible for the seemingly unending flow that begins outside our borders, is imperative, to have some lasting effect.

This enormous job requires that these agencies work closely together, and that local drug task forces receive ample funding for their very own existence. This funding has been provided in the past through the Byrne Memorial/JAG grants, which have dwindled to only a fraction of the levels provided in calendar year 2005. Restoring this funding to at least 2005 levels is extremely important to our drug enforcement efforts.

In over 38 years in law enforcement, I have not seen a program that better equips local, state, and federal officers to combat the illegal drug trade than HIDTA. The successful joint law enforcement enterprise that HIDTA has given my region of Ohio has been invaluable, as we continue to partner into more complex national and international drug smuggling operations that would have been impossible without this federally funded program.

Local and state law enforcement needs the financial and resource assistance available from the Federal Government, in order to combat the drug problem. Although we see the problems at the local level, they are the aftermath of national and international drug trafficking that can only be deterred through multiple agency cooperation, fueled by consistent and thoughtful funding.

Sincerely,

Commander John J. Burke

Mr. SOUDER. First, let me thank you for all the help you have provided to our committee over the years, and the subcommittee. As a business major, I think one of the first things you do is, when you are managing something, is you try to learn from your customers, from people who work for you and that type of thing; and especially in this case, since Congressman Terry worked on the floor to pass through the House of Representatives, basically unanimously, that they ought to consult at ONDCP with the HIDTA directors, with local law enforcement, before they make these kind of proposals. So I just wondered, since it would be a good management procedure and since clearly it was the will of Congress, how did the meetings go?

Mr. BROOKS. Well, it was only really three organizations who represent America's narcotic officers: Mine, which represents 62,000; the National HIDTA Directors Association, which represents our directors; the National Alliance of State Drug Enforcement Agencies, which represents the heads of each of the 50 State drug enforcement groups. I am in constant contact with the other two groups and I, of course, manage my own group.

We have never had a meeting to date on the outcome of the HIDTA program, on whether Byrne-JAG should be funded, on the newly released methamphetamine synthetic drug plan, on the about-to-be-released southwest border drug plan, on the national drug control strategy, or on other issues that might affect us, such as what is going on in Afghanistan, the issue of microherbicides and how it affects the domestic supply, the issue of how we interact with the community anti-drug coalitions, the Drug-Free School Act, the National Alliance of Model State Drug Laws, and the list goes on and on.

The Office of National Drug Control Policy is an absolute critical office if we are to ever get a handle on the drug problem in America. The leadership there is critical. From a symbolic nature, we need a Cabinet officer with direct access to the President and the ability to call Cabinet meetings and the ability to interact with each of the concerned agencies and the ability to interact directly with you and the Congress. We need that office, and the office is critical.

I would never suggest for a minute that I think that we shouldn't have that office and that it shouldn't have Cabinet status. But I will suggest that this office has never once, under this administration, under the administration of Director Walters, has never once stepped up, has never called a constituent meeting, has never brought us together for consultation. Nor has it provided the leadership that our members had expected when we vigorously supported his confirmation in 2001.

Mr. SOUDER. Mr. Donahue and Mr. Azzam both testified that the mere discussion about dismantling the HIDTAs had discouraged your staff, had resulted, in the case of Chicago, of a number of people leaving and coming back. Were those local law enforcement agencies that thought it was marginal and they had tight budgets? Is that it?

Mr. DONAHUE. No, it was basically the Federal law enforcement. DEA is our biggest supporter, but once the Federal law enforce-

ment agencies determined that we were going to be in a sinking ship, most of their resources went off to Homeland Security.

Mr. SOUDER. Most of you had a long time in law enforcement. First, what was your reaction to the idea of the drug czar's office should be a policy shop and not minister things, that they should sit around and discuss things?

And then a second comment, which is kind of a loaded question—I will give you a second loaded question—do you get the impression sometimes that, as people who been out in the field a long time, that this is a policy shop and they haven't talked to you, that it is a lot of young people sitting around in Washington talking about a theory and none of them have actually done it?

Mr. DONAHUE. I think that is evident by the current administration and the immediate staff. There is no one in that capacity that has any prior experience in law enforcement.

Mr. SOUDER. Mr. Azzam.

Mr. AZZAM. I haven't seen a comprehensive strategy coming out of ONDCP in the last 3 years. There is no strategy.

There is one other thing about our staffs. The same thing is happening in Detroit as Chicago. Federal agencies are slaves to their organizations. And they look upon us, oh, you are going to Justice. The money is going away. And our State and local partners continually tell us in a private basis, you have to stay neutral, you have to stay neutral.

This is very simple, sir. I feel like an athlete with a coach who won't call a play. And I am part of a team—an excellent team—and we are all sitting around. And those in ONDCP who do call plays are negated. They are put in neutral immediately.

It is very difficult to—it is very difficult for all of us directors.

Mr. SOUDER. I don't have your background, but, as I recall, you were DEA.

Mr. AZZAM. Yes, sir, 25 years.

Mr. SOUDER. You were hostile to the Department of Justice.

Mr. AZZAM. I am not at all hostile to the Department of Justice. I learned my skills from the Department of Justice. I did 25 years with DEA. I achieved very high status with that organization. I was Deputy Assistant Administrator for International Operations for 3 years and ended my career as Executive Assistant to the Administrator and Deputy Administrator.

And I was there when President Reagan called for his drug adviser, Admiral Dan Murphy of the Navy, and he came to the conclusion that there were some 135—or probably more now at the time—agencies that had something to do with the anti-drug effort and were totally uncoordinated. As a matter of fact, I was at a meeting at DEA headquarters when Admiral Murphy in frustration stood up and said, if I had to fight a war the way I am getting information from you, I would probably lose. And this was in like 1982. It was several years ago later that the Congress enacted the Anti-Drug Abuse Act and created the office of ONDCP.

And the fact is that there are too many agencies out there. Each one is an excellent agency, as is Justice, as is Treasury, State Department. All of them have a mission, and they have a strength. It took ONDCP and the Office of the Director to coordinate all those efforts, to bring it together and eliminate the stovepiping.

Mr. SOUDER. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Mr. Chairman, this has been a long day; and I will be very brief.

First of all, I want to thank all of you for what you do. I have often said that it is indeed a very thin blue line, and it is thin. I think so often we take so much for granted, but I just want to take time out on behalf of all of us to thank you for holding on and holding out.

One of the things that I think I love so much about HIDTA is the coordination and trying make sure that you pull all of the local, the State and Federal folk together so that you can use our resources effectively. It just seems to make sense to me.

Mr. Azzam, you were saying a moment ago that there was a time when things seemed like they were really kind of separate, but HIDTA was able to do that. But would you say that is probably one of the greatest things that HIDTA does, that it pulls the folks together?

Mr. AZZAM. Absolutely. Coordinating and synchronizing.

Mr. CUMMINGS. No doubt about it?

Mr. AZZAM. No doubt in my mind, sir.

Mr. CUMMINGS. And, Mr. Carr, I think it was, or Mr. Brooks, one of you all was going down—it was you, Mr. Carr—all the accomplishments of HIDTA. And I guess without that coordination you wouldn't have been able to make that statement, would you?

Mr. CARR. No, sir. That is what HIDTA is all about. The whole—I guess you could say the gimmick behind HIDTA, the game behind HIDTA, is getting State and local and Federal agencies, whether it is law enforcement, in our case, treatment and prevention, to come together to the same table to see their commonalities, to see what their common goals and objectives are and work together to obtain them. That is what it is all about.

Mr. CUMMINGS. Does it surprise you all that—you all heard the testimony a little bit earlier from ONDCP. I wanted to make sure, first of all, that you all were respected and that was clear that you are respected by ONDCP. But are you surprised that those folks are not sitting down with you and saying, OK, we are all in this boat together, we are fighting a very difficult enemy or enemies, and let's see how we can really sit down and not be talking about each other but talking to each other? I mean, are you all surprised by that?

Mr. CARR. I think we all have our own opinions. I am no longer surprised. We are frustrated to the nth degree.

For example, we know we have the model for sharing information. And yet, as Mr. Azzam pointed out, we are frustrated by the fact that no one is touting that model to Homeland Security. So we are wasting millions of dollars nationwide because now other departments in the government are going around creating another stovepipe intelligence center.

We are frustrated because we are not included in developing meth strategies, when, in fact, we are the ones that developed those meth strategies that are being used. We are frustrated because we are not included in developing a strategy for the southwest border that is being revised, and clearly now revised again,

because all of a sudden the National Guard is involved in it. So we are frustrated by all of this.

I think that the ONDCP in many ways treats policy as alchemy. They don't include the partners that should be included, and they don't consider the timeliness of when they should be included. If they are going to develop a national drug control strategy and include input from State and locals, you start to do that in January and February for a document that is going to be published the following January. You don't wait until November, 2 months before it is going to be published.

Mr. DONAHUE. Congressman, if I might to answer your question, nothing does surprise me. However, I am surprised that, within a year's time, we have turned from an ineffective program that should be abolished to one of the most wonderful law enforcement programs in the history of the United States. I wonder how that could be and, if it is so, why would you take the star away from your organization and, to coin your phrase, put it in the trunk?

Mr. CUMMINGS. Mr. Brooks.

Mr. BROOKS. Mr. Cummings, if I could also, the national drug control policy, the national drug control strategy—there was a time prior to Director Walters when they would hold national focus groups, bring the constituent groups together for robust discussions. I can remember vividly sitting together and working long hours to help develop that document.

I know that both you and the chairman hold your staffs to a very high degree of perfection. I could tell you, if that document came out of either of your staffs, some heads would roll.

You have both read it. It no longer provides the guidance. It no longer identifies the threat. It went 3 years without talking about methamphetamine at all, when everybody, small towns to big cities in America, could pick up their newspaper or turn on their local news and understand the threat posed by meth.

There has been—you know, Director—Deputy Director Scott Burns has done a lot to try to coordinate with the HIDTA directors and has been very respectful. I just received a letter as the President of the National Narcotic Officers Coalition from Director Walters where he reminded me that I had helped participate in the development of the national synthetic drug strategy and the national drug control strategy. Well, I can tell you that 2 years ago I sent a letter asking him to please take our name off the national drug control strategy because not only did we not think it was an effective document we had never participated in writing it.

I have never once nor has my organization been asked to consult since Director Walters has been there on any of the policy documents that have come out of the shop, despite the fact that it is my members that are out doing the job every single day on the ground. There is absolutely no coordination. There is an arrogance within that organization that prohibits them philosophically from talking to the cops that do the job on the street. That hasn't always been that way at ONDCP. But it has been that way since Director Walters got there. And it is truly a shame to ignore the hundreds of thousands of years of experience that could come from bringing our organizations together and discussing with the true drug warriors what is going on in America.

Mr. CUMMINGS. Just this last thing. You know, I tell my staff—you are talking about staff. I tell my staff we spend 5 percent of our time figuring out the problem and figuring out the solution. But let's spend the rest of our time, the 95 percent, doing the solution. And you know——

I mean, what do you see? We had that amendment on the floor that said—which I thought was incredible—that said that there had to be consultation. I don't think you—kind of hard to legislate that kind of stuff, consultation between ONDCP and folks like you all. But what would you all like to see us do, if anything, with regard to this issue of collaboration? I am sure that is something that you consider very significant.

And I was so glad that statements were not made earlier in the earlier panel that this was just a turf battle. I think they realize that you are very sincere about what you're trying to do and what you are doing. So the question is how we—what suggestions do you have for us to do the solution, to make it happen?

Mr. BROOKS. Well, if I might, the first suggestion I would have is to continue to do what you do. Because although this is probably not the way the system was designed, your committee, under the leadership of chairman Souder and you, Mr. Cummings, has become de facto the Office of National Drug Control Policy. It is your support on the HIDTA, on Justice funding and on a whole host of other things, from drug-free schools and community anti-drug coalitions and drug courts, that has led the policy discussions in America. So I think that at least the members of my organization, our suggestion is to thank you for what you do and to ask you to continue to do it as long as that need and that void exists.

Mr. CUMMINGS. Again—yes.

Mr. DONAHUE. I think one of the things that has to happen in the next year is that the law enforcement community has to be assured that there is some permanency in HIDTA, that is an organization where collaboration is the way to go in the future. We need to bring people together. We don't need to push them away.

I have been involved as a HIDTA director for 6 years. There hasn't been a marked increase in the funding in that 6-year time. I can tell you that costs are sky-rocketing and the drug problem is not going away. We need additional funding to bring more of these organizations into this collaborative effort.

Mr. CUMMINGS. Well, I hope that when you go back—and I am sure Mr. Souder feels the same way. The last thing we want is for the morale of your employees to wane. I mean, that is the last thing we want. And certainly one of the easiest way for that to happen is when people are uncertain about their jobs—they have to survive. They have to do for their families. So I hope that you all will take the message back to them that we will continue to fight with everything that we have because we realize how important what you do is and what they do is to our Nation.

Again, we thank all of you, we really do, for what you do.

Mr. SOUDER. Thanks.

I have a few more followup questions.

Mr. Brooks, did they talk to your organization about the new border strategy that the Attorney General announced last week?

Mr. BROOKS. No, sir, we have never been consulted on any strategy or policy document since Director Walters has been there.

Mr. SOUDER. Anybody here consulted?

Are you aware that was a southwest border strategy focused with Mexico? Are you aware that they are about to unveil another meth strategy?

Mr. BROOKS. Yes.

Mr. SOUDER. Any of you consulted on that?

Mr. BROOKS. No.

Mr. SOUDER. How did you become aware that they were going to do it?

Mr. BROOKS. We have heard discussions from the Office of State and Local Affairs that this document is in process. In fact, in Director Walters' letter to me, he told me that I had in fact consulted with him, but that is not true. I have not. My organization has not.

Mr. SOUDER. In Detroit, Mr. Azzam, when the big meth bust occurred there from Canada that took at that point 40 percent of the known precursor chemicals, was your HIDTA involved with that, with DEA?

Mr. AZZAM. The pseudoephedrine that was coming across that—DEA is an important part of our HIDTA as our—actually, the Canadians as well. We host the Canadians on a regular basis, trade information and the effect that we have—IBITS, ICATS, all the things that make that work well. And HIDTA was—two or three of our task forces worked under them. One of our funded task forces was instrumental, out of Detroit, working with Chicago and the west coast and the southern border in eliminating that problem.

Our operations in Detroit with DEA was also instrumental in working with the Canadian authorities to come up with the regulations which sort of stopped that.

Mr. SOUDER. So even when there was something that was clearly national, through a HIDTA you were able to bring State and local.

Mr. AZZAM. Absolutely.

Everything national and international that occurs out there, I guarantee you one of our HIDTAs has something to do with it. Our cases might begin small and become big. We make sure that there is a Federal agent in every task force to be able to carry that investigation to its ultimate, including OSEDEF, including whatever. We have several international cases out of Detroit, and I know Chicago has and the border has as well.

Mr. SOUDER. Because you're on the international border directly, do you have any ICE and CBP people in your HIDTA?

Mr. AZZAM. I do. I have two ICE agents. However, we used to have five but, because of the turmoil, they withdrew three of them. We have CBP as well, and we have Canadian customs.

Mr. SOUDER. Do you see some backing up of DHS from their commitment to the narcotics or what do you think is behind some of the reduction?

Mr. AZZAM. I think it is their other priorities that have been mandated upon them. They were gracious enough to leave two agents there, which means they still have a presence; and I am sure if they get additional personnel they will bring it back up.

Mr. SOUDER. Mr. Brooks and the northern California HIDTA, clearly, we have had a number of problems with the Forest Service and so on. Do you have Forest Service people involved in your HIDTA? What would be some of the other agencies that would be involved there? And also, being from California on the southwest border, do you see CBP and ICE people there?

Mr. BROOKS. The Forest Service that we do not have is a direct component of our HIDTA. However, we have worked our marijuana team and DEA's decep teams and our State campaign against marijuana planting team which our intel center and technology center support, work very closely with the Forest Service, BLM, and other Federal components. We do a lot of major open space public land grows, some in the 70,000, 80,000, 90,000 plant range, mostly being operated by poly drug Mexican national drug trafficking organizations.

As to ICE and CBP, on the southwest border there is some involvement in the San Diego partnership of the southwest border HIDTA. We have an ICE money laundering initiative in our HIDTA. But, as you know, unfortunately, from the position of our group, not my HIDTA, we have been concerned that there has not been enough coordination from the DHS counternarcotic officer. I am hoping with the appointment of Mr. Dillon that we may see better coordination. But, from our organization, we strongly believe that the DHS will encounter narcotic operations, has been degrading and has declined significantly.

Mr. SOUDER. And I doubt if any of you feel moving to the Department of Justice would strengthen that?

Mr. BROOKS. That's correct.

Mr. DONAHUE. That's correct.

Mr. SOUDER. And how many of you have some kind of Treasury presence or money laundering in your HIDTAs? How do you feel they would respond being under the Department of Justice?

Mr. AZZAM. They would respond as they did historically. They would go do their thing and leave us to our Justice operations, as would our State and local partners, probably, many of them.

Mr. SOUDER. Well, that is the type of—substantive type of input that seems to be absent in the discussions, and I appreciate your willingness to come and put this on the table. As you heard me say earlier, I just—I can't believe that they not only are—that they have any—the big battle was last year. I mean, we had to convince the appropriators and others; and now it is like, "why are you continuing to pursue this?" That we have to stay vigilant with it.

I think that we will prevail. I think the bipartisanship with it means that we will prevail. But it has been an incredibly frustrating process, particularly when you have something that in the anti-drug efforts this kind of thing ebbs and flows—and you have all seen this. We charge over and do drugs—not do drugs, but do anti-drug enforcement for 2 or 3 years and then we will be off to something else and then it will come back up.

In this case, everybody is begging to have more HIDTAs, and it is like a punishment that the more HIDTAs there are, the more determined they become to eliminate the HIDTAs. It is like a backward—I mean, politically, I don't understand it. Usually, when you have this much demand for a program—maybe, to some degree, the

Department of Justice does want to steal it, but, at the same time, you would think that there would be a different attitude on funding and it would be looking at how to expand the program, not how to freeze and cut.

One last thing is this has to be a relatively unique event in the annals of Congress and that is you all just gave pretty strong opinions about how you feel about the current office of the drug czar and about his lack of willingness to talk to you. At the same time, you are all asking that you stay there.

If you want to know how bad this policy proposal is, to hear the frustration you all have with the agency you are in and yet unanimously say, look, this isn't about us or about the individual, this is about the structure. We are worried about the structure in the long term of your HIDTAs, not just about the individual that happens to be sitting in the director's office. And that ought to be an incredibly strong message to the Congress, to be that frustrated and yet wanting to stay in that division and just get it cleaned up.

Mr. Davis, do you have any questions?

Mr. DAVIS. I have one open-ended question, and I guess about a 1-minute answer each will put us in time to go and vote. And that is, perhaps beginning with you, Mr. Brooks, how expensive do you think it will be in—relative to keeping the supply of drugs down?

Mr. BROOKS. If you are talking about the supply of drugs coming from outside this Nation, I don't think we are being very effective. There is an endless supply of drugs within the United States, none of which comes from within the United States except domestic cannabis and some amount of marijuana, but even that is controlled with precursors from outside the United States. That is why drug enforcement—State and local drug enforcement is so critical.

State and local officers make 97 percent of all drug arrests in America; and when you talk to the DEA candidly they will tell that you that the other 3 percent that they are responsible for came as part of a cooperative effort from leads provided to them in task force settings like the HIDTA or Byrne task forces, from State and local law enforcement.

Mr. DAVIS. Mr. Carr.

Mr. CARR. I can say this much, that our program seized $10.5 billion—and that is a conservative estimate—in 2004, which tells me that the national estimates that we have been suffering with for I don't know how many years have been off. If our program seized that much, our national estimates have been off; and I think a policy shop like ONDCP should be responsible for giving us solid drug estimates. That is one—another area, I think, they have really been amiss on. They have fallen short of doing that.

Have we been successful? I think we have been successful. I think it is something that is hard to measure, hard to get your arms around. However, I hate to think of how bad a position we would be in if we hadn't been doing as well as we have been doing. How bad would the streets be then? How bad would the meth problem be if it hadn't been for programs such as ours and hard work and dedication of law enforcement and prevention and treatment folks?

Mr. DAVIS. Mr. Donahue.

Mr. DONAHUE. Congressman, without the HIDTA in Chicago we would be lost. I can tell you that over the last 5 years the amounts of assets and drugs that are seized has gone up dramatically. It's tripled since 2000. And the reason is because of the strengthening relationships between the State, Federal and local agencies. The only thing that has kind of been a bump in the road has been the proposals that have come out of the administration that have kind of taken the footing away from HIDTA.

Mr. AZZAM. Sir, I look to what we did with methamphetamine labs in Michigan, and I think back to the question that Congressman Watson asked. We had a situation in Michigan 7 years ago where sheriffs were pointing fingers at the State police, and the State police were pointing at the Feds. You take care of our meth problem.

HIDTA came in, brought them together and, again, coordinating, synchronizing, put together a very effective operation. We haven't conquered it, but last year we had 183 labs, and I think that is 10 or 12 or 25 less than the year before. So we haven't won, but we have kept it somewhat in a reasonable fashion.

It reminds me of that lawn of mine at home. I have to cut it every week whether I want to or not, sir.

Mr. DAVIS. Mr. Burke.

Mr. BURKE. My 30-some years in law enforcement the one thing I have found is that measuring prevention is probably the most difficult thing you can do. And I have to agree with whoever said it. I think that—is there a substantial amount of drugs in our region? Absolutely. We have 20-year-olds that are selling kilos of cocaine, being able to buy $20,000 worth and sell these. Tells me that the supply is plentiful, again, from Mexico.

I think that we are making some significant progress in some of the cases we have done; and these drug operations, cartels that we have been able to dismantle I think have been highly effective. I think, as someone else said, I don't know what would have happened had we not done that. So I guess the answer is, yes, I think it is working; and I would hate to see what the outcome would be if we were not doing this.

Mr. DAVIS. Thank you gentlemen very much.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you.

Have any of the others of you other than Mr. Donahue seen fentanyl? The heroin? The fentanyl? You have seen it in Detroit as well?

Mr. AZZAM. We had a terrible situation this weekend. We had 12 overdose deaths of heroin and fentanyl in the Detroit area in 24 hours, and I believe since then we have had eight more. It is a terrible thing. Since I think September, October, we have had about 120 deaths.

It is a major operation going on back there as we speak in that regard. CDC came in from Atlanta on Monday to examine the situation. The Drug Enforcement Administration has been on it since last fall. We put out public notices to be careful; and we suspect that it, as Mr. Donahue points out, that they haven't figured out that this fentanyl is a terribly killing drug.

Mr. SOUDER. My staff notes it is what the Russian special forces use against Chechnyan terrorists—fentanyl.

Mr. DONAHUE. That's correct. It was found in Philadelphia, too.

Mr. SOUDER. Because a few years ago we had this rash of heroin overdoses in Dallas and in a few other places, and we will followup to try to get some more specific data.

Once again, let me thank you all for your leadership. I am very frustrated by this intelligence stovepiping even within the narcotics area.

But, Mr. Azzam, particularly in the Detroit area, the one model we have that is great is New York City because they were forced to deal with it and there you see the HIDTA integrated with the Homeland Security. And the fact is that in the Detroit metropolitan area as well as in the Buffalo area we have huge Arab American populations, and it spills down into my district in northeastern Indiana, most of whom are hard-working, dedicated Americans, but they are communities in which to hide. And if there is anyplace we ought to be looking at how to integrate the intelligence agencies that we have and the movement, it is a lot on the north border right now; and it is just incredible to me that, even though they have the New York City model, it hasn't been something that is looked at across the board.

I don't want to diminish the narcotics by getting it too entangled in the homeland security, but it is a real challenge.

Mr. AZZAM. Mr. Chairman, I am a strong proponent that if you are doing a good job of anti-drug war you are going to do an excellent job of anti-terrorism work. I believe I mentioned that at the hearings you had in Detroit a couple of years ago.

The important thing is that the HIDTA program, because of its nature, coordinating, synchronizing, has made itself available through all its resources to both the city of Detroit Department of Emergency Management fusion center as well as the one that the State is putting up.

As a matter of fact, Thursday we are having some meetings because our executive board has said this HIDTA will participate with you. And we haven't waited for any instructions from Washington. None of my colleagues have, either. We have just come forward and said our ISCs are available and we will work well with your fusion centers on anti-terrorism work as well as anti-drug work.

Mr. SOUDER. We are having—in the Homeland Security, we are having a problem in each division of Homeland Security wants to have its own stovepipe operation. We are having enough problem inside it, let alone getting together with you guys.

But thank you for bringing these things to our attention. Thank you for your commitment. Please relay back, as Mr. Cummings said, to all the people working in your agencies how much we appreciate their efforts.

With that, the subcommittee stands adjourned.

[Whereupon, at 4:58 p.m., the subcommittee was adjourned.]

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